

SALT



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

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Foster care: New doctor, same disease

President Clinton has managed to ignite a firestorm by nominating a kinder, gentler version of Joycelyn Elders as the next surgeon general.

Though Henry Foster, an ob/gyn and medical school administrator in Nashville, does not seem to have the abrasive approach of Elders, his agenda appears little different. Among the particulars are:

- **Performance of abortions:** After giving lower figures, Foster said he had performed 39 abortions. The actual figure may be much higher. A transcript from a 1978 meeting of a government ethics advisory panel quotes a participant identified as "Dr. Foster" as saying he had done nearly 700. While Foster denied making the statement, the transcript has not been discredited. Foster also supervised a 1981 study in which at least 55 women had abortions by use of experimental vaginal suppositories.

- **Advocacy of abortion:** Foster, 61, has been a member of national, local and special boards of the Planned Parenthood Federation of America. PPFA supports abortion without restriction.

- **Distribution of condoms:** He has been honored for his successful efforts against teen pregnancy in Nashville, but his program has distributed condoms.

At publication time for *Salt*, the White House appeared determined to fight for Senate confirmation. The Christian Life Commission opposes the nominee. Please contact your senators.

'Safe and legal, but rare?'

President Clinton has said from the first week of his administration abortion should be "safe and legal, but rare." His deeds have failed to match his rhetoric.

In addition to his nomination of Henry Foster as surgeon general, the President recently has shown he is marching to the beat of the abortion lobby's drum in the following ways:

- In his proposed budget released in February, Clinton recommended the complete repeal of the Hyde Amendment, which prohibits Medicaid funding of abortions except to save the life of the mother or when pregnancy is the result of rape or incest. The Congressional Budget Office estimated in 1993 repeal would result in federal funding of 325,000 to 675,000 abortions a year.

- Also in his new budget, the President called for overturning the Kemp-Kasten Amendment, which prohibits funding any organization which "supports or participates in the management of a program of coercive abortion or involuntary sterilization."

- It recently was revealed the administration's appointee as deputy assistant secretary for population affairs in the Department of Health and Human Services is a leading abortion activist. Felicia Stewart helped set up the first Planned Parenthood in Sacramento, Calif., was its medical director for 10 years and was the first Sacramento physician to do abortions in her private practice. Her connection to Planned Parenthood was excluded from the September news release announcing her appointment. In her post, she manages the Title X family planning and Title XX sexual abstinence programs.

Congress: What to expect

Final part of a two-part series

By James A. Smith
Director of Government Relations

In the second part of a series on the new Congress, this article will explore in what way the 104th Congress is likely to address some of the moral, social and religious liberty issues of interest to Southern Baptists.

The Republican "Contract with America" is dominating the early months of the first session of this Congress. The contract is the legislative platform most Republican candidates campaigned on during the 1994 election cycle.

The new Republican leadership in Congress has promised action on all of the items in the contract within the first 100 days of the current session of Congress. Virtually no other items will be considered during the first 100 days.

Given the economic and budgetary orientation of most of the provisions in the contract and the lack of direction from the Southern Baptist Convention on these items, the Christian Life Commission is not advocating, with few exceptions, specific policy positions on these items.

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Further thoughts on school prayer

By Richard D. Land

The current debate over student prayer and religious expression in our public schools really boils down to the question of whether our nation's students will retain their First Amendment rights as American citizens to be free *both* from government *sponsorship* of religion *and* government *suppression* of their free exercise rights.

Some argue that the government should promote or sponsor religion. It is impossible to conceive how such sponsorship of religion would not violate either the First Amendment prohibition against an establishment of religion or the First Amendment rights of those parents and students of alternative or no religious faith.

While American society will not survive in any recognizable form unless there is a broad-based religious renewal, it is not the responsibility of the government to promote such a renewal. But government does not have the right to suppress or censor citizens' religious expressions either.

Most supporters of a constitutional amendment on student prayer and religious expression in public schools do not want a return to the government-mandated Scripture reading and prayer overturned by the Supreme Court in 1962 and 1963. However, they do want to guarantee by constitutional amendment that the widespread government suppression of students' free exercise of religion rights during the last three decades will cease forthwith.

Prayer amendment opponents continue to object that students have the right to pray in school now and that a constitutional amendment is either unnecessary or a sinister attempt to achieve government-sponsored religion. While it may be true that students *should* have the right to pray and to express their religious convictions to each other under existing law, the fact is that such rights have far more often been honored in the breach than in the observance over the last three decades. Examples abound of students who have been forbidden to pray over their lunches, to share their faith with fellow students at recess, or denied the right to deliver an address on Jesus in a speech class. If these were isolated, atypical incidents, they would not resonate as they do among our citizenry. And even when students' free exercise rights are acknowledged and recognized, they are never more than one judge's bad decision away from falling through the trapdoor of judicial caprice and abuse of power.

Some have asked, "Does an open student forum for prayer mean students will hear Buddhist and Islamic prayers?" Yes, an open forum means a forum open to all. Neither school officials nor student majorities may choose which religious expression to permit or disallow. Prayer goes up; it does not come down. Each student will determine the content of his or her prayer, and no student may be excluded. This should not concern Christians. Do we not believe that a student's prayer offered up to the one true God has infinitely more power than prayers offered in the name of Allah or Buddha? After all, Elijah did not shy away from a contest with the prophets of Baal. He welcomed it (1 Kings 18). Why shouldn't we?

The federal judiciary has proven over the last 30 years that it is either unwilling or unable to safeguard students' First Amendment rights to free exercise of their religious convictions. It is past time for the nation to speak in unequivocal terms by passing a constitutional amendment which specifies constitutional protection for student-initiated, student-sponsored, student-led prayers in a forum from which no student's convictions are excluded.

They said it

Some Republicans believe "the pro-life and pro-family constituency has nowhere else to go, so they can take us for granted and attempt to reach out to other constituencies." One day, they may face "a social-issue Ross Perot who will wreck the plan of the party for the long term." – **Family Research Council President Gary Bauer** on the selection of pro-choice, pro-homosexual rights New Jersey Gov. Christine Whitman to give the nationally televised Republican response to President Clinton's Jan. 24 State of the Union address, according to Baptist Press.

"I think the top social issue of our time may be ecology. I think that's more dangerous to the future of this planet than the atomic bomb. And I'm going to start speaking out on that. When it comes to abortion, I have spoken out; maybe a newspaper reporter wasn't there to hear it. But I am pro-life, with some reservations –when it comes to incest or rape or where the mother's life is in danger—very similar to the position that the pope takes. And I can't go any further than that. Now if I made my gospel abortion, as some people are doing, then wherever I went that would be the issue; I want the issue to be the cross of Christ." – **Billy Graham** in response to Cal Thomas asking on his CNBC program why the evangelist had been reluctant to speak out on the "top social issue of our time, abortion," according to the Feb. 18 issue of *World* magazine.

"God must have been telling us something when He created the three great monotheistic religions of the world in one little patch and then had people fight with each other for every century after that." – **President Bill Clinton** at the National Prayer Breakfast Feb. 2.

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Executive director: Richard D. Land. Editor: Tom Strode. Contributors: James A. Smith, Michael Whitehead.



Supreme Court gets 'Wide Awake'

By Michael Whitehead
General Counsel

A serious collision recently occurred at the University of Virginia in Charlottesville. It happened at the busy intersection of Church and State and involved a collision between the First Amendment principle of government neutrality toward religion and the principle of no funding of religious functions. The U.S. Supreme Court agreed to hear the case March 1 and should decide by June 30 who had the right of way.

In *Rosenberger v. University of Virginia*, the issue of discrimination against religious speech on a public university campus is once again before the Court. The University of Virginia, like many state universities, assesses a student activity fee on all students and distributes the funds to recognized student groups for a variety of activities, ranging from 15 student newspapers to the Muslim Student Association, the Jewish Law Students Association and the Journal of Law and Public Policy.

Ronald Rosenberger headed a recognized campus organization which publishes a newspaper called *Wide Awake*. The articles in *Wide Awake* are admittedly religious, addressing issues including racism, sexuality, eating disorders, economic policy and how to have a personal relationship with God through Jesus Christ. Rosenberger made application for student activity funds to pay some printing costs of the newspaper totaling about \$5,800.

The university refused to distribute any funds to Rosenberger, based on a guideline that excluded eligibility for a "religious activity." The university admitted that it was, in effect, discriminating against the religious content of Rosenberger's newspaper. It admitted funds were distributed to other student groups for newspapers addressing similar issues but not from a religious viewpoint. The discrimination against religious speech was justified, the university said, for the sake of striving for strict separation of church and state and avoiding "excessive entanglement" with religion.

U.S. signs children's treaty

Madeleine Albright, United States ambassador to the United Nations, signed the controversial U.N. Convention on the Rights of the Child February 16.

The Christian Life Commission opposes the treaty because of its threat to families. While the language appears innocuous, opponents fear activist lawyers will use it to expand government power over families.

"This treaty tries to do far, far more than just protect children from sexual and other abuse," said CLC General Counsel Michael Whitehead. "It enumerates broad, sweeping rights which a child might assert against outsiders or against his own parents.

"This is like codifying Dr. Spock's *Baby and Child Care* into international law. Nothing in the history and purpose of the U.N. qualifies it to teach the world how to raise children. The U.S. should say 'no thank you' to this unsolicited advice on government-supervised child rearing."

The Vatican and 175 countries have signed the convention.

The United States' participation will not take effect unless the Senate ratifies the treaty. It faces an uphill fight in the Foreign Relations Committee, which is chaired by Sen. Jesse Helms, R.-N.C., a convention foe.

Please contact your senators and express your concerns.

Thus the issue was squarely joined: Does the no-funding principle trump the neutrality principles of the free speech and religion clauses? Does a state's desire to maintain strict separation of church and state justify discrimination against religious speech on a public university campus? Or is it the other way around? Are the neutrality principles superior to the no-funding principle of the establishment clause?

The trial judge and the Fourth U.S. Circuit Court of Appeals ruled in favor of

the university, relying largely on the *Lemon* test from the 1971 *Lemon v. Kurtzman* opinion. The Supreme Court granted Rosenberger's petition for review.

The Christian Life Commission joined in the filing of a friend-of-the-court brief Dec. 15 in support of petitioner Rosenberger. Also joining in the brief were Christian Legal Society, Family Research Council, Home School Legal Defense Association and National Association of Evangelicals. The brief was written by Douglas Laycock, a professor at University of Texas School of Law and one of America's most respected constitutional scholars.

The Commission brief argues the university has no duty to fund student newspapers and *Wide Awake* would make no demand for funding of its newspaper if the university abolished its student activity fund. However, if the university chooses to have student activity funds and to make them available to expressive activities, then the state school cannot discriminate against religious speech and viewpoint.

The university is not funding religious instruction; it is providing a funding forum for student expression. The university does not endorse or sponsor any of the ideas expressed by the other student journals. It endorses only freedom of student expression. This is a secular value being promoted by the university, not a religious viewpoint.

"The central command of the Religion Clauses is that government should minimize its influence on religious belief and practice," the CLC brief concludes.

"The university has violated that command. It has spent its funds to enhance private speech in discriminatory ways, distorting private debate in a manner that is hostile to religion in general and to *Wide Awake's* outspoken style of religion in particular. And it has distributed an entitlement on the basis of religion, thus pressuring students to choose secular activities over religious ones or to conform their religious activities to the university's preferred mode."

Congress to weigh prayer, welfare

(Continued from Page 1)

The following is a survey of other issues of interest:

Homosexual rights: Last year, movement began to bring under serious consideration, for the first time in Congress, legislation which would provide employment discrimination protection for homosexuals. Sen. Ted Kennedy, D.-Mass., introduced a bill, and hearings were held. It was anticipated the legislation would receive serious consideration in 1995. The election results have eliminated this scenario.

Sen. Jesse Helms, R.-N.C., has introduced two bills related to repealing federal policies begun under the Clinton administration to give recognition and support to the homosexual lifestyle. The CLC has long opposed any legislation or interpretation of the Constitution which seeks to create civil rights status on the basis of sexual activity.

Cultural programs: Intense lobbying has begun by the Corporation for Public Broadcasting, the National Endowment for the Arts and other federal cultural programs to block attempts to abolish these controversial entities. The National Endowment for the Arts and public broadcasting have long been scrutinized by conservative and pro-

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family organizations as wasteful and harmful to traditional values.

With increasing pressure to find every possible source of funds to cut spending in order to meet an impending constitutional amendment to balance the budget, the chance of elimination of these programs has never been higher.

School prayer: One month before the November elections, Rep. Newt Gingrich, R.-Ga., promised that when the GOP controlled the House and he was speaker, there would be a vote "by the fourth of July" on school prayer. He repeated this promise shortly after the election. A firestorm of media attention suddenly focused on the prospect of a school prayer amendment.

Gingrich tapped Rep. Ernest Istook, R.-Okla., to be the point man in the House on this proposal. Before the new

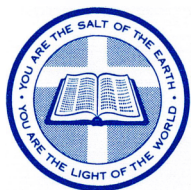
Congress convened on January 4, Speaker Gingrich backtracked on the July 4 vote deadline but still promises a vote. Pro-family and religious liberty organizations are meeting to develop a consensus amendment which will likely seek protection of student-led, student-initiated religious activity in public schools.

Welfare reform: Serious differences exist between Congress and the President and within both political parties as to how to reform federal welfare programs.

Provisions in the House Republican bill intended to discourage illegitimacy and teenage pregnancy have caused concern among some pro-life organizations, including the U.S. Catholic Conference and the National Right to Life Committee. These organizations and others are concerned that in the attempt to discourage illegitimacy, the bill may encourage single women and girls to choose abortion instead. Other pro-family organizations, including the Family Research Council and Christian Coalition, disagree the provisions in question will have the effect of encouraging abortion.

At this time, the CLC has not advocated a particular welfare reform plan due to lack of direction from the Southern Baptist Convention.

Many other public policy issues are being debated in Washington which will impact Americans. The CLC urges Southern Baptists to become engaged on the issues in order to impact the government for biblical values.



**Christian Life
Commission
of the Southern
Baptist Convention**

901 Commerce, #550
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