



VOICE OF REASON

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The Newsletter of Americans for Religious Liberty

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Women's Conscience Rights Threatened

If Missouri lawmakers and the Bush administration have their way, women's rights, religious liberty, and separation of church and state could suffer their most serious setback in the country's history. On January 9 the U.S. Supreme Court agreed to hear and decide *Webster v. Reproductive Health Service*, a case involving a Missouri anti-choice law. The Court will hear the case in late April.

The Bush administration, through Attorney General Thornburgh, has asked the Supreme Court to use the *Webster* case to overturn *Roe v. Wade*, the Court's 1973 ruling that recognized that the constitutional right to privacy covers a woman's right to choose to terminate a problem pregnancy. Although *Roe* was decided 7 to 2, President Reagan replaced justices sympathetic to civil liberties with justices less committed to individual rights. Justice Harry Blackmun, who wrote the *Roe* ruling, has warned that this Magna Carta of women's rights could be overturned.

The Missouri law in question declares that "human life" begins at conception, a novel view which, if accepted by the Court, could result in the outlawing of nearly all abortions. The law also prohibits all abortions in state-funded facilities, prohibits agencies receiving public funds from discussing abortion with clients, and would require expensive and dangerous tests for women seeking to terminate pregnancies after 20 weeks (98% of all abortions are done before 20 weeks, and those done after are generally for serious medical reasons).

Federal district and appellate courts ruled the Missouri law unconstitutional, in a suit brought by the Missouri Civil Liberties Union and Planned Parenthood.

If, as the Bush administration urges, the Supreme Court overturns *Roe v. Wade*, each state would be free to pass laws restricting or outlawing abortion. Every state legislature would have to go through annual battles over abortion rights. Women's reproductive rights could be different in each of the 50 states.

On the other hand, if the Court does not overturn *Roe* but only signals states that they may restrict abortion rights in various ways, much the same result will occur (Missouri would bar abortions in publicly funded hospitals; Illinois would make it almost impossible to operate an abortion clinic; Ohio and Minnesota would make it very difficult for minors, who get about a quarter of all abortions, to exercise freedom of choice).

If the Court allows states to bar publicly funded agencies from discussing abortion with clients, the freedom of expression and freedom to exercise professional judgment of physicians, therapists, counselors, and teachers will be grossly interfered with.

Further, ACLU attorney Lynn M. Paltrow warns, although "never in U.S. history has the Supreme Court reversed a fundamental individual right such as the right to privacy, if the Court renounces the privacy doctrine, no constitutional right—freedom of speech, freedom of conscience or religion, equal
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ARL Abortion Rights Study Published

Abortion Rights and Fetal 'Personhood', published in March (Centerline Press, 160 pp., \$12.95), is a major contribution by Americans for Religious Liberty to the now white-hot national debate over reproductive rights. Edited by ARL executive director Edd Doerr and neuropsychologist James W. Prescott, the book presents the papers given and discussed at ARL's May 1987 conference on abortion rights in Washington. The conference was the first to bring together experts from the fields of theology, law, biology, and social science to deal with the complex issue of human "personhood" which lies at the very heart of the controversy over abortion rights.

Catholic theologian Marjorie Reiley Maguire and Baptist ethicist Paul D. Simmons show that the opponents of freedom of conscience on abortion are on far shakier ground theologically and biblically than are those who are pro-choice. Lawyers Judith C. Rosen and Janet Benschopf examine the adverse consequences for women's rights of any weakening of the *Roe v. Wade* ruling. Biologists Michael J. Flower and Michael Bennett make it clear that science provides no support for the proponents of the notion that fetal brains and nervous systems are ready for even the minimum functions of "personhood" until quite late in

pregnancy. Psychologist Leigh Minturn and anthropologist Lynn M. Morgan examine how societal assignment of "personhood" status is culturally determined.

Edd Doerr's introduction of the book places the controversy in context and presents the latest polling data, which show clear majority support for the pro-choice position. Fredrica Hodges, former executive director of the Religious Coalition for Abortion Rights, gives a perspective on the anti-choice movement.

The book also contains the complete text of Patricia Jaworski's audio documentary interviews with leading neuroscientists on the "personhood" issue, "Thinking about 'The Silent Scream'", for which she was given ARL's Distinguished Service Award.

Appendices include the text of the Supreme Court's *Roe v. Wade* ruling, a compilation of position statements on abortion rights by a wide spectrum of religious bodies, and James W. Prescott's important findings on how voting records of pro-choice and anti-choice legislators relate to their votes on other issues.

Abortion Rights and Fetal 'Personhood' may be ordered from ARL, Box 6656, Silver Spring, MD 20906, for \$12.95 plus \$1.50 for postage and handling.

A Fundamental Right in Danger: Asimov, Doerr

(The following statement by Isaac Asimov, an ARL advisor, and ARL executive director Edd Doerr, was presented at the Religious Coalition for Abortion Rights press conference in Washington on January 23.)

On this, the sixteenth anniversary of the Supreme Court's recognition of the constitutional right of women to choose whether and when to bear children, we are being strongly reminded that this fundamental right is in great danger.

Male legislators are seeking to abolish or diminish that right. The courts are being urged by the national administration to snuff out that right. Self-appointed "moral majoritarians" are seeking to chill the exercise of that right through harassment of and, sometimes, violence against medical facilities and their clients and personnel.

The usually expressed reason for opposition to abortion rights is the attribution of "personhood" to fetuses at all stages of gestation, and the consequent equating of the rights of women with those imputed to fetuses prior to the development of nervous systems and brains to a level adequate for the functions generally ascribed to persons, a level reached not earlier than 28 weeks of gestation. The equation of personhood with mere biology reduces what it means to be human and to be a person to a low, crudely materialistic level. This reductionism degrades our humanity and weakens respect for the rights of all born persons.

An expressed concern for fetal life is often not the sole motive for opposing freedom of choice on abortion. It is often little more than a pretext for perpetuating the traditional male domination of women. It is no mere coincidence that the main opposition to abortion rights tends to be from male denominational leaders who oppose ordination of women, full equal rights for women, and often even the right of women to use contraception or sterilization or to terminate a failed marriage.

All who believe in the equal rights, dignity, and preciousness of all men and women, all girls and boys, should stand firmly against all efforts to deny women the right to decide whether and when to have children.

All who believe in religious liberty, in freedom of conscience, and in the American constitutional principle of separation of church and state should stand firmly against those who would use civil government as an instrument to impose on all a non-consensus, sectarian theological position on fetal personhood.

The Supreme Court should reject *in toto* the Missouri legislature's divisive, wrongheaded attempt to infringe the rights of conscience, to legislate theology and sectarian morality, to prescribe scientific orthodoxy, and to interfere with professional medical practice. ■

The Rushdie Affair

The attacks on Salman Rushdie for his novel, *The Satanic Verses*, aided and abetted in this country by some "Christian" writers and leaders, are far worse than just criminal threats to the safety of one man. They are attacks on the very basis of intellectual and religious freedom.

The censors want the power to deny anyone the right to communicate to willing listeners or hearers thoughts which the censors do not like. If they have their way, serious talk and writing will be stifled, new ideas will be strangled, few will be brave enough to challenge religious or political orthodoxies, civilization and culture will stagnate.

To paraphrase Benjamin Franklin, if a religion or any other institution feels the need to kill or suppress its critics, it's a sign that there's something seriously wrong with it.

If Salman Rushdie or the producers of "The Last Temptation of Christ" are not free to publish or exhibit their work, then the freedom of thought, freedom to receive information, freedom of expression, and freedom of religion of each and every one of us is in grave danger.

Voice of Reason is the quarterly newsletter of **Americans for Religious Liberty** (formerly *The Voice of Reason*), P.O. Box 6656, Silver Spring, MD 20906. (Telephone: 301/598-2447). The newsletter is sent to all contributors to ARL.

Editor: Edd Doerr

Americans for Religious Liberty is a nonprofit public interest educational organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share its purposes. Annual dues are \$20 for individuals, \$25 for families, \$10 for students and limited income.

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protection of the laws—is safe.” The right to freedom of conscience on reproduction cannot be weakened without endangering all other individual rights.

As if all that were not enough, the unprecedented granting of legal “personhood” to fetuses could subject women to employment discrimination and forced caesarean or other medical procedures.

Any serious weakening of *Roe* could have adverse effects on the health of women. The availability of abortion means that sick or teenage women can end problem pregnancies and try again when their health, age, and circumstances are more auspicious for having healthy, wanted babies.

Americans for Religious Liberty is one of many civil liberties, women's religious, professional, medical, and other organizations filing *amicus curiae* briefs with the Supreme Court in the *Webster* case, making the case for adhering to the *Roe* precedent.

ARL is also cosponsoring with many other groups the April 9 March for Women's Equality and Women's Lives in Washington, D.C. (see announcement), initiated by the National Organization for Women.

An interfaith worship service will be held near the Washington Monument at 9:30 a.m. The march itself will begin assembling near the Monument shortly after 10:00 a.m. and will start at noon. The main rally will be held on the West Steps of the U.S. Capitol from 1:30 to 5:00 p.m.

How You Can Help Defend *Roe v. Wade*

1. Continue your financial support for ARL's education and litigation efforts to defend religious liberty and church-state separation.

2. March with us in Washington on April 9 at the March for Women's Equality and Women's Lives (call ARL at 301-598-2447 for details).

3. Sign the National Abortion Rights Action League's pledge (see accompanying letter).

4. If you personally have had an abortion, legal or illegal, and would like to join a NARAL “friend of the court” brief to the Supreme Court, call ARL (301-598-2447) or NARAL (202-371-0779).

Update

Jay Wabeke Honored

Jay Wabeke, ARL board member and long time civil liberties activist, was given the Americans for Religious Liberty Distinguished Service Award for his many years of service to the cause of religious liberty and church-state separation, and especially for his key role in the 1985 Supreme Court ruling in *Grand Rapids School District v. Ball*, the first ruling holding unconstitutional federal aid to sectarian private schools. The award was presented at the Fountain Street Church in Grand Rapids by ARC executive director Edd Doerr, who was there as guest minister to speak on “Religious Liberty in Crisis.”

Anti-Choice Activists Lose Major Case

Attempts by anti-choice activists to close down medical facilities providing abortions were handed a major setback on March 2 when the U.S. Third Circuit Court of Appeals ruled that a group of 27 protesters violated the federal Racketeer Influenced and Corrupt Organizations (RICO) Act. The court upheld a lower court ruling that anti-abortion demonstrators at a Philadelphia women's clinic were liable for \$43,000 in damages and \$65,000 in attorneys' fees under the RICO Act. Ten similar suits are before the courts elsewhere in the country. Under the RICO Act, people or groups can be found liable if they conspired or engaged in a “pattern of racketeering activity” involving at least two separate acts or threats of crimes like extortion or threats of force.

Americans for Religious Liberty was involved in the case, *Northeast Women's Center v. McMonagle*, in a friend of the court brief on the side of the Women's Center.

New Poll Supports Choice

In January the Louis Harris polling organization found that the American public opposes overturning the Supreme Court's *Roe v. Wade* ruling by 57% to 40%, while by 68% to 29% they oppose a constitutional amendment to ban abortion. Harris found all regions in the country opposing overturning *Roe*, and that opinion favoring *Roe* increases with educational level: 46% of high school dropouts, 57% of high school graduates, 62% of college graduates, and 82% of advanced degree holders favor upholding *Roe*. Political conservatives support *Roe* 53% to 45%, moderates by 58% to 41%, and liberals by 67% to 31%. White Protestants support *Roe* 55% to 43%, white Catholics 56% to 42%, Jews 90% to 10%, while white TV evangelists' followers oppose *Roe* 53% to 42%.

March for Women's Equality Women's Lives

April 9, 1989 Washington, DC

KEEP ABORTION SAFE AND LEGAL

PASS THE ERA

Assemble: 10 am on the Mall

March: 12 noon Step Off

Rally: 1:30 Capitol West Side

ARL in Action

Since our last report, ARL president John M. Swomley has lectured at universities and churches in Texas. Executive director Edd Doerr has appeared nationally on the Cable News Network (CNN), Pat Robertson's CBN network, and on the National Radio Network. He also spoke at churches in Michigan and Virginia, and appeared on radio in Grand Rapids, MI, Denver, CO, New Orleans, LA, and High Point, NC.

"Operation Rescue"

Since last May, 17,000 anti-choice activists have been arrested for trespassing and trying to shut down medical facilities where abortions are performed. The activists are part of "Operation Rescue," a movement headed by 29-year-old fundamentalist Randall Terry, who says he has been arrested 30 times and has spent more than 70 days in jail in Georgia and Alabama.

Last May Terry and his followers ignored a court order and blocked several New York City clinics, an action that produced 1,664 arrests. In October U.S. District Court Judge Robert J. Ward found Terry and Operation Rescue in contempt of court and ordered them to pay a fine of \$50,000 to the National Organization for Women. In January Judge Ward issued a permanent injunction against Operation Rescue, and said, "A woman who encounters a blockade while attempting to enter an abortion facility . . . suffers irreparable physical and emotional harm."

On February 17 an Atlanta grand jury handed down felony indictments against 15 Operation Rescue activists, charging them with false imprisonment in connection with clinic harassments in 1988.

Clinics Torched

Three women's clinics which provide abortion services in Dallas, TX, were damaged by fire, all within one hour on Christmas morning.

Koop: No Proof of Abortion Harm

U.S. Surgeon General C. Everett Koop, long a vigorous opponent of freedom of choice on abortion, reported on January 14 that scientific data on the effects of abortion on the health of women are inconclusive. Koop had been asked by President Reagan for a report on the physical and mental health aftereffects of abortion.

However, Dr. Nancy Felipe Russo, professor of psychology at Arizona State University, said that hundreds of studies looking for negative psychological consequences of abortion have found few. Dr. Elizabeth M. Whelan, executive director of the American Council on Science and Health, said that, "In general . . . current data indicate no long-term physical problems resulting from abortion." Dr. David A. Grimes, professor of obstetrics and gynecology at the University of Southern California, added that solid data on the risk of maternal death from abortion is now only one-seventh that of natural childbirth. "To suggest that we don't have data on the safety of abortions is inconsistent with the facts," Grimes said. "To suggest that the data is inconclusive on safety is inaccurate."

MOVING?

Send both old and new addresses with both old and new zip codes to **ARL, Box 6656, Silver Spring, MD 20906.**

Anti-Choice Target Improved

Nancy Klein, comatose victim of a December 13 car crash which caused severe brain damage, is reported to be in improving health after her February 11 abortion. Anti-choice activists unrelated to the woman stalled her abortion for three weeks with legal maneuvers intended to prevent the abortion, which her doctors and her husband indicated would improve her chances of recovery. The lower courts ruled in favor of Mrs. Klein's husband acting as her medical surrogate.

You Figure It Out!

Pressures from anti-abortion groups in New Jersey have resulted in political decisions in Sussex County to cut funding of pre-natal care programs at Planned Parenthood. In Morris County similar cuts of \$35,000 forced cancellation of a Planned Parenthood program of cancer-screening for high-risk women over 40. And the anti-choice people claim they are "pro-life!"

Pope Condemns Birth Control . . . Again

Pope John Paul II, addressing Catholic theologians in November, declared that questioning his church's official (but largely ignored) ban on contraception would be tantamount to doubting "the very idea of God's holiness," and would "render useless the voice of Christ."

Michigan Ban Challenged

The ACLU is in state court challenging Michigan's ban, approved in a referendum last November, on state Medicaid funding for abortions for poor women. The ACLU is representing a 15-year-old girl who was gang-raped and impregnated in January. The girl lives with her family on public assistance and cannot afford to pay for the needed abortion privately. Before the referendum ban, Michigan spent about \$6 million per year for abortions for 18,500 poor women.

Americans for Religious Liberty

P.O. Box 6656, Silver Spring, MD 20906

I want to do my part to help **Americans for Religious Liberty** halt the threats to religious, intellectual, and personal freedom. I enclose a check for my tax-deductible contribution of:

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