

# SALT

*"You are the salt of the earth"* Matthew 5:13



ABORTION ALERT, PG. 2, 3

Washington Newsletter, Christian Life Commission, Southern Baptist Convention

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## Free speech, religion take hits

### Speech-free zone at abortion clinic legal, Court rules

By Michael Whitehead  
General Counsel

In two disappointing decisions at the end of its term, the U.S. Supreme Court chipped away at the freedom of speech for pro-life protesters and shrank the freedom of religion for disabled Jewish children and their parents.

In *Madsen v. Women's Health Center* (June 30), the Court created an abortion clinic exception to the free speech clause of the First Amendment. While striking down four of seven parts of a broad injunction by a lower court, the Supreme Court upheld that part of the injunction which prevented pro-life people from entering a 36-foot "speech-free buffer zone" on a public sidewalk and roadway outside a Florida abortion clinic. Pro-abortion activists, meanwhile, were welcome to enter and demonstrate in this area.

The critical legal holding of the case is that an injunction which targets one side of a social protest is "content and viewpoint neutral." It is neutral because the Court says it is neutral. Hence, we have decision-by-labeling. Having labeled the injunction "content neutral," the Court easily upholds the 36-foot zone as reasonably necessary to ensure access to the clinic.

Justice Scalia, joined by Justices Thomas and Kennedy, points out in his dissent that petitioners like Judy Madsen had never been charged or convicted of

violating any law or court order. Hence, this case had nothing to do with lawbreakers or terrorists, but with law-abiding, peaceful protesters.

The Court admits it has created "speech-free" zones on public property, a

## Boycott

### *RU 486 is the target*

The Christian Life Commission has joined with the National Right to Life Committee and four other organizations to promote a boycott of the companies which have made possible the introduction of the French abortion pill RU 486 into the United States.

The boycott targets drugs produced by Hoechst-Roussel Pharmaceuticals and Copley Pharmaceutical, which are American subsidiaries of Hoechst AG. Hoechst AG, a German company, owns Roussel Uclaf, the French manufacturer of RU 486.

In mid-May, after repeated urging by the Clinton administration, Roussel Uclaf donated its United States patent rights for mifepristone, commonly known as RU 486, to the Population Council Inc., a nonprofit corporation. The action cleared the way for the Population Council to pursue the manufacture, testing, licensing and marketing of the controversial procedure in this country. Roussel Uclaf previously had refused to attempt introduction of the drug into this country because of the controversy.

The CLC urges Southern Baptist pastors, denominational leaders and laity to participate in the boycott. In the SBC annual meeting in June in Orlando, messengers adopted a resolution opposing the introduction of RU 486 into the country and calling on Southern Baptists to support the boycott.

Postcards to the heads of both companies, as well as cards listing the boycott items, are available for purchase in bulk quantities from NRLC, 419 7th St. NW, Suite 500, Washington, DC 20004, (202) 626-8800, ext. 225. Quantities and their prices are: 10 for \$3; 25 for \$5.50; 50 for \$8.50; 100 for \$13; 500 for \$60, and 1,000 for \$110.

Others in the coalition are Focus on the Family, Concerned Women for America, Christian Coalition and Family Research Council.

traditional public forum. And the justices admit only one side of a political protest may be targeted by an injunction if some members of the movement have broken

(See Court on Page 4)



## Beware: Phony compromises

By Richard D. Land

Now it is getting serious!

As this is being written, Congress is preparing to begin debate on two "compromise" health care reform bills crafted by Rep. Richard Gephardt and Sen. George Mitchell. These bills likely will retain many of the most dangerous and pernicious provisions of the President's original Health Security Act.

Chief among these provisions are the abortion mandates which will result in a sweeping expansion of the availability of abortion "services" and, consequently, the number of abortions. The inclusion of abortion on demand in any national health care reform legislation would be the most devastating setback for the pro-life movement since the Supreme Court legalized abortion for any reason at any time in 1973 with the *Roe v. Wade* decision.

The congressional leadership recognizes it cannot pass a bill unless it gives the appearance of satisfying the consciences of millions of Americans who are opposed to paying for abortion with their taxes or private insurance premiums.

*The only "fix" for this concern is an amendment which explicitly excludes abortion on demand from any reform plan.*

One phony compromise may be an "opt-out" provision which would appear to allow individual Americans to be relieved of paying for abortion insurance. This compromise may also include churches and church-controlled entities as well. Such a compromise will be merely symbolic, since premiums paid for abortion coverage apparently would be intermingled with all other premiums, including those paid by people who refuse abortion coverage. The plan will also mandate federal funding of abortion on demand.

However, even if this "opt-out" provision were real, a number of other abortion mandates will continue to be a part of the legislation. One is the abortion clinic mandate. This mandate will require the creation of new abortion clinics in hundreds of cities in which such facilities do not currently exist.

Other abortion mandates include requiring employers to pay for abortions and provisions which would preempt state abortion regulations, such as parental consent, doctor-only laws, waiting periods, etc.

Knight-Ridder Newspapers reporter R. A. Zaldivar exposed the real agenda of the pro-abortion movement in health care reform in a June 26 article: "Abortion rights supporters believe that over time, the bill would make abortion services part of the fabric of medical care in the United States *as unremarkable as tonsillectomy*" (emphasis added).

Please tell your representative and two senators to get abortion out of health care reform. Feel free to use the model letter on Page 3 of this issue or call 1-900-933-1776, and we will do the letters for you. Since events will move swiftly, also phone your members of Congress with your concerns. Votes on abortion in the House of Representatives and Senate will likely be taken during the second week of August and beyond. *Now is the time for all people of good will to come to the defense of the unborn. PLEASE ACT TODAY!*

## Senate to EEOC: Back off religion

The Senate recently approved without opposition an amendment ordering the Equal Employment Opportunity Commission to delete the category of religion from guidelines on harassment in the workplace.

The amendment must survive a conference committee of members from both the Senate and House of Representatives. The House had passed the same spending bill with an EEOC amendment, but its measure prohibits the use of funds for implementation of the guidelines if they are not changed. The House approved the amendment 366-37.

Meanwhile, the EEOC has to review more than 100,000 comments on the controversial guidelines. It is the most the commission has ever received.

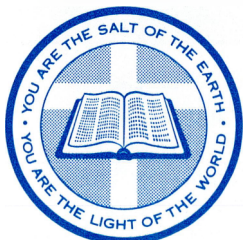
Other developments include:

- In early June, Christian Life Commission General Counsel Michael Whitehead, testifying before a Senate subcommittee, called for religion to be deleted from the guidelines to avoid a chilling effect on religious freedom brought on largely by employers' fear of lawsuits.

- In mid-June, messengers to the Southern Baptist Convention approved a resolution requesting removal of religion from the guidelines.

- In a late-June meeting at the White House, Whitehead also expressed the CLC's concerns.

Also, on the eve of the SBC action on the EEOC resolution, President Clinton sent letters to SBC President Ed Young and CLC Executive Director Richard Land assuring them of his commitment to religious liberty and his willingness to work with the CLC and others on such issues. CLC staff said the letter was not satisfactory because Clinton did not commit to have religion removed.



*Salt* is the public policy newsletter of the Christian Life Commission. The CLC is the moral concerns, public policy and religious liberty agency of the Southern Baptist Convention. For information, contact the Christian Life Commission, 400 N. Capitol St. NW, Suite 594, Washington, DC 20001, (202) 638-3223.

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# Abortion Is Not Health Care: Tell Congress Today!

## Speak Out Now!

Call now to receive your four personalized letters, as seen on this page, addressed to the President, your Senators and Congressional Representative.

**The Christian Life  
Commission, SBC  
Legislative Action Line**

**1-900-933-1776**

(The total cost is only \$5.95)

*Act Today!*

### Here's how to use the CLC Legislative Action Line:

- Begin by calling 1-900-933-1776. This service is available in all 50 states, 7 days a week, 24 hours a day. The total cost of this call is \$5.95 and will appear on your telephone bill.
- After a brief message from the Southern Baptist Christian Life Commission you will be asked to say and spell your name. Next you will be asked to say and spell your street address, including any apartment or unit number. You will then be asked to just say your city, state and zip code.

- Your 4 personalized letters will be mailed to you within 5 days. Just stamp the envelopes that come with the letters, sign your letters and mail them.
- Remember it's your thoughts that count, so feel free to add a handwritten postscript (P.S.) to your letters. And if, by chance, there's a problem with your letters; you can contact USA Letters at 1-800-755-1994.

- When calling our legislative action line, if you hear a recording that your call cannot be completed as dialed or a similar message, this is because your local phone company has placed a block on your telephone line for calls to 900 services. However, you still can participate by sending your name, address and a check or money order for \$5.95 to: CLC/USA Letters, P.O. Box 9865, Washington, D.C. 20016-8865.

Your Name Printed Here  
Your Street Address, Apt. or Box Number  
Your City, State, Zip Code

Your Senators/Representative Name  
United States Senate or House of Representatives  
XXX Senate or XXX House Office Building, Room XXX  
Washington, D.C. 20510

Dear (Your Senator/Representative Name):

I urge you to oppose any health care reform plan which will pay for abortion on demand. While the Clinton plan has been declared dead, the problem of abortion coverage remains in the congressional committee-approved versions of health care reform.

As you consider compromise health care legislation crafted by Senator Mitchell and Representative Gephardt, please remember: millions of Americans, including myself, are unalterably opposed to supporting abortion in any health reform plan. In fact, a poll published in the May 18, 1994 *Journal of the American Medical Association* revealed that 68% of Americans are opposed to including abortion in a health care benefits package.

I agree with the Southern Baptist Convention Christian Life Commission, the snuffing-out of unborn children cannot be regarded as true health care. I would consider it a serious violation of my conscience to be made complicit in the act of destroying human life if my taxes were used to pay for abortion or if my private insurance was mandated to cover abortion services.

Please support all amendments which seek to exclude abortion on demand from legislation the (Senate/House of Representatives) considers. If abortion is not explicitly excluded from coverage in the final legislation, please oppose that legislation. I look forward to your reply and learning your views on this important issue.

Sincerely,

(Your signature and a handwritten P.S. lets Washington know of your active involvement.)

**PLEASE PHOTOCOPY THIS PAGE AND PASS IT ALONG TO YOUR FRIENDS**



# Court impairs free speech, religious liberty

(Continued from Page 1)

laws or prior court orders. This endangers all social protest movements.

If there is any good that can come out of this decision, it is that the sword which the Court gave to *Aware Women's Clinic* should cut both ways. If church entrances are blocked by radical groups like ACT-UP or Queer Nation, then the Freedom of Access to Clinic Entrances Act and *Madsen* may be used by churches to ensure access to church services.

In *Kiryas Joel Village School District v. Grumet* (June 27), a six-person majority declared unconstitutional a New York law which had created a public school district within a Jewish community in order to provide secular education services to disabled children in a supportive environment. The Court characterized the law as a "grant of government power based on religion" or "along religious lines." Having applied the result-oriented label, the Court easily reached the desired result of voiding the statute.

The decision-by-labeling approach again permits the Court to substitute its policy opinions for those of elected policy makers. Once again, the Supreme Court

## Express your opinion

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Washington, DC 20500

White House Comment Line  
(202) 456-1111

The Honorable \_\_\_\_\_  
U.S. House of Representatives  
Washington, DC 20515

The Honorable \_\_\_\_\_  
U.S. Senate  
Washington, DC 20510

Capitol Switchboard  
(202) 224-3121

functioned as Supreme School Board. The only problem is that the label did not fit the facts. The New York Legislature and governor had no intention of helping religion but only of helping handicapped children get the best possible education. The new school was entirely secular.

When the disabled Hasidic children had tried to attend the Monroe-Woodbury public school, they had been teased and ridiculed by the non-Jewish children. School officials agreed that this trauma was an impediment to learning and that the separate school district within the Hasidic community was a reasonable accommodation. Parents and school officials were satisfied with the new arrangement, but a private association of school administrators brought suit, alleging that the new school district

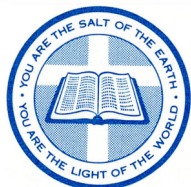
violated church-state separation under the *Lemon* test.

The Court struck down the law while scarcely mentioning *Lemon*. Still, "Lemonistas" will take credit for this successful attack on a schoolhouse full of children with spina bifida and Down's Syndrome.

Justice Stevens' concurring opinion, joined by Justices Blackmun and Ginsburg, seems to criticize parents for hoping that public schools would not undermine their children's religious faith, for wanting their children to "remain within the fold, faithful adherents of their parents' religious faith," and for wanting to "shield their children from contact with others who have 'different ways.'" It is frightening to think that the Supreme School Board would in any way object to these parental concerns.

If this community had shared a commitment to golf instead of to God, the separate school district probably would have been upheld. Our brief called for benevolent neutrality toward religion. This decision is not neutral. It is hostile to religion.

Because these citizens take their religion seriously and openly, they have lost a government benefit generally available to nonreligious communities. It was a secular school in every respect. Only the students and their parents were religious. Their religion has now become an additional disability. This double disability forces them to forfeit the right to special-education assistance.



**Christian Life  
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of the Southern  
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**TELL CONGRESS NOW: 'ABORTION IS NOT HEALTH CARE' (See Page 3)**