

Dear Friends:

In 1981, when our son and daughter were 11 and 16 years of age, I made perhaps my greatest mistake as a father. Our family had gone to Mammoth, Calif., for a wonderful three-day ski trip in the spring of the year. Our kids were finally learning to buzz down the mountain without risking life and limb, and I was proud of them both. In the exhilaration of that day, I made a decision that almost proved disastrous.

Thinking that Danae and Ryan were more skilled and confident than they actually were, I figured it was time to offer them a greater challenge. We rode the gondola to the very top of Mammoth Mountain, more than 11,000 feet above sea level, where the air is thin and the view is magnificent. There at the edge of the sky, I invited my son and daughter to fly with me down a scary slope known as "The Cornice." It begins with a nine-foot drop and then descends at a dramatically steep angle. Even experienced skiers are sometimes reluctant to tackle this part of the mountain. Danae and Ryan were also apprehensive, but they both have venturesome spirits and I encouraged them to go for it. I soon regretted it.

The snow was icy and slick as we headed downhill that morning. I thought my kids were behind me as I dropped about 50 yards in a matter of seconds. Then I looked back and saw a terrified boy and a girl hunched on the side of the mountain about 15 feet from the top. Both were panic-stricken. Danae was saying, "I'm going to die. I know I'm going to die. O God, please save me 'cause I'm gonna die." Ryan was in a similar state of mind.

I instantly realized that I had made a very big mistake. These two kids, whom I loved more than life itself, had no business being on that "expert" slope at least a mile above the saner skiers. They were literally paralyzed with fear. I told them to stay where they were (they could do little else), and I would sidestep back up the mountain to help them. I reached Ryan first, and tried to calm him.

"See, Ryan," I said. "There's nothing to be afraid of. We'll just work our way gradually to the base."

At that precise moment, my lower ski slipped out from under me and I tumbled head over heels and slid more than 300 feet down the mountain. As I fell, I created what is known as "a yard sale" -- scattering skis, poles, hat, gloves, glasses and goggles over the landscape. When Ryan saw me plunging toward eternity, he was even more convinced that his end had come.

Fortunately, two expert skiers witnessed our predicament and gently ushered Danae and Ryan down the mountain a few feet at a time. I greeted them at the bottom of the slope with hugs and thankfulness that no one was hurt. Ryan went on to develop outstanding skill in subsequent years and loved to burn the Cornice like a pro. Danae became a good skier too, but she's never been back to the top of Mammoth Mountain. Both kids have forgiven me for my foolish decision, but I still haven't forgiven myself.

You can understand, having heard this story, why the term "slippery slope" has special significance for me. It refers to those situations in our lives when we make unwise decisions that place us symbolically to the side of precipitous mountains. The footing is so unstable that a step in any direction can send us plunging headlong toward the crevices below. In our

private lives, the predicaments in which we find ourselves often result from unwise and impulsive decisions that should have been given a little more thought.

It is a fact that nations, as well as individuals, also suffer from bad choices made by leaders who place millions of people on the cusp of the slippery slope. That is what is occurring today in these United States. In my general letter last month, to which many of you responded, I tried to illustrate how radically we have departed from the values and beliefs of our founding fathers. What a wonderful heritage those great men handed down to our era. It was as though they were guided by internal gyroscopes -- moral compasses -- that pointed them to the spiritual principles by which the universe is governed. Most of their public policy decisions were in harmony with the scriptures, which established our nation on the bedrock of eternal truth. There's nothing slippery about that.

Unfortunately, those spiritual concepts on which the new nation was built are being superseded now by philosophies and judgments that are rooted in atheism. The God of the Bible has been removed from every vestige of public life, as though He were a cancerous growth that threatened the life of the organism. Our public policy decisions increasingly reflect the humanistic and pagan notions of the day. This transformation is occurring, not by the will of the people who remain overwhelmingly religious, but by our elected representatives and by liberal judges who seem determined to recast society in their own image.

I am among those who are becoming alarmed by the inclination of the U.S. Supreme Court, including six justices of the current court, to reinterpret the Constitution according to its own vision for the future. There is no better example of this arrogation of power than occurred in *Planned Parenthood v. Casey*, 1992. To understand it, we have to return to the *Roe v. Wade* decision in 1973, which held that a woman has an implied right to abortion as expressed, more or less, in the 14th Amendment.¹ Everyone knows that no such wording is actually there, but somehow seven justices thought they found it tucked between the lines. Thus, from 1973 to 1992, abortion for any reason, or for no reason, was legal throughout nine months of pregnancy because of this implied language in the Constitution.

Pro-lifers always hoped that a subsequent court would overturn that 1973 decision when asked to validate the ruling. The Rehnquist Court got that opportunity in *Planned Parenthood v. Casey*, 1992. Instead of overturning the decision, however, the majority said that the right to kill babies was guaranteed within the 14th Amendment, rather than simply being implied generally by the principle of "privacy" in the 14th Amendment.² In so doing, they sealed the fate of countless millions of unborn babies. According to some constitutional scholars, this was one of the most important rulings in the history of the U.S. Supreme Court.

They also say the decision did two things that every citizen should understand. First, it put the right to abortion in concrete. Only once has the Court taken away a right that was declared, for all practical purposes, to be "explicit" within the Constitution (which occurred in 1946 with a court that had been "packed" by Franklin Roosevelt). Scholars tell us that is most unlikely ever to occur again. Therefore, nothing short of a constitutional amendment will protect the unborn child. That is why we must work tirelessly to secure that objective and not be deterred by politicians who claim,

disingenuously, that there are "other ways" to address the problem. There IS no other way. According to the Supreme Court, the Constitution now explicitly defends a woman's right to kill an unborn baby, and neither the Congress, state legislatures nor lower courts have the power to override that ruling.

But there is another implication of the Casey decision that places our culture squarely on the edge of the slippery slope. Please stay with me as I attempt to explain it. The Court ruled in this case that American citizens are entitled by the 14th Amendment to create their own reality -- to make their own rules -- to determine individually what is right and wrong under the law.³ In so doing, the justices abandoned the historic concept of "natural law" -- which assumes there is a God who has established the moral framework on which all our statutes are based. This assumption of divine presence and absolute truth has been the cornerstone of our democracy from the earliest days of the Republic. Thomas Jefferson referred to it in the Declaration of Independence when he wrote, "that they are endowed by their Creator with certain unalienable Rights ..." ⁴ Human dignity and equal protection under the law are not gifts from government or from any other human institution. They are bestowed by the One from whom all moral judgments, including the Ten Commandments, are derived. This is the essence of the inspired system of government handed down to us generation after generation.

Tragically, the words written by Supreme Court Justices O'Connor, Kennedy and Souter in the Casey decision stand in stark contrast to that historic acknowledgment of God. They said, "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life."⁵

Never before has a U.S. court rendered such a decision. Chuck Colson said about it:

"In other words now it's nobody's business but yours if you want to put a gun to your head. With *Planned Parenthood v. Casey*, the Supreme Court opened a Pandora's Box, something Justice Antonin Scalia recognized in his dissent. Scalia warned, 'Liberty defined under Casey could include "homosexual sodomy, polygamy, adult incest and suicide."' ' Scalia was being optimistic. Theoretically, under Casey, a citizen could marry his toaster if he wanted to. There's no limit to what someone could deem essential to his personal sense of 'dignity' and 'autonomy.' That's why Casey is a recipe for chaos. It effectively tells people that they have a right to shake their fist at the law and say, don't tell me what to do. As Catholic University's Russell Hittenger put it, Casey granted citizens a 'private franchise over matters of life and death.' We need to help our neighbors understand why the Casey decision has taken us far beyond the issue of abortion. With this ruling the Supreme Court has created a judicial Tyrannosaurus Rex -- one that threatens to consume our very ability to govern ourselves."⁶

Nearly 3,000 years ago, King Solomon warned those who substituted their own puny interpretations and judgment for ancient eternal truths. He wrote, "There is a way that seemeth right unto a man, but the end thereof are the ways of death" (Proverbs 14:12, KJV), and "The way of a fool is right in his own eyes" (Proverbs 12:15, KJV). To understand the fallout from *Planned Parenthood v. Casey*, one need only look at subsequent judicial rulings. It should have been anticipated that lower courts would jump on the new-age interpretation of individual liberty, and indeed, that's just what they did.

Earlier this spring, two federal appellate courts also found written in the 14th Amendment a right for doctors to kill their patients. On March 6, the Ninth Circuit Court of Appeals in San Francisco struck down by an 8-3 vote a Washington state law forbidding doctors to "assist" terminally ill patients in their suicide.⁷ The Casey decision was cited in the ruling. On April 2, the 2nd District Court of Appeals reached the same conclusion.⁸ Judge Stephen Reinhardt, author of the majority opinion in the Ninth Circuit, created a constitutional right never before recognized. And he knew what he was doing. In an interview with The Wall Street Journal -- which described the judge as "a crafty advocate for his left-leaning views" -- Reinhardt called the decision "my best ever."⁹

How rapidly we are tumbling down the slippery slope now. In a single day, the Ninth Circuit took us where people in the Netherlands required 20 years to travel. Euthanasia is widely practiced there, with an estimated 2,300 cases each year and no end in sight.¹⁰ The Dutch Supreme Court has gone so far as to rule that a doctor may assist in the suicide of a patient not even suffering physical pain, let alone terminal illness. In another case, the court acquitted a doctor who assisted in the death of a woman who wasn't even ill.¹¹

Furthermore, as many as 1,000 Dutch citizens die each year of "involuntary euthanasia" (also known as murder) at the hands of their physicians.¹² In these cases, the patient has not requested assistance in dying; the doctor has acted on his own initiative or at the prompting of a family member. Last year, a physician in the Netherlands was acquitted after killing a spina bifida infant at the parent's request.¹³

Could this "involuntary euthanasia" become commonplace in North America? That seems to be where we are headed. In a footnote to their decision, the justices on the Ninth Circuit make clear that a "decision of a duly appointed surrogate decision maker is for all legal purposes the decision of the patient himself."¹⁴ They also refused to condemn the practice of killing those who are unable or unwilling to request assistance in dying -- even to the point of inviting legal challenges to the current law.¹⁵ This, dear reader, is what awaits us at the bottom of the mountain. As in Holland, sick, disabled or demented Americans and many other classes of human beings will one day have no choice about dying. The temptation for others to choose death on their behalf will be too great to resist, especially in an economy that is hard-pressed for health-care funds! Thus, the slippery slope slides into our own backyard.

There have been numerous other examples of judicial imperialism in recent rulings, including the Supreme Court's reversal of Colorado's Amendment 2 (discussed later) and the federal appeal court's overturning of the new law designed to protect children from indecency on the Internet. It would sicken you to see what 10-year-olds will continue to encounter on their computer screens as a result of this ruling. Nevertheless, the decision by our elected representatives in Congress and the president was set aside by a panel of three powerful judges.¹⁶

There is another decision about to be handed down which represents, I believe, an enormous threat to our democracy. All eyes are on a trial court in Hawaii which will soon decide whether homosexuals have the right to marry under that state's constitution. The Hawaii State Supreme Court has already set the ground rules: in order to deny same-sex couples the right to marry,

the state must demonstrate a "compelling interest" to do so. This is the most difficult of all legal standards, and raising the high jump bar to this level has made the outcome nearly a foregone conclusion. If Hawaii approves same-sex marriage, it will do so for the rest of the nation because a same-sex marriage license is valid in every state that has not passed laws to prohibit them. Gays from Kentucky could marry in Hawaii, return home and demand full legal privileges. And once again, if the court approves same-sex marriage, it will do so against the clear wishes of the majority of American citizens.¹⁷ (A bill currently in Congress, called the "Defense of Marriage Act," is designed to counteract the homosexual marriage issue in Hawaii.)

In these cases and many others, the courts are radically changing the nature of our democratic process. In his dissent against the Ninth Circuit's deadly constitutional creativity, Judge Andrew Kleinfeld wrote, "The founding fathers did not establish the United States as a democratic republic so that elected officials would decide trivia, while all great questions would be decided by the judiciary."¹⁸ In fact, our Founders feared the day when the judiciary would become, according to Thomas Jefferson, "a despotic branch" of government.¹⁹ He explained how this tyranny might happen:

"To consider judges as the ultimate arbiters of all constitutional questions [is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps ... [A]nd their power is all the more dangerous as they are in office for life and not responsible ... to the elective control."²⁰

How clearly Jefferson perceived our present judicial crisis. The Supreme Court is becoming "a despotic branch of government," consumed with power and accountable to no one. There are only three solid conservative justices remaining -- Rehnquist, Thomas and Scalia. Three other Republican appointees, Souter, O'Connor and Kennedy, have consistently joined with the liberal wing to create "rights" never imagined by the framers of the Constitution. Together, these six people possess the authority to destroy our freedom unless they are confronted within the democratic process.

Does the U.S. Constitution provide a remedy for today's imperialistic court? Well, in fact, it does. My friend Paul Weyrich, president of the Free Congress Foundation and CEO of National Empowerment Television, discussed that provision recently in a statement to his television audience. His words are worth considering:

"In the history of nations, there comes a time when a crossroads is reached. Down one road is the slippery slope to perdition. It is the easier road, but at the end civilization lies in ruins. Historians are left to chronicle the demise of the nation. Up the other road is the narrow, difficult path to the recovery of the sovereignty of the people. This way is fraught with peril and many turn back along the way. But for those who make it, the possibility of passing on the heritage of the nation is made possible.

"I believe we have reached such a crossroads with the Supreme Court's decision ... which struck down Amendment 2 of the Colorado Constitution. This sweeping declaration by the court, now being celebrated, if you will pardon the term, with gay abandon by those in the society who seek to undo all

civilized restraints, will take us down the road to the ultimate destruction of our society.

"Not only does the court again invent a new right under the Constitution never contemplated by the founding fathers, nor ever given the Court by any vote of the legislature or referendum of the people, but the Supreme Court has now struck down, it would seem for all time, the one weapon citizens thought they had to preserve their society.

"The issue was simple enough. The people of Colorado voted to instruct their own legislative bodies that none of them was to give any special rights to homosexuals. No rights were taken away. Only rights not enjoyed by other groups in society were enjoined. The State of Colorado presented several arguments to meet the reasonableness test which the Court imposes in consideration of such issues.

"But six Supreme Court justices rejected all those arguments and told the people of Colorado: You have lied to us. We here know that the reason you voted as you did is because you are bigoted against homosexuals. So we will thwart your will. We will void your sovereignty. We, the elite, will overturn your decision and we will open the door to anyone who feels he has been defeated by the democratic process to seek our protection from the people. This is only the beginning, as various homosexual rights groups gleefully proclaim. This decision paves the way for the complete acceptance and sanction by this society for a lifestyle which is openly condemned in the Bible more times than any other specific sin. 'An abomination unto the Lord' can now receive privileged treatment from legislative bodies.

"If this decision is allowed to stand, historians will look back upon this time as the critical turning point in our society. So what is to be done? In the past I would exhort you to elect a president who would appoint justices who would adhere to the Constitution. That was the cry of Richard Nixon in the 1968 presidential election. He did not appoint such Justices. Nor, as it turned out did Gerald Ford or Ronald Reagan or George Bush [in every instance], or, of course, Bill Clinton. Each of them contributed justices who constituted the 6-3 majority of the court on the Colorado decision. It is also clear that no matter who we elect to the Congress and no matter what protective statutes they pass, this Court will declare them unconstitutional. The Defense of Marriage Act is making its way through the Congress right now. By the standard of this court, declaring that homosexuals can't marry constitutes bigotry. It is also clear that a vote of the people in the so-called sovereign states means nothing to this court as it demonstrated not only in this case but in the recent case on term limits as well.

"So there remains but one option for citizens who wish to protect themselves from the tyranny of the majority on this Supreme Court. This is not a course I recommend lightly. In the early 1960s when the John Birch Society was pushing to impeach Earl Warren, I didn't buy into the idea, even though I detested the decisions of the Warren court. There were just too many other remedies available, such as electing the right kind of president, or so I thought. In the mid 1960s when then Congressman Gerald Ford first raised the possibility of impeaching Justice William O. Douglas, I opposed the idea in a radio editorial, even though I found Douglas and his views reprehensible. But this time it is different. We are out of remedies. Impeachment is our only hope of bringing a court which is out of control,

back under control.

"I would remind you that Alexander Hamilton, in the Federalist paper number 61, wrote of the 'important constitutional check which the power of instituting impeachments ... would give to (Congress) upon members of the judicial department. This is alone a complete security. There can never be danger that the judges, by a series of deliberate usurpations on the authority of the legislature, would hazard the united resentment of the body entrusted with it.'

"Indeed the National Legal Foundation has compiled a history of impeachments which shows that in the early part of our nation's history, the legislature was far more ready to act upon impeachment of judges, yes even a Justice of the Supreme Court, than we are today. That time was closer to the intent of our founding fathers.

"As to the argument that impeachment can only be initiated for matters such as embezzlement or bribery, let me cite what then Minority Leader Gerald Ford said in 1970 during his drive to impeach Justice Douglas. 'When, then, is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office.'

"As Justice Felix Frankfurter wrote in his opinion in *Rochin vs. California*, justices who do not restrain themselves are subject to only two remedies. A constitutional amendment or impeachment.

"I understand the implications of what I am recommending. I have no illusions that the Senate would remove these justices from office. But the mere act of initiating impeachment would finally focus the attention of this nation on the enormity of the crimes which this Court has committed against our constitutional form of government.

"Rather than stand aside and watch this nation slide further down the [slippery slope] to ultimate destruction, I hope and pray that citizens will petition their Representatives to impeach the majority of this court and in doing so will employ the one remaining remedy they have to save the nation."²¹

(For the remainder of this letter, see Part 2)