

SALT



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

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Final decision near on Foster care

Vote on filibuster to determine fate

By James A. Smith
Director of Government Relations

The battle over the nomination of Henry Foster as United States surgeon general may move to the Senate floor around the end of June, it appeared at the time this article was prepared for *Salt*. A floor vote had yet to be scheduled as of June 7. The Labor and Human Resources Committee voted 9-7 May 26 to approve the nomination of Foster.

Sen. Phil Gramm, R.-Tex., has announced he intends to wage a filibuster against the nomination when it is brought to the floor. A filibuster is a parliamentary tactic which delays consideration of any matter so long as a minority of 41 senators wishes to continue debating. If successfully waged, this tactic has the effect of killing a bill or nomination.

Indications are a number of pro-life senators are suggesting they may vote against the filibuster (by invoking a

Why CLC opposes nomination

Here is a summary of the reasons for the Christian Life Commission's opposition to Henry Foster's nomination as surgeon general:

- Changing accounts of how many abortions he has performed;
- Distribution of condoms and other contraceptives to minors without parental consent in his highly touted "I Have a Future" teenage pregnancy prevention program. This program, in the only study done of it, has had its reported success seriously challenged;
- His representation on boards of the Planned Parenthood Federation of America, which opposes any restrictions on abortion;
- His supervision of a study in which more than 50 women and girls had abortions by use of experimental vaginal suppositories;
- His sterilization of mentally impaired women in the 1970s;
- Questions about when he knew of the infamous experiments on black men with syphilis at Tuskegee, Ala.

procedure known as "cloture") and against the nomination. This will have the effect of appearing to oppose the nomination. However, those senators understand that by killing the filibuster they will ensure the approval of the Foster nomination. Therefore, the key vote, and the only vote which really matters, is the vote on cloture.

At this point, it is clear Foster has

enough votes to gain a simple majority of support in the Senate. Therefore, it is vital that senators vote to support any filibuster. Even senators who are considered strongly pro-life should not be taken for granted on this vote.

The CLC encourages Southern Baptists to contact their senators to urge opposition to the Foster nomination by voting to support the impending filibuster.

CLC to assist school district; case illustrates amendment need

By Michael Whitehead
General Counsel

The Christian Life Commission staff has agreed to assist a local school district in Mississippi which has been sued by the American Civil Liberties Union for allowing student-initiated, voluntary prayer over the school intercom after the morning announcements.

The case provides a classic example of the need for an amendment to the U.S. Constitution. The CLC supports a

"religious equality" amendment which would clearly establish that religious speech must be treated equally with all other kinds of speech.

The ACLU and People for the American Way sued the Pontotoc County School District, near Tupelo, Miss., in December 1994. In mid-April, a federal trial judge entered a preliminary injunction against the school and scheduled a trial date for next March.

(See *Prayer* on Page 3)

How to Win manual, part II

By Richard D. Land

The recent *Salt* column on the *How to Win* manual evoked a positive response. The Baptist Joint Committee (BJC) has objected, accusing the CLC of "guilt by association" for noting groups they joined in the *How to Win* effort. The BJC says the CLC also "joins coalitions of strange bedfellows," citing the CLC's joining the BJC in supporting the Religious Freedom Restoration Act (RFRA). Such BJC objections confuse rather than clarify the issue.

First, the *How to Win* coalition's purpose is "defeating the radical right in your community," which includes protecting homosexual and abortion rights. RFRA's goal was defending religious free exercise. Second, the groups involved in the RFRA coalition did not include – speaking of "strange bedfellows" – the *How to Win's* Gay and Lesbian Victory Fund, the National Gay and Lesbian Task Force, and Penthouse International, to name a few. If it had, we would never have joined it. There are some groups so odious that no cause would compel the CLC to join them. Third, the BJC did not merely join the *How to Win* effort. It received "special thanks" for its "hard work on the editorial and media committees" which "made this manual a reality" (p. iv). Fourth, groups targeted by *How to Win*, such as Campus Crusade for Christ, Concerned Women for America, Eagle Forum and Focus on the Family, are lumped together as part of a movement which "denies the value of American pluralism as it attempts to impose sectarian and extremist standards on all its citizens" (p. iii). When did defending the traditional family and protecting the right to life of unborn babies become "sectarian and extremist?"

Why question the BJC's position on issues raised in the *How to Win* manual? Let's look at abortion. *How to Win* cites the Religious Coalition for Abortion Rights' contention that the pro-life position "is theological belief" and "that reproductive freedom, including the right to abortion, is intrinsically tied to religious liberty" (p. 145). In 1980, then-BJC head James Wood was cited in federal court (*McRae v. Califano*) as believing abortion deserves religious liberty protection. The court said, "Dr. Wood indicated that woman's right to choose abortion should extend to three broad categories of pregnancies: first, involuntary pregnancies . . . ; second, the problem pregnancy involving fetal deformity or injury to the mental, emotional, or physical health of the mother; and third, pregnancy that is unwanted for significant familial reasons." Dr. Wood said, according to the court, the Hyde amendment, prohibiting tax dollars for abortions under the Medicaid program, was a "gross entanglement of institutional government into the moral and religious values of the people" (emphasis added).

In 1983, current BJC head James Dunn said, "The complex issue of abortion is reduced to the simple cry of 'infanticide' by Mr. Reagan, who would redress 'a great national wrong' in the name of civil religion, making it virtually impossible for mothers to make their own decision in this very private, very religious matter" (emphasis added).

Does the BJC believe, as it did in Dr. Wood's time, that abortion is a religious liberty right? We have asked the BJC to answer this question, and it has only said, "We don't take a position on abortion." The question is not does the BJC take a position on the morality of abortion, but whether it should be protected as a *religious liberty right*. A yes or no will do. Southern Baptists await the BJC's answer.

They said it...

"Yes, [performing abortions] should be a litmus test. It should absolutely be a litmus test." – **Planned Parenthood Federation of America President Pamela Maraldo** when asked on C-SPAN if PPFA would oppose a surgeon general nominee who refused to do abortions.

"They wouldn't read the lyrics aloud, so one of my colleagues read the lyrics aloud. . . . These were lyrics which had to do with sexual abuse, humiliation, rape, dismemberment and murder. . . . We read these aloud and said, 'What do you think?' And the response from the head of the Warner Music Group was 'That's a tough one.' . . . I said, 'Baloney,' at which point one of the members said, 'I am leaving; I will not listen to that kind of language.'" – **Former Secretary of Education and Drug Czar William Bennett** recounting a meeting with Time-Warner executives concerning the music of the rock group Nine Inch Nails, *World* magazine reported in its June 3/10 issue.

"The court would like to express its admiration for your integrity and courage." – **A judge** to a Dutch doctor found guilty, but not punished for murder, in the "mercy killing" of a three-day-old infant born with spina bifida, according to the May 6 issue of *World*.

"Have we forgotten that until 1980, when a young St. Louis pastor named Larry Lewis led the anti-abortion charge, the SBC's repeated position was essentially pro-choice?" – **Alliance of Baptists Executive Director Stan Hastey**, formerly associate director of the Baptist Joint Committee, in criticizing SBC President Jim Henry and CLC Executive Director Richard Land in the May 4 issue of *Baptists Today* for opposing the nomination of Henry Foster as surgeon general.

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Prayer case fits position held by CLC

(Continued from Page 1)

Pontotoc County School Superintendent Jerry Horton then contacted the CLC for information regarding the constitutional issues involved. CLC staff determined the facts of the case and the legal position of the school board were generally consistent with the public policy position advocated by the Southern Baptist Convention agency. In addition to informing the public about the facts in this case, CLC staff has approved an arrangement which will permit the CLC's general counsel to be actively involved as a private attorney in the trial, acting as co-counsel to local attorney Phillip Tutor.

The case, *Herdahl v. Pontotoc School District*, was filed on behalf of Lisa Herdahl, a mother who has recently moved into the community of Ecu, Miss.

The principal has a morning announcement period while students are in their home rooms. At the conclusion of the principal's announcements, the intercom system is made available to student clubs. No restriction is placed on the messages of the students beyond minimum standards of orderliness and decorum. Several students have taken advantage of this forum, and some members of a Bible club have regularly

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CLC on SBCNet

Subscribers to SBCNet, the Southern Baptist Convention's data communications network, may receive information on ethics and religious liberty issues from the Christian Life Commission and also "talk" with CLC staff members. Since May, the CLC has been a part of SBCNet, which is found on CompuServe, the computer on-line service.

The CLC posts on a regular basis a number of items in the General Ministry B Forum of SBCNet. These include alerts about pending federal legislation, statements from news conferences, commentaries, as well as articles from its regular publications, *Light and Salt*. In addition to accessing such items in the CLC library of the B Forum, subscribers may communicate with CLC staff in the B Forum message section.

Free SBCNet membership kits are distributed by the Baptist Sunday School Board. Kits, which provide access to the services of both CompuServe and SBCNet, contain software, account information, credit for a free month of CompuServe's basic services and a \$25 credit. They are available in DOS, Macintosh and Windows versions and may be ordered by calling 1-800-325-7749.

read a verse of scripture and prayed.

Herdahl objected to the prayer and Bible reading occurring after the morning announcements and the use of the school intercom. Her children have been excused from the classroom to allow them to be in a place where they would not hear the Bible reading or prayer. She still sued. Her lawsuit also challenged an elective course using the Bible to teach Middle Eastern history.

But that is not all. During the course of depositions, People for the American Way also discovered some elementary teachers had permitted students to say grace together in their classrooms before walking to the lunchroom. Herdahl's children were permitted to leave the room and stand at the door to be first in the lunch line. Nonetheless, the district judge's order stops the classroom prayer of thanks for food, as well as intercom prayer. In the interim, the court has agreed to permit students to assemble in the gymnasium before the start of the school day and to have a period of student-led Bible reading or prayer, using a public address system. The ACLU has not yet challenged this practice.

Thus, elementary students in Ecu who want to pray aloud as a group just before walking to the school cafeteria are being forbidden to do so, based on the ACLU's view of the First Amendment. High school students who want to use the morning forum can read from *The Pelican Brief* but not the Bible.

They can talk about football but not

about faith. They can promote the school play, but they cannot let the students pray. The CLC flatly disagrees with this view of the First Amendment.

This case is not about teacher-led or school-sponsored prayer. The school does not "sponsor" student speech just because it permits student speech. What the school sponsors in this forum is freedom.

The Supreme Court said in the *Tinker* case students do not shed their First Amendment rights at the schoolhouse gate. The CLC thinks the evidence should eventually convince the court the school does not sponsor religion when it permits student-initiated, student-led prayer or Bible reading. To refuse to accommodate religious speech on the same terms as nonreligious speech is religious discrimination. To permit reading from *The Pelican Brief* but not the Bible is religious censorship, not religious freedom, the real goal of the First Amendment.

The First Amendment should be interpreted in this manner already, the CLC believes, and, therefore, the school district should win this lawsuit. Since ACLU and PAW see the Constitution differently, however, the courts must decide this lawsuit. A constitutional amendment could eliminate such lawsuits in the future and could save public bodies millions of dollars in legal fees. More importantly, an amendment would let the students pray in peace, whether they are praying over the P.A. system or over a peanut butter sandwich.

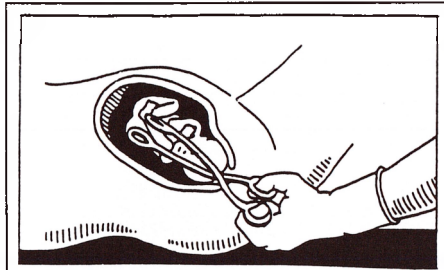
Bill proposed to ban D & X

Rep. Charles Canady, R.-Fla., has introduced legislation to ban the use of the heinous abortion procedure known as D and X (dilation and extraction). Rep. Canady is the chairman of the Constitution Subcommittee of the House of Representatives Judiciary Committee, which has jurisdiction over this legislation.

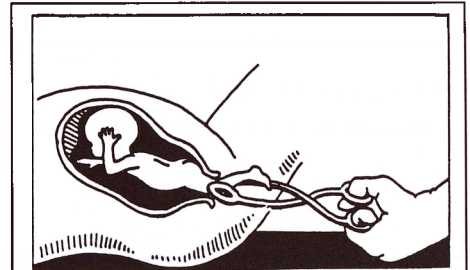
Canady's bill, known as the Partial-birth Abortion Ban, is among a number of abortion restrictions and regulations which this Congress is considering. Others may include ending tax funding of organizations which promote or perform abortions and nullification of Clinton administration directives which have forced a number of states to liberalize their abortion-funding policies.

The Partial-birth Abortion Ban seeks to end the particularly gruesome D and X procedure (also known as a "cranial decompression" or "brain suction" abortion), which is utilized during the second half of pregnancy.

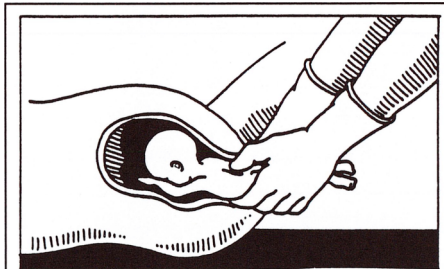
In the partial-birth procedure, the abortionist uses ultrasound and forceps to deliver the living, intact, unanesthetized baby feet first – except for the head, which remains just within the uterus. While holding the baby down with one



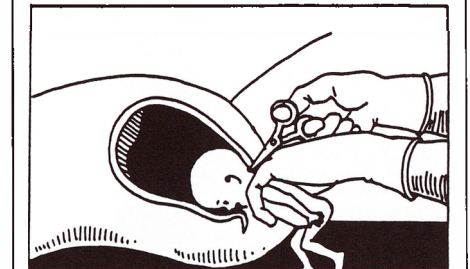
Guided by ultrasound, the abortionist grabs the baby's leg with forceps



The baby's leg is pulled out into the birth canal.



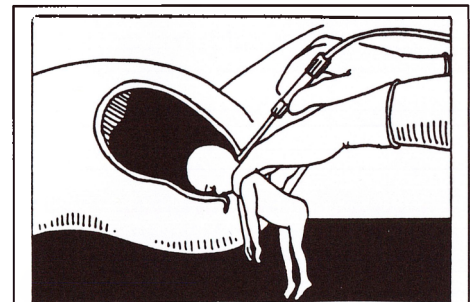
The abortionist delivers the baby's entire body, except for the head.



The abortionist jams scissors into the baby's skull. The scissors are then opened to enlarge the hole.

Partial-birth abortion: The method of performing a D and X abortion is illustrated in these drawings viewed left to right, top to bottom. (Illustrations used with permission of the National Right to Life Committee.)

hand, the abortionist kills the infant by forcing blunt surgical scissors through the base of the skull. He inserts a suction catheter into the wound and sucks out the brain. This causes the skull to collapse and permits easy removal of the dead baby from the birth canal.



The scissors are removed; a suction catheter is inserted; the child's brains are sucked out; the baby is then "evacuated."

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