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**Nashville Office**

901 Commerce St #550  
Nashville, TN 37203  
(615) 244-2495  
Fax (615) 242-0065

**Washington Office**

505 Second St., NE  
Washington, DC 20002  
(202) 547-8105  
Fax (202) 547-8165

A **For Faith & Family** Ministry Partner

[www.faithandfamily.com](http://www.faithandfamily.com)

**Richard D. Land**  
President

**Tom Strode**  
Editor

**Jerry Price**  
Associate Editor

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**MAY YOUR CHRISTMAS BE FULL  
OF PROMISE, JOY, AND BLESSING.**

“She will give birth to a son, and you are to name Him Jesus,  
because He will save His people from their sins.”

Matthew 1:21

## RICHARD LAND AND STAFF

### *For Faith & Family*

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#### Criticism continues as Alito hearings near

U.S. Supreme Court nominee Samuel Alito will finally get his hearing in the Senate beginning Jan. 9. Meanwhile, abortion rights advocates and other liberals continue to criticize or question Alito, and Senate Majority Leader Bill Frist says he will use a controversial strategy, if necessary, to end a filibuster.

The Senate Judiciary Committee's hearings on Alito's nomination likely will be contentious. Pro-choice senators are expected to pepper the nominee with numerous questions on the 1973 *Roe v. Wade* opinion legalizing abortion and on its status as a precedent.

Some senators criticized Alito after the Nov. 30 release of a 20-year-old memorandum in which he outlined a strategy to reverse the *Roe* ruling. The memo, which was written when Alito worked for the solicitor general in the Reagan Justice Department, urged an approach that avoided a "frontal assault" on *Roe* but might "advance the goals of bringing about the eventual overruling of *Roe v. Wade* and, in the meantime, of mitigating its" impact.

The release of Alito's memo followed by barely two weeks the news he had said in a 1985 application for an assistant attorney general's position he was proud of his contributions at the Justice Department in cases in which the federal government has contended "the Constitution does not protect a right to an abortion."

Sen. Charles Schumer, D.-N.Y., a leading defender of abortion rights, said in a written statement, "These latest revelations cast serious doubt on whether Judge Alito can be at all objective on the right to privacy and a woman's right to choose."

When Frist was asked on "Fox News Sunday" Dec. 11 if he would seek to "impose the nuclear option" if Democrats tried to filibuster Alito, the Tennessee Republican said, "The answer is yes."

Frist said he thinks "it would be unconscionable, I think it would be wrong, I think it would be against the intent of the founding fathers and our Constitution to deny Sam Alito an up-or-down vote on the floor of the United States Senate."

Under Senate rules, 60 votes are required to end a filibuster, a delaying tactic that prevents a floor vote. If Frist chooses the "nuclear option," also known as the "constitutional option," he would call for a vote declaring only 51 votes are needed to end filibusters of nominees.

Alito has served the last 15 years as a judge on the Third Circuit Court of Appeals.

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#### **Bill enacted for cord blood stem cell research**

Legislation to fund stem cell research supported by pro-life advocates has become law.

President Bush signed into law Dec. 20 a bill providing federal funds for the collection, testing and storage of stem cells from umbilical cord blood. His action came only three days after Congress provided final passage of the Stem Cell Therapeutic and Research Act, [H.R. 2520](#), which authorizes \$79 million for work on cord blood stem cells and establishes a network for doctors and patients to use in order to find matches. The legislation also will provide \$186 million for the reauthorization of the national bone marrow transplant system.

The measure funds research that does not harm human life, unlike embryonic stem cell experimentation, which requires the destruction of human embryos.

Barrett Duke, the Ethics & Religious Liberty Commission's vice president for public policy and research, called the bill signing a "marvelous early Christmas present."

"Today marked a great moment in our effort to support the sanctity of human life," Duke said after attending the signing ceremony in the White House's Roosevelt Room. "While scientists are still trying to find a way to put embryo destructive stem cell research to work, adult stem cell research is already bringing hope and healing to the suffering. I look forward to hearing in the years to come of the many people who will be helped because these stem cell, cord blood banks have been made possible."

Though the House had passed the legislation with a 431-1 vote in May, some senators had balked at its approval. On Dec. 15, Sen. Tom Harkin, D.-Iowa, blocked a unanimous consent agreement to the legislation, because Majority Leader Bill Frist would not set a date for a vote on a bill funding embryonic stem cell research.

The Senate, however, approved the cord blood bill by unanimous consent the next day, when Harkin dropped his hold on the measure. Because the Senate's version differed slightly from the House-approved measure, the bill returned to the House, where it was approved in a 413-0 vote Dec. 17.

"All who treasure life, both unborn and born, should applaud the passage of this bill," ERLC President Richard Land said after congressional approval. "This legislation will provide significant funding to advance stem cell research, with all of its enormous promise to alleviate human suffering, without using U.S. taxpayers' money to sacrifice the lives of unborn human beings in order to harvest their stem cells."

Umbilical cords, which typically are thrown away by hospitals after birth, are a prime source—along with placentas, bone marrow and fat—of non-embryonic stem cells, which have provided therapies for more than 65 ailments so far, according to Do No Harm, a coalition promoting ethics in research. Embryonic stem cell research has failed to produce any successful treatments in human beings and has been plagued by the development of tumors in lab animals.

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**House OKs domestic sex trafficking measure**

The House of Representatives approved Dec. 14 a bill targeting purchasers of illegal sex acts and the traffickers who exploit the victims in the United States. The End Demand for Sex Trafficking Act focuses on halting the domestic trafficking of people, primarily women and children, for purposes of prostitution and sexual slavery.

The House approved the measure as part of a reauthorization of the Trafficking Victims Protection Act, the legislation passed initially in 2000 to combat primarily international trafficking. The House passed the reauthorization measure, [H.R. 972](#), by a vote of 426-0. The Senate has yet to act on the reauthorization legislation.

The End Demand measure, which was added to the reauthorization bill by the Judiciary Committee, is designed to aid state and local police in establishing programs to investigate and prosecute sex trafficking cases. It also will provide funds to assist trafficking victims. Under the legislation, a statistical study will be conducted every two years on the problem, and a yearly conference on best practices in reducing demand for prostitution and sex slavery will be held.

It is estimated as many as 20,000 people are trafficked into the United States each year.

ERLC Vice President Barrett Duke applauded passage of the reauthorization bill and called the End Demand amendment a "vitaly important section."

"For too long, desperate women and young girls have been the sexual slaves of predatory, modern-day slave owners and disinterested, self-seeking customers," Duke said. "Meanwhile, much of law enforcement focused only on the prostitutes, as if they were solely responsible for this tragic problem. Now, we will finally have some balance in the battle against the modern-day slave trade in the United States.

"As soon as the Senate passes the bill, the suppliers and the users of these abused women and girls will begin to feel society's disgust of their activities," he said. "Because of this legislation, I look forward to hearing that many women and girls have been freed from a life of sexual bondage. I look forward to knowing, as well, that someone's daughter will be spared from a life of slavery and a lost future."

The reauthorization bill will provide \$361 million during the next two years in the effort to combat the international problem, according to Congressional Budget Office estimates.

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The Supreme Court heard oral arguments Nov. 30 on whether a lack of a health exception is enough to gut a state law that requires parental notification for an underage girl's abortion.

A decision in the case, which marked the first time the high court has considered a state abortion restriction in five years, appeared difficult to predict after the arguments.

The justices heard arguments between a lawyer for Planned Parenthood of Northern New England and the attorney general of New Hampshire over that state's 2003 parental notice measure, which required a doctor to notify a parent or guardian at least 48 hours before performing an abortion on a girl under 18 years of age. Solicitor General Paul Clement also supported the state on behalf of the federal government.

A federal judge struck down the New Hampshire law because it did not include an exception to protect the girl's health, and the First Circuit Court of Appeals upheld the ruling.

Clement told the justices, "What you have before you is really a case where it's literally a one in a thousand possibility that there's going to be an emergency where the statute won't operate. And the real question for you is: Faced with that kind of case, do you invalidate one thousand applications of the statute knowing that nine hundred and ninety nine of them are constitutional?"

Defenders of the law point out it is modeled after a Minnesota parental notice measure that the Supreme Court upheld in 1990. They also contend a woman's health has been defined so broadly by the justices since 1973 as to include any reason for having an abortion.

"The issue is that there is an effort by the pro-choice side to finally capture the absolute right to abortion that they have been seeking," National Right to Life Committee General Counsel James Bopp told reporters after the arguments. If all laws that provide for such requirements as informed consent and sharing alternatives to abortion "are subject to being waved by the attending physician because he or she considers the very broad health interests of the woman to be at stake, then that would nullify every single law that regulates abortion," Bopp said. "They want an all-encompassing, absolute right to abortion without any regulation, and that's how they've approached this case in this court, and that is what is troubling the justices."

[Back to Top](#)**High court appears to side with pro-life protesters**

The Supreme Court appeared prepared Nov. 30 to settle once and for all in favor of pro-life demonstrators a case it thought it had disposed of two years ago.

The justices heard oral arguments in a case involving the use of a federal anti-racketeering law against protesters outside abortion clinics. When the high court ruled 8-1 in a 2003 opinion the Racketeer Influenced and Corrupt Organizations Act (RICO) did not apply to such protests and remanded the case to the Seventh Circuit Court of Appeals in Chicago, the justices clearly believed they had settled the matter.

The Seventh Circuit, however, heeded arguments by the National Organization for Women and decided the high court had not dealt with four of the 121 violations of federal and state law committed by demonstrators as determined by a federal judge. The judge had said those four acts involved threats of violence. The pro-life protesters—Joseph Scheidler, national director of the Pro-life Action League, and Operation Rescue—appealed to the Supreme Court, and the justices again agreed to accept the case.

This will be the third time the high court has ruled in the case. In 1994, the justices dealt with a procedural question and returned the case to the lower court.

During the latest oral arguments, some of the justices did not conceal their disdain for the Seventh Circuit's action. Even associate justices as divided as Antonin Scalia, who opposes the *Roe v. Wade* opinion legalizing abortion, and David Souter, who favors abortion rights, appeared to be in lockstep this time.

Supporters of the pro-life demonstrators have always contended the case, which began with a NOW lawsuit in 1986, was about free speech more than abortion. During the lengthy process, animal rights and disability rights activists, death penalty foes and anti-war protesters filed friend-of-the-court briefs in support of Scheidler and Operation Rescue. Even a leading labor organization, the AFL-CIO, supported the pro-lifers this time because of concern about an adverse ruling's impact on strikes.

In 2003, the Supreme Court ruled the pro-lifers did not violate the anti-racketeering law because their activities did not qualify as extortion. The protesters had not obtained property from abortion clinics or abortion rights advocates, the court ruled. The Hobbs Act, a federal, anti-extortion law, requires "not only the deprivation but also the acquisition of property" in order to reach the definition of extortion, late Chief Justice William Rehnquist wrote in the majority opinion.

[Back to Top](#)**Land: Abortion, Schaeffer drove evangelical involvement**

ERLC President Richard Land said at a recent conference at Princeton University that abortion, as well as the influence of the late theologian and author Francis Schaeffer, helped drive evangelicals and others into the political process and establish them as an important part of the American conservative coalition.

Speaking at a three-day conference on the history and future of the American conservative movement, the Princeton graduate said the 1973 *Roe v. Wade* decision and the massive number of abortions that followed, combined with Schaeffer's arguments for Christian participation in public life, provided the impetus that changed the political landscape.

"Abortion is the issue that was the driving force for the vast numbers of cultural conservatives coming into the political process and doing so mainly through the Republican Party," Land told participants during a Dec. 3 panel discussion on religion, culture and conservatism. "*Roe v. Wade* changed everything."

Schaeffer's influence from 1973 to '80 was "enormous," Land said. He "is a person of singular significance in helping to understand the rise of cultural conservatism," Land said of the author of such books as *The God Who Is There* and *How Should We Then Live?* "He helped us to jettison a deep strain of pietism which had led us to believe that we shouldn't be involved with the world and with public policy. . . ."

Schaeffer "had an enormous impact on a whole generation of those of us who became leaders of the social conservative movement," Land said, "and he was enormously responsible for shaping many of our seminary presidents and many of our seminary professors in Southern Baptist life and in evangelical life across the board."

The great shift for Southern Baptists and other evangelicals took place between the 1976 and '80 elections, Land said. Between those two elections, many Baptists abandoned Democratic President Jimmy Carter for Republican Ronald Reagan. Polls by Lou Harris found 66 percent of white Baptists voted for Carter in 1976, but 64 percent of white Baptists voted for Reagan four years later, Land told the audience.

By 1980, abortions had reached more than 1.5 million a year, Land pointed out. The one-third shift by Baptists could be attributed, Land said, to "Jimmy Carter portraying himself as an evangelical and then being strongly pro-choice in his policies, and Ronald

Reagan being strongly pro-life in his policies."

Land agreed with fellow panelist William Bennett, a talk radio host and former secretary of Education, who said the reaction by religious conservatives had to do "with scale," the huge number of abortions that were performed in the post-Roe years.

The scale after *Roe* "just horrified and caused extreme angst among traditional Catholics and evangelicals," Land said. Evangelicals' idea abortion was a Catholic issue changed "with the scale of *Roe v. Wade*," he said.

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