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One display in the Holocaust Museum is particularly frightening in light of recent arguments in this country favoring assisted suicide. The display depicts in a heartbreakingly graphic manner the so-called "Operation T-4" which resulted in more than seventy thousand "mentally" handicapped children being murdered between October 1939 and August 1941. The pictures of medical personnel with some of the children moments before the children's murder by these same doctors will stay with me forever.

How could doctors and nurses degenerate into murderers of children? The answer is that they were brainwashed by the same type of philosophy being parroted by many in our own society today. The German people were bombarded with government propaganda and films which labeled mentally ill, mentally handicapped and incurably ill patients as "living corpses" and "human ballast." The philosophy of some lives being "lebensunwertes Leben" (lives unworthy of life) permeated the society. The Holocaust Museum displays a German chart calculating the volume and value of foodstuffs saved over a ten-year period by "disinfection" of 70,273 handicapped persons in state hospitals and sanitarium by 1941.

In 1920 Karl Binding and Alfred Hoch's influential tract, *Permitting the Destruction of Unworthy Life*, argued that killing patients who were incurable or in terrible pain was "not 'an act of killing in the legal sense.' . . . In truth it is a purely healing act." Words and ideas can kill, especially when they are used to desensitize or devalue other human beings.

Dr. Richard Land
President, SBC Ethics & Religious Liberty Commission

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ERLC's Land trusts President on Miers

President Bush's record on judicial nominees helped convince Richard Land to trust new Supreme Court selection Harriet Miers unless a good reason for him to oppose her surfaces.

Bush announced Oct. 3 his nomination of Miers, the White House counsel, to replace Associate Justice Sandra Day O'Connor. Miers, 60, has never been a judge and therefore has no record of judicial decision-making.

"This President has kept no promise more faithfully than his promise in 2000 and again in 2004 that he would nominate only strict constructionist, original intent jurists to the Supreme Court," said Land, president of the Ethics & Religious Liberty Commission. "The face of unprecedented obstructionism, led especially by former Senate Minority Leader Tom Daschle in the last term, this President has held fast to his promises and nominated scores of sterling and extremely competent judges.

"One of the people helping him to fulfill those campaign promises has been Harriet Miers," he said. "She played an instrument in helping the president select those judicial nominees as his staff secretary, deputy chief of staff and White House counsel. She has worked closely with this president for more than a decade.

"I do not know Harriet Miers. I do know President Bush and his commitment to a federal judiciary that lives within its constitutional assignment and interprets the law and doesn't write it from the bench," Land said. "If the President trusts Harriet Miers to fulfill campaign promises to the American people, then I trust Harriet Miers until I am given compelling evidence to the contrary."

Social conservatives had hoped the President would nominate a judge from the federal appellate courts or state supreme court whose record was clearly conservative.

Miers is pro-life, friends say, and the conservative Christian church she is a member of, Valley View Christian Church in Dallas is pro-life.

If Miers is confirmed and proves to be a typically conservative vote, it will mark a shift in the balance of the court on at least so issues. O'Connor often voted with the liberal justices on such high-profile issues as abortion and church-state relations.

O'Connor announced her retirement July 1 after serving 24 years on the high court. Bush named John Roberts to replace O'Connor but altered his plans after Chief Justice William Rehnquist died Sept. 3. The President then nominated Roberts as chief justice. O'Connor has agreed to remain on the bench while her replacement goes through the confirmation process.

Of the 109 justices who have served on the high court, 41 have had no previous experience as judges. Rehnquist and former Associate Justice Byron White were two of the most recent justices who were not judges before joining the Supreme Court. They were the only justices to dissent from the 1973 *Roe v. Wade* opinion legalizing abortion.

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Senate easily confirms Roberts as chief justice

The U.S. Senate overwhelmingly confirmed John Roberts as chief justice of the United States Sept. 29, only four days before began presiding over oral arguments on the first day of the Supreme Court's new term.

Senators voted 78-22 to confirm Roberts, making him the 17th chief justice in U.S. history. Half of the Senate's 44 Democrats joined all 55 Republicans and an independent in confirming the federal appeals court judge to the country's top judicial position.

Swearing-in ceremonies for the new chief justice were held the same day as his confirmation. Roberts, 50, replaces William Rehnquist, who died Sept. 3 after a lengthy battle with thyroid cancer. Rehnquist had been chief justice since 1986.

Roberts possesses "the judicial philosophy, intellect and dedication to be one of the great chief justices in our history," ERLC President Richard Land said after the Senate vote. "Chief Justice Roberts' sterling performance in his confirmation hearings caused deep division among Democratic senators, many of whom were duly impressed while others felt an obligation to the radical, liberal interest groups who support them to oppose a marvelously qualified and gifted nominee."

Land commended the Senate for "an orderly and judicious confirmation process. We can all hope that such behavior will become a habit in the future."

Among the liberal Democrats who voted to confirm Roberts were Sens. Christopher Dodd of Connecticut, Patrick Leahy of Vermont, Carl Levin of Michigan, Patty Murray of Washington and Ron Wyden of Oregon.

Roberts had served on the District of Columbia Circuit Court of Appeals since 2003. He was a clerk for Rehnquist in 1980-81.

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Oregon, U.S. battle over authority on assisted suicide

The Supreme Court heard oral arguments Oct. 5 about whether the authority of the federal government or a state should prevail in the matter of physician-assisted suicide.

Lawyers for Oregon and the United States squared off before the high court, with the state arguing its legalization of the practice is covered by its right to regulate medicine and the federal government contending its control of drugs trumps such authority.

New Chief Justice John Roberts presided over the contentious case on only the second day of oral arguments in the high court's new term.

Assisted suicide, which involves a physician prescribing but not administering a drug to take a person's life, became legal in Oregon in 1997. Oregon remains the only state to legalize the act. Through 2004, Oregon had reported 208 deaths by assisted suicide.

The question the justices are considering in *Gonzales v. Oregon* is not whether assisted suicide is legal but whether the Department of Justice acted within its authority when it banned the use of federally controlled drugs in such lethal actions.

Oregon won the initial two rounds in the case, first gaining a federal judge's injunction blocking enforcement of a 2001 order by then-Attorney General John Ashcroft barring the use of drugs regulated by the Controlled Substances Act in doctor-assisted suicides. Last year, a three-judge panel of the Ninth Circuit Court of Appeals voted 2-1 to uphold the block on Ashcroft's direct

During the arguments, Associate Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg and Sandra Day O'Connor appeared to be the most skeptical of the federal government's position, while Roberts and Associate Justice Antonin Scalia questioned the assertions of the state the most.

Patrick Trueman, senior legal counsel for Family Research Council, told reporters he is "very concerned about the potential outcome. This closely divided court has a few justices, particularly Justices Ginsburg and Stevens, who seem to be looking for a way to legalize or constitutionalize" physician-assisted suicide.

"I think it's a close case," said Jay Sekulow, chief counsel of the American Center for Law and Justice. "I suspect right now the

way it's going to line up it would probably be 4 to 4. . . . I don't think Justice O'Connor will be sitting when the case's opinion is actually rendered. If that's the case, it is likely that the case will be set for re-argument . . ."

O'Connor announced her retirement July 1 but said she would remain on the court until her replacement was confirmed by the Senate. If an opinion in the case is not announced before O'Connor leaves the court, her vote will not count. If there are new arguments as a result, President Bush's latest nominee, Harriet Miers, or another confirmed nominee would sit in.

Under such a scenario, Miers "could be the swing vote," Sekulow said.

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Land, others urge action on RU 486

ERLC President Richard Land and six other pro-life, pro-family leaders have called on a House of Representatives committee chairman to make a bill to remove the abortion drug RU 486 from the market a priority.

Land and his allies wrote Rep. Joe Barton, R.-Texas, chairman of the House Energy and Commerce Committee, a Sept. 23 letter urging him to hold a hearing on the RU 486 Suspension and Review Act, [H.R. 1079](#), and to schedule a vote by the panel soon. The legislation would halt sale of RU 486 while the Food and Drug Administration's approval of the drug is reviewed.

The bill is known as Holly's Law in memory of Holly Patterson, 18, who died of a systemic infection in 2003 after obtaining RU 486 from a Planned Parenthood clinic in Hayward, Calif.

Danco Laboratories in New York revealed in July that two California women had died, one in 2004 and the other in 2005, after using the two-step drug regimen to abort their unborn children. Danco has acknowledged two other California users of RU 486 died in 2003 and a Canadian woman died after its use in 2001. Other reports have cited additional deaths by RU 486 users – three in Europe, one in the Philippines and another in the United States.

"[W]e believe that the growing body of evidence suggests that RU 486 is dangerous to the women who use it," the letter said. "The effects of RU 486 on women's health have never been adequately assessed. H.R. 1079 is a logical response to the acknowledged role of this drug in the deaths of a number of women and to the mounting concern that this drug poses significant health risks to every woman who uses it."

Joining Land on the letter were Tom Minnery, vice president of Focus on the Family; Beverly LaHaye, chairman of Concerned Women for America; Phyllis Schlafly, president of Eagle Forum; Paul Weyrich, national chairman of Coalitions for America; Mariam Bell, public policy director for Prison Fellowship, and Connie Mackey, vice president of Family Research Council.

The House bill has 77 cosponsors, while a Senate version, [S. 511](#), has only 11 cosponsors.

RU 486, or mifepristone, is used as the first part of a process normally occurring in the first seven weeks of pregnancy. That in action causes the lining of the uterus to release the embryonic child. A second drug, known as misoprostol, is taken two days later; mifepristone and causes the uterus to contract, expelling the baby.

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ERLC fellows urge Romania to protect religious liberty

The fellows of the Ethics & Religious Liberty Commission's Research Institute adopted a resolution Sept. 21 urging the government of Romania to heed concerns about potentially restrictive church-state legislation under consideration.

The resolution called upon the Romanian Senate and other public officials to reconsider the proposed measure in light of objections raised by Baptists in the Eastern European country. The institute's fellows commended to the government a written report from the Christian Baptist Union of Romania on the legislation.

In the report, the Romanian union's president, Paul Negrut, included these items among objections to the legislation: (1) The separation of church and state is absent as either a principle or a specific provision; (2) the government would fund religious denominations and consolidate control over them, and (3) denominational schools would not appear to be free to provide training based upon their doctrines.

In regard to the second objection, the Baptist Union has refused to accept government aid, in contrast to other denominations in Romania.

The bill has been submitted to the Romanian Senate under an emergency plan, meaning its passage could be imminent, Negrut said in the report.

Barrett Duke, the ERLC's vice president of public policy and director of the Research Institute, said the Romanian government desire "to restrict religious freedom in their country is very disheartening. One would think that after decades of oppressive, sti

communist rule, Romanian leadership would resist any effort to restrict the legitimate freedoms of the Romanian people, especially a freedom as basic and universal as religious expression."

U.S. senators and representatives may be contacted about the Romanian religious liberty bill by phone through the Capitol switchboard at (202) 224-3121 or by email through the ERLC's website by entering your zip code in the appropriate space in the red-bordered box above.

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