

Episode 170: “Ethics at the Heart of Public Policy” with Ryan Anderson and Roger Severino

Speaker 1 ([00:04](#)):

Welcome to the Bill Walton Show, featuring conversations with leaders, entrepreneurs, artists, and thinkers, fresh perspectives on money, culture, politics, and human flourishing, interesting people, interesting things.

Bill Walton ([00:24](#)):

Welcome to the Bill Walton Show. I'm Bill Walton. America's founding ideals and our nation's rich Judeo-Christian heritage have been under constant attack from the so-called progressive left for decades. Yet, as they marched through and deconstruct our great institutions, America's sense of despair and decline only grows. It seems as the left prevails, the rest of us lose. It's growing more and more clear that our human flourishing depends mightily on a successful cultural counter revolution.

Bill Walton ([01:02](#)):

Helping to lead this fight and to think through the critical political and cultural issues facing America are the people at EPPC, the Ethics and Public Policy Center, led by its president, Ryan Anderson, and senior fellow, Roger Severino. Prior to leading EPPC, Ryan Anderson was a William E. Simon, Sr. research fellow the Heritage Foundation. He's also the founding editor of Public Discourse, and the author of *When Harry Became Sally: Responding to the Transgender Moment*, and *Truth Overruled: The Future of Marriage and Religious Freedom*. He's a Phi Beta Kappa graduate of Princeton, and received his doctoral degree from political philosophy from the University of Notre Dame. Ryan, welcome.

Ryan Anderson ([01:48](#)):

Thanks for having me.

Bill Walton ([01:49](#)):

Yeah. In response to the Biden's administration's hostility, the sound medicine and the rights of conscience, EPPC has launched a major initiative called the HHS Accountability Project led by Roger Severino. Before joining the center, Roger was director of the Office of Civil Rights at the US Department of Health and Human Services, where he led a team of over 250 people protecting our nation's civil rights, conscience and religious freedom. Roger holds a JD from Harvard law school, a master's degree in public policy from Carnegie Mellon, and a bachelor's degree in business from the University of Southern California. Roger, welcome.

Roger Severino ([02:32](#)):

Glad to be with you.

Bill Walton ([02:33](#)):

We chatted before the show. We've got a lot to cover today.

Ryan Anderson ([02:36](#)):

Yes, we do.

Bill Walton ([02:38](#)):

Let's start with the mission of your group.

Ryan Anderson ([02:40](#)):

Sure.

Bill Walton ([02:40](#)):

What's the center about?

Ryan Anderson ([02:42](#)):

EPPC is all about reminding the American public that ethics needs to be at the heart of public policy and not just that it needs to be, but there's no escaping it. Every piece of public policy, every piece of law embodies someone's morality, and we work to make sure that our laws embody true morality. There's no such thing as moral neutrality when it comes to the law, whether it's private property, free speech, definition of marriage, our laws about homicide. They're all embodying some vision of the good, the true, and the beautiful. We work to make sure that it's going to be the correct vision of the true, good, and beautiful.

Ryan Anderson ([03:17](#)):

Our DNA, we are formed by the biblical tradition, Judeo-Christian moral tradition, and the natural law tradition. We think those two things have something to say to each other. Most importantly, we think they have something to say about America. We think the American founding flows out of the Judaeo-Christian tradition and the natural law tradition. We think that America's renewal will be informed by those traditions, and if not, we're going to see America continue to decline.

Bill Walton ([03:42](#)):

Refresh our thinking about what natural law is.

Ryan Anderson ([03:46](#)):

Sure. Natural law, I mean, you can see the roots of this going back to the ancients, ancient Greek and Roman thinkers like Aristotle, Plato, Cicero. It's developed, Augustine, Aquinas. The basic idea is that there is human nature and there's a fulfillment of human nature. There's human flourishing, and the natural laws, the part of the eternal law that we can know through reason not just through revelation, and that we can know something because God created us as intellectual beings, as rational creatures, where we can reflect upon our nature and the fulfillment of our nature to know what's truly good for us.

Ryan Anderson ([04:22](#)):

That's the directiveness. The law aspect of this is that we should do what's good and we should avoid what's evil. That's the very first principle of the natural law according to Thomas Aquinas, and he thinks we can know quite a bit about human nature and human flourishing, even apart from the biblical tradition. He also thinks the biblical tradition and the philosophical tradition, when both are done well, they'll go hand-in-hand. There won't be any conflicts between faith and reason. These things go together. John Paul II says they're the two wings on which the human spirit rises to contemplate truth.

Bill Walton ([04:55](#)):

Roger, when you studied constitutional law at Harvard, I expect you took that class.

Roger Severino ([05:00](#)):

I did.

Bill Walton ([05:01](#)):

Talk about the moral foundations of the constitution and what informed the founders thinking as they created it.

Roger Severino ([05:07](#)):

Well, I went to Harvard law school. So I was not taught about the moral foundations of the constitution or the founding. So let's be clear.

Ryan Anderson ([05:15](#)):

You learned those elsewhere.

Roger Severino ([05:16](#)):

I did. I had folks like Duncan Kennedy and Elizabeth Warren as professors. Duncan Kennedy was one of the leading lights of critical legal studies, in fact, which is in the news now under critical race theory and critical gender theory. So I didn't get that. In fact, in one of the early classes at Harvard, one of the professors threw up his hands. He said, "You know what? You keep asking me what the law is on X, Y, and Z. That's not the right way to approach it. The law is whatever a judge says it is."

Bill Walton ([05:48](#)):

Oh, my.

Roger Severino ([05:49](#)):

This is what a Harvard law professor was teaching first year law students. The law is whatever a judge says it is. That's antithetical to the natural law tradition, and that's unfortunately just symptomatic of how the progressive left has taken over our institutions, and particularly our education institutions, as well as legal academia and law firms, and the Supreme court until Trump came and fixed it.

Roger Severino ([06:14](#)):

So it's coming back in terms of respect for natural law, meaning that there's a law outside of just what the judge says, and I think we have to come and we recapture that tradition saying that reason tells us something about who we are as human beings, how we should live amongst each other, and how the course of power of the government through law should be justly implemented. If you don't have that natural law, that morality behind it, it's going to be power, just power, whatever group has the most power.

Ryan Anderson ([06:46](#)):

Yeah, and let me give an example of this. We're coming up to Martin Luther King, Jr. Day. This actually might air by the time we've celebrated that, but when Martin Luther King, Jr. was in the Birmingham jail, he writes the letter, the famous letter from Birmingham jail, where he cites both Augustine and Aquinas saying that a manmade law, that doesn't square with the eternal law and the natural law is an unjust law. This just shows that there could be man-made laws that violate the natural law. He was pointing to the law about segregation. Here you have a dual enacted law that violates the natural law. We have

laws like that on the books today. So what we're trying to do is to highlight that our manmade laws, if they're going to be just, need to be in accordance with the natural law and the eternal law.

Bill Walton ([07:29](#)):

I mentioned despair and decline at the outset, and I'm not in the despair and decline business, I'm an entrepreneur, I don't quite, but when you have manmade law, when you have it's whatever the judge is, there's an arbitrariness to it that you really can't lead your life, but you don't know what the rules are, and that's terrible.

Roger Severino ([07:48](#)):

Well, that's right. We've been living under that with COVID for the last two plus years-

Bill Walton ([07:53](#)):

Yeah. Well, we'll get in, yeah. Exactly.

Roger Severino ([07:54](#)):

... of not knowing what the rules are and that arbitrariness. It shows that whoever has the power gets to call the shots, and if they think they don't have to explain themselves, especially in the democracy, then we're in bad shape, the growth of the administrative state of which I was a part. I was a career attorney at DOJ. I also led a subcomponent of HHS.

Bill Walton ([08:17](#)):

You're seven years in the civil rights-

Roger Severino ([08:19](#)):

That's right.

Bill Walton ([08:19](#)):

... division of the justice department.

Roger Severino ([08:20](#)):

Yes. I was a career-

Bill Walton ([08:21](#)):

That's the epicenter of the bad stuff.

Roger Severino ([08:24](#)):

They did a lot of good stuff because I do believe in civil rights, but-

Bill Walton ([08:27](#)):

Well, that was a long time ago.

Roger Severino ([08:27](#)):

... improperly applied, they do a lot of bad stuff as well.

Bill Walton ([08:31](#)):

Okay. Well, isn't that where they want to put the John Lewis law, all the power to oversee federal elections will be in that group?

Roger Severino ([08:37](#)):

Well, the voting rights division of civil rights division would be the one that would handle those issues. Yeah, that's right. That's where it would be.

Bill Walton ([08:48](#)):

So when you were at HHS, I mean HHS has the largest budget in the federal government.

Roger Severino ([08:53](#)):

Oh, yes, indeed.

Bill Walton ([08:54](#)):

Where does that money go?

Roger Severino ([08:55](#)):

Well, the big entitlement programs, right? Medicaid, Medicare are just gargantuan. In some cases, it's 20% or more of a state's budget, which goes to show how much influence the federal centralized government has, and if it's the power they have through their budget, they get to set the rules, and that's how we get things to like contraceptive mandates, all sorts of violations on civil rights because they have the power to say, "If you don't do X, we're going to take away your federal grants," and that applies to adoption agencies. That applies to states who don't want to expand Medicaid and they get a gun put to their head or if they don't want to do transgender surgeries.

Roger Severino ([09:35](#)):

Any aspect of human health and social services, if the federal government funds all of it, then the states really are pushed off to the side, not to mention individuals, not to mention civil society, nonprofits, religious organizations. As the federal government grows, it by nature pushes out all these other mediating institutions, and that has deep implications to liberty on many fronts.

Bill Walton ([10:05](#)):

So Ryan, this project you brought in Roger to implement, this really shines a light on how your larger purpose bears on specific actions, in this case, by the institution of government, HHS.

Ryan Anderson ([10:20](#)):

That's exactly right because if you have, I mean, the HHS situation is great to show that it's both the growth of government, the big government that Roger was just pointing about, but also getting human nature wrong. They got the nature of the human person wrong. They redefined the word sex to mean gender identity. They're trying to force people to participate in abortions, trying to force pharmacists to dispense contraceptive and contraceptives that can cause abortion even worse, abortifacients. They're trying to force nuns to cover these things in their healthcare plans or trying to force hospitals to perform sex reassignment procedures. I mean, everything that we've been dealing with ever since Roe, really, is getting the nature of the human person wrong, nature of the human person wrong in the womb-

Bill Walton ([11:00](#)):

Roe v. Wade abortion.

Ryan Anderson ([11:02](#)):

Yup.

Bill Walton ([11:02](#)):

1973.

Ryan Anderson ([11:04](#)):

So we've had now 49 years of when it comes to healthcare getting human nature wrong because abortion isn't healthcare, right? Killing isn't caring. We've seen at the beginning of life. It's happening at the end of life with some states allowing physician-assisted suicide. We're seeing it now with young people with gender transitions. If the Biden administration gets its way, they're going to be trying to impose this on all 50 states that they have to transition children. This is going to be part of the standards of care. Is it April that we're expecting this regulation to come out?

Roger Severino ([11:36](#)):

That's right.

Ryan Anderson ([11:36](#)):

I mean, so the overarching mission of EPPC is to see all of our nation's laws grounded in sound morality, sound to ethics, the E in EPPC, HHS being the largest aspect of the federal government, and then healthcare being something that touches so intimately on human nature and the human person. If you get this wrong, it's not going to lead to human flourishing. It's going to lead to human suffering, and that's what we see. What happens when you get bad ideas? Ideas have consequences. Bad ideas have victims.

Bill Walton ([12:10](#)):

Well, I think human flourishing is one of those subtitles for this show, and it just seems to me that our ideas, they work, they're moral, they're true, they make people happy, flourish. If you take the left's ideas, it seems like everywhere they've implemented those ideas people have been miserable. They don't work, economies collapse, families disintegrate, and we're left I think with pretty much the way we're feeling in America right now.

Bill Walton ([12:41](#)):

Now, you were a little change agent there. You were there for three years. You were the longest.

Roger Severino ([12:45](#)):

Four.

Bill Walton ([12:46](#)):

Four? Okay. So what did you find and what did you change and what's Biden doing to unwind what you did?

Roger Severino ([12:56](#)):

How much time do you got?

Bill Walton ([12:57](#)):

Wait. So before we do, let's do a quick reset. This is the Bill Walton Show, and I'm here with Roger Severino and Ryan Anderson, and we're talking about that wonderful agency called HHS and how Roger did a lot to fix it, and now we're trying to make sure it doesn't get unfixed.

Roger Severino ([13:18](#)):

Well, HHS had lost its way under Obama, and we restored it as a matter of principle as being the department of life. We actually restored the mission statement in the strategic plan to say the mission is to protect the health and wellbeing of all Americans from conception until natural death.

Bill Walton ([13:39](#)):

Your secretary of HHS when you were there was?

Roger Severino ([13:41](#)):

Alex Azar and Dr. Price.

Bill Walton ([13:43](#)):

Okay. Great.

Roger Severino ([13:44](#)):

So we had two, and because president Trump had the most pro-life and pro-religious freedom administration in history, we're able to do these sorts of things.

Bill Walton ([13:58](#)):

Can we stop and enjoy that for a second? This is this real estate guy from Manhattan, a godless guy that never cared about any of this, and all of a sudden he becomes the most pro-life, pro ... That's just right.

Roger Severino ([14:09](#)):

He didn't come from the movement, but when presented with the question, when it mattered what side is he going to be on, he chose right and he went all the way. When the controversial issues on life went up to his desks, and I know the issues that went up to his desk, he decided in the favor of life, in the favor of religious liberty, and we didn't get that with other Republican presidents, and certainly not with other democratic presidents, and because he gave us the running room and the cover and spoke at the March for Life, he set the tone that it filtered all the way down.

Roger Severino ([14:42](#)):

So when I showed up at HHS, headed the Office of Civil Rights, it was an office that most people didn't really know about, but, again, this was civil rights office in the largest federal agency who had budget, which means they had tremendous amount of power. Under Obama, they had started issuing rules and mandates that were against the conscience rights of doctors and nurses not to participate in abortions, for states not to force entities to pay for abortions. They weren't enforcing the laws on these issues.

Roger Severino ([15:14](#)):

Then on the transgender question, redefining sex to be male, female, neither, both, or some combination of male or female. I mean, I'm practically quoting verbatim as to what the federal position was as to the nature of human embodiment as male and female, and that was a federal policy when I arrived.,

Bill Walton ([15:31](#)):

Isn't this a transgender issue, though? We're going to get into this with your book, but I mean, it seems like a rule by a tiny, tiny, tiny majority of Americans that somehow have got everybody else intimidated that they were supposed to believe that this is a ... What percentage of Americans think that what their agenda they're driving is is the right agenda?

Roger Severino ([15:53](#)):

Well, I think it's fairly limited, and it depends how the question is asked. So if you see the numbers as how many people self-identify as transgender, you're getting about 0.6%, which has been growing dramatically. There's an epidemic, especially among young girls clustering, and we have to find out what is the reason for this, how is this possible. I think the main answer is cultural that you have. Our culture has changed so much on this question that you could choose, you could change your sex, these notions that were radical just 10 years ago.

Bill Walton ([16:28](#)):

Well, I'm veering way away from talking about government bureaucracy, but it seems like this transgender is just the latest in a wave. Before, we had anorexia, and before that, we had sleeping narcolepsy or something like that, where people couldn't stay awake, and then back in the '50s and '60s everybody ulcers, it seems like there's these maladies or these things that people deal with, and the transgender thing has been wildly exacerbated by what's going on in social media, in these chat rooms, but it's the dysfunction du jour. That's why you called it the transgender moment.

Ryan Anderson ([17:04](#)):

Moment, and and it's also-

Bill Walton ([17:07](#)):

We'll come back to bureaucracy in a second. We've taken this turn short.

Ryan Anderson ([17:09](#)):

Well, I was just saying that this is also not a grassroots phenomenon, by and large. I mean, this is something that's being imposed on American culture by activists, and particularly by well-funded activist organizations. You can see the timing of this. In the run up to the Supreme Court's decision on marriage, it was the weekend before oral arguments that Bruce Jenner, as he was then calling himself, went on 2020 for that two hour special, where he announced that he would be transitioning. There were all these LGBT activist organizations, who knew they were going to get Anthony Kennedy's vote to redefine marriage, but they don't just shut down and declare victory, declare, go home. They moved to the next thing. So they pivoted from the LGB. We spent two decades debating marriage, and then overnight, transgender rights are the human rights issue of our generation.

Ryan Anderson ([17:59](#)):

Loosely paraphrasing our current president, that wasn't something that came from soccer moms, that came from the grassroots. That came from the top down. The activist groups got the politicians to do their bidding in the very last year of the Obama administration. That was when we started seeing the word sex redefined as gender identity. They assumed Hillary was going to win the election, and after the Obama people did the legal, dirty work, Hillary would just solidify it. Instead, they got Roger. Roger undoes all of this. The Trump administration undoes it. How the Biden administration's in the process of reimposing it, but I think it's important to notice that this is not something that the American people are clamoring for.

Ryan Anderson ([18:39](#)):

I mean, parents, this is an existential worry that they have. You look at the Loudon County school system. You look at why all those school board meetings end up in soft riots. Parents do not want their kids being taught this. They don't want boys in their daughter's bathrooms, when they're competing against their girls in athletics. They don't want their kids coming home questioning the goodness of their embodiment as a boy or a girl. The American public's on our side of this issue. It's the elites and the special interests that aren't on our side.

Bill Walton ([19:08](#)):

Well, so I want to swing back to of get through what the thing. What are the three or four big things you changed there?

Roger Severino ([19:15](#)):

Well, the biggest legacy was starting a conscience and religious freedom division at HHS civil rights. What I had realized was that the left had taken over much of the government institutions and had created infrastructure that was self-perpetuating to further their ends. Some of those ends were fully within the law and fully appropriate. Some of that was over aggressive, and the administrative state going beyond its bounds. I wanted to say let's find all the laws that protect conscience, religious freedom and actually start enforcing them, and that's what we did.

Roger Severino ([19:55](#)):

So we stood up with 18 career professionals, a unit, and the complaint started coming in on masks because we were open for business. One of the cases I'm most proud of was a nurse who was actually forced to assist an abortion against her will after she told her bosses that she couldn't as a matter of faith and moral. She was protected by federal law against that discrimination. Could have lost her job, could have lost her license. She was tricked into doing it, and imagine facing that crisis of conscience. She unfortunately went through with it and was scarred ever since. We were there to find a violation and sue under federal law. Now that Biden's in office, they dropped the lawsuit. They absolutely abandoned this nurse, and that just shows the difference that policy makes by who's in place.

Roger Severino ([20:50](#)):

The people calling the shots now are hostile to religious freedom claims. They're captured by the abortion left, and we've seen this in the rollbacks of the policies. Now, the division that I help stand up is still there. They've been stripping away their authorities over time, and then lot of the efforts on the transgender mandates that I rolled back. Interesting story. I actually met with Dr. Rachel Levine, who was a transgender activist, who met with me and we discussed the question of human embodiment

because I had to make the decision. How are we going to interpret the laws of on discrimination with respect to what it means to be a male or female? I asked that question to Dr. Levine, "What does it mean to be male or female?" The answer I got back was gobbledygook, and guess who's essentially the number two, number three at HHS now? It's actually Dr. Rachel Levine. Now, they are calling the shots for now, for now.

Bill Walton ([21:48](#)):

Well, I had Michael Pack on here. Michael Pack was a very successful documentary filmmaker who was chosen by Donald Trump to run the agency that runs voice of America. He told a story about coming into the agency, but he only had a year because they took forever to get him finally approved by the Senate. He got incredible pushback from the permanent staff. I mean, if you have 250 people in HHS in your, how many people were with you on this and how many people did you have to-

Roger Severino ([22:19](#)):

You'd be surprised. The approach I took was trying to make everybody's everyday life happy and because I believed in conscience I said, "Look, if you disagree with the policy direction on life, on transgender issues, you do not have to work on it." I know some people had worked on going the other direction and I said, "Look, civil rights is a large topic. There's something that we're doing that will make you happy to come to work today," and people took me up on that offer. They said, "Look, I don't want to work on this issue, but I do want to work on race discrimination, on language access, disability rights. We did more for disability rights in four years under Trump than eight years under Obama. I'm also very proud of that legacy as well.

Roger Severino ([23:03](#)):

So I came from civil rights, from a perspective of human dignity. We're all created equal. We have a fundamental right to life and building from there. Others came from another perspective.

Bill Walton ([23:13](#)):

Pretty radical idea.

Roger Severino ([23:14](#)):

Yeah. Others came from another view, but we met and where we met we achieved tremendous amounts, especially on disability rights. We did so much during COVID to make sure there was rationing of ventilators away from people with disabilities because they were deemed less worthy of life. I mean, these were real question that we dealt with and I'm so proud of what we were able to do. We brought people along that you might not expect at this junction.

Bill Walton ([23:38](#)):

Well, one of the themes of what I'm trying to do here is to get people to understand, forget about Congress. I mean, don't forget about it literally, but most of the actions in the administrative space.

Roger Severino ([23:49](#)):

Absolutely.

Bill Walton ([23:50](#)):

Most of the actions in these agencies. Now, we got to train our spotlight on these agencies, which is why I'm really happy you think this up.

Ryan Anderson ([23:58](#)):

Yeah. No, and let me add on that point, something that Roger just said, highlights what Roger said, but what Roger highlights is the importance of personnel is policy when it comes to the administrative state and conservatives frequently talk about, "We need to shrink the administrative state. We need to shrink government." Some of that's true, but we also have to know when we are in power, how do we use the rightful authority of the administrative state to protect act human flourishing, to promote human flourishing. I mean, not everything that the administrative state does should be eliminated. The stuff Roger was doing should not be eliminated.

Ryan Anderson ([24:35](#)):

When we have power, we needed to be doing that not just in his old department civil rights at HHS, but in all of the federal agencies, right? We should eliminate the stuff that they shouldn't be doing. There is bloat in the administrative state. There is overreach, but when we are in power, we got to make sure that we have people who are equipped and ready to use that power to promote human flourishing. That's what Roger was doing. We need more people like that the next time we have an administration that'll play ball.

Bill Walton ([25:02](#)):

So will you expand this to other agencies? I mean, I'm just of thinking to myself.

Ryan Anderson ([25:08](#)):

As the budget allows.

Bill Walton ([25:09](#)):

Justice Department. It seems like a very good idea. Does anybody else-

Roger Severino ([25:12](#)):

That is the idea. Yeah. The idea is, so we have the HHS Accountability Project. So we're laser-focused uncovering all the bad, supporting whatever good comes out, it's mostly bad unfortunately right now, and then to be ready with policy prescriptions when there's different people in power that are more amenable to the right policy prescriptions that we've been following and tracking. So it's about holding the agency accountable.

Roger Severino ([25:38](#)):

Then we need to have this model with other agencies as well because you are absolutely right. That's where all the action is. It's not how the founders envisioned the American democracy playing out, but here we are and the agencies are with us. They have tremendous amount of power, and once we have the ability to have the right people in, how are we going to wheel that power? Are we going to do it according to the law? Are we going to do it according to the right principles, according to science or ideology? Those are the questions that we have to grapple with, and we have to be for when the time comes.

Bill Walton ([26:09](#)):

Well, it needs to be. I think we need to expand this and work on this. This is the Bill Walton Show. I'm here with Ryan Anderson and Roger Severino. We're talking about the importance of shining a bright light on what the administrative state is doing to us, but also could be doing for us if we help get that right.

Bill Walton ([26:29](#)):

We were talking about transgender. You've written a couple of books and we were talking about this before. You're now going to complete the trifecta. Your first book was on marriage, and I think I wrote an op-ed in support of that.

Ryan Anderson ([26:42](#)):

Thank you.

Bill Walton ([26:44](#)):

It was the first time I had ever been really trolled.

Ryan Anderson ([26:47](#)):

It gets easier as you go along.

Bill Walton ([26:49](#)):

You get used to it. Yeah. It was interesting and somewhat painful. Then you wrote a book on the transgender moment, Harry meet Sally.

Ryan Anderson ([27:01](#)):

Harry became. The movie was Harry Met Sally.

Bill Walton ([27:04](#)):

Okay. Right. Harry Became Sally. That was on Amazon through the Trump administration, and then the instant Biden was inaugurated, Amazon pulled it.

Ryan Anderson ([27:17](#)):

Yup. That's exactly right. So the book came out February of 2018 and then February of 2021, so a few weeks after the inauguration they disappeared the book, the hard back, the paper back, the Kindle, the audio book, even used copies of the book. You can't get them through Amazon.

Roger Severino ([27:35](#)):

How did you find out?

Ryan Anderson ([27:36](#)):

I was at my niece's birthday party and someone messaged me to say, "Hey, I'm trying to buy your book and I can't find it." So I assumed they were searching for the wrong title or something like that. So I pull up the Amazon app.

Bill Walton ([27:47](#)):

The movie title.

Ryan Anderson ([27:47](#)):

Yeah. No. People make that mistake when they're looking for a book version of When Harry Met Sally, and it was gone. So I text my book agent and he says he's never seen anything like it. We think maybe someone forgot to renew the copyright. Who knows? We eventually found out that this was intentional and they're not backing down. The next book, the book that I'm working on right now is on abortion. So I've covered the marriage debate, the gender identity debate, and now the life debate.

Bill Walton ([28:17](#)):

Before we go into the next book, which I want to do, what's the story, the transgender story? What was your theme?

Ryan Anderson ([28:22](#)):

Yeah. So the basic idea, the very first footnote in the book is to eight different news articles using the phrase transgender moment. The secular media and the religious conservative media were saying that I think it was the year 2015-2016 was the transgender moment, the year that Bruce became Caitlin, the year that the Obama administration said sex now means gender identity.

Ryan Anderson ([28:44](#)):

I said, "Okay," accepting that framework. I want to write a book to make this moment as short as possible because this is not a moment that is helping people. We're harming people, putting a child on puberty-blocking drugs, giving a teenage girl testosterone, performing mastectomies. There are two 13-year-old girls that had double mastectomies performed on them with our taxpayers funding the study for that. This is not in their best interest. This is an abuse of science and abuse of medicine, and I wanted to write a book that would make the moment as short as possible.

Ryan Anderson ([29:19](#)):

So what the book does is it plays on the movie, When Harry Met Sally, because when the movie came out 30 years or so ago now, the idea was that men and women are so different, they can't just be friends. Today, men and women are interchangeable. Men and women, it's a fluid concept. You could be trapped in the wrong body. You could identify as both. You could identify as neither. You could identify somewhere in between. We went from very, very rigid idea of male and female where they couldn't be friends to an idea in which this is kind of amorphous. It's both fluid and it's plastic.

Ryan Anderson ([29:54](#)):

So I look at the science, I look at the medicine, I look at the philosophy, I look at the law, the public policy, the culture, and some personal testimonies to just analyze the question from every different angle. The response has been gratifying. I've heard from a lot of people who said, "This helped me with my gender dysphoria so that I knew I didn't have to transition. There are other ways of dealing with a sense of alienation from my body than trying to become the opposite sex," and it's helped parents.

Bill Walton ([30:23](#)):

Don't you think this is ultimately got a collapse from its own reality and complexity? I mean, James Lindsay was on, who did the book, Critical Theories, about some of this. He says if you look at the LGBT, we're talking about T, then we've added Q to this, and Q is you get to be whoever you want to be.

Roger Severino ([30:47](#)):

There are a lot more than that. The letter-

Ryan Anderson ([30:48](#)):

The letter, half the alphabet is now in the acronym.

Bill Walton ([30:50](#)):

He said basically Q is canceling out all the other letters and the women's movement.

Roger Severino ([30:56](#)):

Well, it's the logical end of the sexual revolution. I think it goes to that. You could blame heterosexuals for the divorce culture that broke down the notions of marriage. From that, it's gone on where it's about self-actualization, decoupling the procreative act from procreation, and you could be whoever you want to be, whatever you want be even. That notion questions our human embodiment.

Roger Severino ([31:28](#)):

One of the things I had to deal with was the scientific questions at HHS, and that's why I asked the question of Levine. What does it mean to be male or female? That is a scientific question with profound implications on drug research, on OB-GYN practices, should they even exist as a separate. Is there such a thing as persons with uteruses versus women because that's now the language. Birthing people is now replacing mothers, and it's a reductionist view.

Bill Walton ([32:06](#)):

People are getting fired for not using that term.

Roger Severino ([32:09](#)):

Correct, and it's a reductionist view, and just scientifically to take a step back, we're more than just body parts. We are an integrated whole, mind, body, and soul. If you get the question wrong, what does it mean to be a man or a woman, you're going to get all sorts of things wrong down the line. The question of ideology replacing science is crucial. One of the things we're looking at is making sure that Ryan's book was fully footnoted. You had every research paper supporting your view as through the actual harms and lack of benefits, and that's being ignored in the name of ideology and it's hurting, more than anybody, kids.

Bill Walton ([32:54](#)):

Have you all done some work at the center on defining what science is and what isn't because we've had this whole science issue come up with the pandemic and the virus in the last two years? Is that part of your work?

Ryan Anderson ([33:08](#)):

I don't know if we had anyone really defined what science per se is, but we have a former Yale professor of pharmacology on Roger's team at HHS looking at the science on things like puberty-blocking drugs, cross-sex hormones, chemical abortions, and also looking at some of the vaccine data. There's a lot of bad science that's being used to support bad public policies.

Ryan Anderson ([33:34](#)):

So one of the things we're doing, we're not so much asking the abstract question of what is science so much as the applied question-

Bill Walton ([33:40](#)):

Very specific.

Ryan Anderson ([33:41](#)):

... of what does good science on these particularly important questions, questions about life, questions about our embodiment as male and female, questions about the vaccine, its efficacy, its safety, the conscience aspects of this, of how it was developed. I mean, I would say they were much more looking at the knowledge that will make a difference, the application of science to these disputed questions of public policy.

Bill Walton ([34:09](#)):

We were talking about your trifecta. We've done marriage. We're doing sexuality with Mary, the Mary book, and now your third one is?

Ryan Anderson ([34:18](#)):

It'll come out this June. It's going to be tied with the Dobbs case, the Supreme Court case.

Bill Walton ([34:23](#)):

The Dobbs case is?

Ryan Anderson ([34:24](#)):

This is the case that comes. It's a 15-week abortion ban, protects babies after 15 weeks out of Mississippi, and the question is whether or not the court will uphold that law, and more importantly in the process, will they overturn Roe? Will they finally admit 49 years after the fact that they got it wrong, that the constitution does not protect a doctor's right to kill a baby in the womb? Then the book's title, Tearing Us Apart: How Abortion Harms Everything and Solves Nothing.

Bill Walton ([34:54](#)):

It's certainly done that.

Ryan Anderson ([34:54](#)):

The idea behind the book, Alexandra DeSanctis and I are co-authoring it, the idea is that abortion harms unborn children, but it harms everything. Abortion harms women. It harms mothers. It harms families. It harms the relationship between men and women. It harms equality when you have sex-selective abortions, when you have eugenic abortions. It harms the practice of medicine. A lot of professional

medical associations have been corrupted by abortion. It harmed our laws. It harmed our policy. It harms our confirmation process for judges. It harms our elections. It harms our culture.

Ryan Anderson ([35:27](#)):

So we more or less systematically go through and document it harms everything it touches and it solves nothing. So we got to not only say that the court got it wrong in Roe, but we also then need to move to abolish abortion. This is the abolitionist movement of our generation the way that the original abolitionist-

Bill Walton ([35:45](#)):

When does the Black community realize it's also a genocide when it's aimed at them?

Ryan Anderson ([35:50](#)):

Well, many are. I mean, we quote, and I think it's the third chapter in the book. We go through the eugenic aspect of this. There's a racial dimension, a disability dimension, a sex dimension. What it ends up being is that able-bodied White males, people have a preference for, people with disabilities, people who are the wrong race, and people who are the "wrong sex", meaning women, Blacks, Hispanic, and people with disabilities tend to be aborted at much higher rates.

Bill Walton ([36:20](#)):

Well, we're becoming like China.

Ryan Anderson ([36:22](#)):

There's a discriminatory aspect to abortion. That's right.

Bill Walton ([36:26](#)):

Well, China, when they had the one sex policy, you already know that they wanted boys. So now 30 years later, we've got what, 20, 50, 100 million more boys than girls that are 20 years old.

Roger Severino ([36:40](#)):

Yeah, and there's a popular civil rights cause of action. It's called disparate impact, and it's very popular among progressives, but think about the disparate impact on African-Americans in terms of abortion. There are fewer African-Americans in America today disproportionately, and that's just a tragedy.

Ryan Anderson ([37:00](#)):

Yup, and it's interesting that the language that is frequently used they'll say this is a sex-selective abortion as if it's a good thing. You get to select what color your car is going to be. We're using the language that this is discrimination on the basis of sex. Normally, the left condemns discrimination on the basis of sex, unless it takes place in the womb, right? The discrimination on the basis of disability status, normally, the left condemns that unless it takes place in the womb. Discrimination on the basis of race, normally the left condemns that unless it takes place in the womb.

Ryan Anderson ([37:31](#)):

So one of the things we're going to hope to achieve with the book is change how we think about and how we talk about this. Sex-selective makes it seem like it's a good thing. Discriminatory abortion

highlights the hypocrisy of the left. They're against discrimination in all other contexts except for lethal discrimination against unborn people.

Roger Severino ([37:50](#)):

It's anti-science because they'll make the move that they say, "Well, we don't know if it's a human being." We absolutely know it's a human being. It has a sex, right?

Ryan Anderson ([37:59](#)):

Of course. That's how-

Roger Severino ([38:01](#)):

We know so much about DNA now that we didn't know 150 years ago.

Ryan Anderson ([38:05](#)):

There's a lot of, I mean, I think intentional lying going on. They know better than what they're saying. When they say it's a clump of cells, it's not yet a human being, they know full well that it's a human being when it's their grandchild, right? No one says, "Here's the ultrasound of my fetus." Everyone says, "Here's the ultrasound of my baby. Here's the ultrasound of my grandbaby." The first photo in many people's baby books today is their ultrasound picture. No ultrasound technician says to an expected mother, "Here's your baby." What is the new term they're using? Pulsating. They don't want to use heartbeat now. The pro-choice side wants to say that it's not a heartbeat.

Roger Severino ([38:44](#)):

Cardiac activity.

Ryan Anderson ([38:45](#)):

Cardiac polar actually I think is the ... No. I've been with my wife for three different children, the ultrasounds. So I think that's six ultrasounds now. They all say, "That's your baby's heartbeat."

Bill Walton ([38:57](#)):

This is the Bill Walton Show. I'm here with Ryan Anderson and Roger Severino, and I'm learning about cardiac ... What are we calling this?

Ryan Anderson ([39:03](#)):

Cardiac polar activity, something like that.

Bill Walton ([39:05](#)):

Polar activity, another chance to use language to hide the truth. Wow. So this book comes out in what?

Ryan Anderson ([39:14](#)):

In June.

Bill Walton ([39:14](#)):

In June?

Ryan Anderson ([39:15](#)):

Yup.

Bill Walton ([39:16](#)):

So we'll look for that to be banned as well.

Ryan Anderson ([39:18](#)):

Well, hopefully. I mean, there are some conservatives who want to get canceled because then they can fundraise off of it or-

Bill Walton ([39:26](#)):

Yeah, you can.

Ryan Anderson ([39:26](#)):

I prefer not to be. I mean, the type of book I write is, and Alexandra, my co-author, is the same way. She and I are not writing a bomb-throwing red meat book. We are writing a book to equip the movement. We want this book to be the playbook for people for the next 50 years of the pro-life movement to pass the laws, to enact the policies, to champion the administrative state, to protect babies, and to serve women. I mean, abortion is bad for women. We should be supporting both the mothers facing unplanned pregnancies, and the children, and the broader family, the broader community. If the court does the right thing in overturning Roe, it's going to be a real policy question of how the pro-life and the conservative movement respond to protect both.

Bill Walton ([40:11](#)):

Well, one line of action people talk about is, well, the court can settle this as a federal issue, but then it becomes a state issue, and then that becomes part of the public debate, and people can in each state decide what they want or not want.

Roger Severino ([40:25](#)):

That's very likely how the court will decide. I'm optimistic that the court will strike down Roe versus Wade and put it in the dustbin of history finally like Plessy versus Ferguson and Dred Scott and say, "These are the hall of shame of Supreme Court cases," but the way they're going to do it is very likely to just return it to the states.

Bill Walton ([40:45](#)):

To the states.

Roger Severino ([40:46](#)):

Yes, and say-

Bill Walton ([40:47](#)):

I think it's where it should have been anyway.

Roger Severino ([40:49](#)):

Well, you have Texas that has the heartbeat ban, which is still in place now. So you get a trial run-

Bill Walton ([40:56](#)):

Heartbeat ban meaning?

Roger Severino ([40:58](#)):

That abortions could not be performed after a child's heartbeat is detected. There you've seen how you get a preview of a post-Roe world and the sky's not falling, right? You have some states that are going to be very liberal with their abortion laws. Some states are going to be very pro-life with their abortion laws, and that's where the battleground is going to go to, but we want to have it ultimately universal to make abortion unthinkable at any state.

Ryan Anderson ([41:25](#)):

Yeah, and let me just add one thing to Roger said. He said that the most likely outcome here is that the Supreme Court will return to the states. I think you were speaking quickly. I think what he really means is it's going to return to the democratic process because of the federal governments. I mean, we agree that the federal government is going to have a role in this. There are federal bans on partial birth abortion.

Bill Walton ([41:43](#)):

Return to the states is really my phrase, but-

Ryan Anderson ([41:45](#)):

Yeah, but by that you mean return it to the people, the people working through our elected representatives, meaning it's going to be in the legislative of branch of government, and that means both the states and the federal government, and I think it also means the federal agencies. The next pro-life administration we have, the executive branch of government can also enact federal protections within the right full authority that they have.

Ryan Anderson ([42:10](#)):

Then I think there's also a question of whether or not, and I'm on the side that the answer is yes, is that the rightful understanding of the 14th amendment, it's all people, and they weren't using this as a philosophical concept of to be a person you need to be a Peter Singer style person. They meant all human beings. The 14th amendment was about empowering Congress to enact legislation to protect newly freed slaves who are being denied equal protection in the states. So the 14th amendment, I think rightly understood, should be about empowering the federal legislative branch of government, to enact legislation, to protect all people when the states refuse to do so. I think the unborn fit there, and I think that's the federal hook that authorizes Congress to make laws that protect unborn babies. I think much more of this is going to be possible come June because I think the court will do the right thing.

Roger Severino ([43:04](#)):

The Biden administration is preparing for a bad decision from their perspective, a fantastic decision, according to the law and the constitution on Roe going down by having the agencies lift safety protections on chemical abortions, right? Their next move, and they've already done it, is to say you don't need to go to a doctor physically to get an ultrasound, to see how far along you've gone in your

pregnancy before you could get a chemical abortion by mail. They want to make it a chemical abortion as blasé as getting a vitamin at CVS when if you think about it, it is a poison that is so strong that it could kill a child in a womb. This is serious business, and you have all sorts of complications. You've had maternal deaths that have resulted from chemical abortions, and they've lifted the safety protections.

Bill Walton ([43:59](#)):

This sounds terrible.

Roger Severino ([44:00](#)):

Right, and that's-

Bill Walton ([44:01](#)):

I mean, this sounds just so disgusting.

Ryan Anderson ([44:04](#)):

This is what the Biden people are doing. This is an opportunity for the next administration that is pro-life to have HHS, FDA the right. This is, again, my point about when we are in power, we have to use the administrative state.

Bill Walton ([44:15](#)):

Well, if we last three years. I mean, all the bad stuff, it's going to be a long 36 months or whatever.

Ryan Anderson ([44:22](#)):

We're going to be busy at EPPC. With Roger's HHS project at EPPC, we're we're going to be busy.

Bill Walton ([44:27](#)):

So it doesn't bear directly on your mission, but it bears on everything we're talking about here is speech, social media, censorship. I don't know whether Carrie's wife, this is the power couple.

Roger Severino ([44:39](#)):

Carrie Severino, yes.

Ryan Anderson ([44:41](#)):

She's the more impressive hat.

Roger Severino ([44:42](#)):

Yeah. She helped get some really good justices on the court.

Bill Walton ([44:46](#)):

She did.

Roger Severino ([44:46](#)):

Yes, she did.

Ryan Anderson ([44:47](#)):

She did.

Bill Walton ([44:47](#)):

For that, we thank her. She's wonderful. What about the speech? What about social media companies? Do you guys really not-

Ryan Anderson ([44:54](#)):

This is right on mission. Yeah.

Bill Walton ([44:55](#)):

Okay. So talk about that.

Ryan Anderson ([44:57](#)):

So I became president February of this past year. So it's been 11 months now. One of the first things I wanted to do was to wrestle with the big tech question, and then three weeks later, my book got canceled. So the timing was providential because then a few weeks after that we hired Bill Barr's former assistant who had helped him with the section 230 project. Section 230 is the part of the Communications Decency Act that gives a certain exemption, a certain protection to various communications companies, including social media, but that we think they're abusing it.

Bill Walton ([45:32](#)):

It was basically to help the fledgling social media companies not getting killed with the cradle with liability for speech.

Ryan Anderson ([45:39](#)):

Even before it was social media, I mean, this is back when America Online. This is chat rooms. This is early internet. If I remember correctly, is it 1990?

Bill Walton ([45:48](#)):

Dial up.

Ryan Anderson ([45:48](#)):

Yeah. I mean, this is bing-bong, bing-bong. I mean, you remember from our childhoods?

Bill Walton ([45:53](#)):

Well, your childhood.

Ryan Anderson ([45:53](#)):

My childhood.

Roger Severino ([45:56](#)):

Ryan's technically a millennial.

Ryan Anderson ([45:58](#)):

Yes. Yeah.

Bill Walton ([45:59](#)):

Okay. Well-

Ryan Anderson ([45:59](#)):

I remember the dial up modems. I had a 144, a 288, 56K, all of that. So we were very fortunate to hire Clare Morell, who had been in the Trump administration DOJ working on some of the big tech stuff. She's now co-authored a series of op-eds in the Wall Street Journal and Newsweek policy papers with pretty prominent conservative law professors, including Philip Hamburger at Columbia. We're trying to think through what is the right policy fix to prevent big tech from abusing their market power to undermine the common good, undermine human flourishing, undermine speech because free speech isn't just a legal concept. It is a legal concept. It should also be a cultural value, right? If we can't freely exchange ideas, democratic self-government is at stake, right? When they censored the New York post story about hunter Biden so that that couldn't be disseminated, it couldn't be shared, that could have consequences for how elections go.

Ryan Anderson ([46:58](#)):

When you are the largest retailer in the world, which is what Amazon is, and you prevent certain books from going to market, from reaching markets, I mean, they are the market. That's a quote from the Wall Street Journal, "Amazon is the market." It's going to have an impact on not only what people read, but what future books get written. I mean, think about the chilling impact here.

Bill Walton ([47:19](#)):

There's some censorship that happens. I mean, I think about it even with the show. I'm always talking to my sensors at YouTube here. We were saying stuff that's going to violate the community guidelines or not.

Ryan Anderson ([47:31](#)):

Now, imagine you're the publisher of a ... Do you want to pay an author to write a book, print all the books, and then not be able to distribute them because Amazon cuts you off? That's going to lead the executives at publishing houses to say, "Well, maybe we shouldn't touch that issue because we want to be canceling."

Bill Walton ([47:50](#)):

That's the biggest thing I fear.

Roger Severino ([47:51](#)):

The free speech value is a premise of our democracy, right? The idea is that you need a virtuous, religious people and educated to be able to vote the right way for the common good. Well, that was premise on having a public square where people could actually exchange ideas or a town hall. Now, who owns the actual public square? It's Amazon, Google, and Facebook. That is the public square now. It's not a park anymore. It's all virtual.

Roger Severino ([48:22](#)):

I think it's a mistake to say that we take an absolutely libertarian approach. "Well, that's a private entity, private property, and it doesn't matter. They get to control it." No. If it undermines the notion and underpinnings of our democracy, we have to take a very hard look at that.

Bill Walton ([48:40](#)):

Well, George Will was on with John Boudreau and John Tamny. They were taking the very strong libertarian view that, well, Microsoft was once this dominant monopoly. AT&T was once this dominant monopoly, and then Amazon will have its day and something else will come along to replace it. I don't think I agree with that. I think it's having its day may change the course of history or it's not having its day.

Ryan Anderson ([49:11](#)):

As conservatives, we can walk and chew gum at the same time. I want to inspire market competition to compete with these companies, right? I think conservatives should be building our own tech ecosystem. So it's going to be important that as much as possible we have Hollywood companies. Roger's brother is working on some of these things in Hollywood. We should be doing that while simultaneously saying the largest market actors today need to play by the rules, right? So I don't think it needs to be an either or.

Bill Walton ([49:38](#)):

So is your solution driving towards doing something about 230, amending it or do-

Ryan Anderson ([49:42](#)):

I think 230 is one aspect of this. I think anti-discrimination law is another. I think antitrust law, and then I think common carrier. All of them touch different aspects because, I mean, 230 won't solve all of the problems, but we do need some section 230 reform. I think one of the more promising proposals, it's something that Clare coauthored with Philip Hamburger at Columbia law school, is to say we should treat some of these larger social media companies to a similar way that we treat the electric company and the water company.

Ryan Anderson ([50:11](#)):

In fact, this electric company, I don't know of who your provider is, but they can't say, "Bill, because you're a conservative, we won't serve you any longer. We're turning off your lights," right? There are certain non-discrimination requirements that common carriers have. The idea here is that what they do is they carry electric electricity in a way that's common to everyone in this neighborhood. Twitter is more like a common carrier. It's not Jack Dorsey's speech. It's your speech, my speech, Roger's speech, and he's just carrying it. The same with-

Bill Walton ([50:42](#)):

Jack doesn't believe that.

Ryan Anderson ([50:44](#)):

No, but this is where I think conservatives should be thinking is in the same way that your phone provider, maybe you have ATT, maybe you have Verizon, I don't know, they can't say, "Well, wait,

because you're a conservative, we're not going to let you speak on the phones," or "Because you use certain language, we're not going to let you speak on the phones."

Ryan Anderson ([51:02](#)):

If Roger's correct that some of these social media companies have become our public squares, we should be thinking about what laws do we want to pass to protect how that public square functions, right? The default shouldn't just be it's a free for all. We have to decide what rules do we want to govern this aspect of the market. You're a businessman. You know there's all sorts of rules. Some of them are misguided. Some of them are not. We need to think through what are the rightful rules to govern this aspect of big tech.

Bill Walton ([51:36](#)):

As usual, we run out of time. Roger, you want to weigh in on this one just before we get out of here?

Roger Severino ([51:41](#)):

Yeah. If you think about the network effects that we have with big tech, they have an entrenched monopoly power that we haven't seen in other areas.

Bill Walton ([51:52](#)):

Ever.

Roger Severino ([51:52](#)):

Yeah. It's hard to see an upstart being able to compete with that.

Bill Walton ([51:57](#)):

I don't see it, but I can't imagine throwing some money into a startup here.

Roger Severino ([52:00](#)):

So we're in a new world and having dramatic impacts on our society. If we are unable to get information we want, are we able to think freely? That's a scary prospect if a private entity or a government entity ultimately ends up controlling how we can think, and then we can't deliberate democracy.

Bill Walton ([52:22](#)):

Well, there are an awful lot of elites that want just that, though. I mean, Klaus Schwab runs world economic forums talking about the great reset and seeing that the pandemic is the opportunity to do that.

Roger Severino ([52:33](#)):

Our view is-

Bill Walton ([52:34](#)):

That in effect means making common cause with these social media companies.

Roger Severino ([52:37](#)):

Our view is that the truth, if allowed, will win out, right? That's the premise, but if the truth isn't allowed to get out, then we're in trouble as a democracy.

Bill Walton ([52:48](#)):

YouTube, I think we may I talk about ivermectin here. No. I'm just kidding. Thanks, guys. This is great. Ryan, where do we find you?

Ryan Anderson ([52:56](#)):

So we're eppc.org, and Roger and I are both on Twitter. I'm @RyanTAnd.

Roger Severino ([53:03](#)):

@RogerSeverino_.

Bill Walton ([53:04](#)):

Okay. So on Twitter and we will find you and we're going to continue this because we always have. We just got into the beginning of a bigger conversation. So thanks. I'm interested in what we're going to talk about next time and I hope you are.

Bill Walton ([53:19](#)):

This has been the Bill Walton Show with Ryan Anderson and Roger Severino who are with the Ethics and Public Policy Center and doing a lot of great work, and hope you're enjoying it. You can find us at [billwaltonshow.com](#) and all the major podcast platforms, YouTube, Rumble, and we're on Monday nights on CPAC NOW at 7:00 streaming. So we'll see you then. Hear from me then. Thanks.

Bill Walton ([53:44](#)):

I hope you enjoyed the conversation. Want more? Click the subscribe button or head over to the [billwaltonshow.com](#) to choose from over a hundred episodes. You can also learn more about our guest on our interesting people page and send us your comments. We read every one, and your thoughts help us guide the show. If it's easier for you to listen, check out our podcast page and subscribe there. In return, we'll keep you informed about what's true, what's right, and what's next. Thanks for joining.