ARL Abortion Rights Conference a Success

On May 30 in Washington, Americans for Religious Liberty sponsored the first interdisciplinary conference on "Fetal 'Personhood,' Brain Development, and the Abortion Rights Issue: Scientific, Ethical, and Legal Perspectives." More than three years in planning, the conference was put together to examine the question of fetal "personhood" because the claim that fetuses are persons from the earliest stages is the basis for the political/propaganda campaign to outlaw or restrict abortion.

Only a brief summary of the richly productive conference can be reported here, due to space limitations, but ARL is planning to have all of the conference papers published in book form.

Marjorie Reiley Maguire, Catholic theologian and consultant to Catholics for a Free Choice, said that government should protect a woman's right to free choice on abortion regardless of when "personhood" begins. She decried the reductionist view that a mere "genetic package" at conception is a person, and expanded on her view that "the touchstone of personhood is sociality in our human community," that biology necessarily provides the physical substrata for personhood but that a woman may subjectively attribute personhood to a fetus at any point, and, finally, that government must allow the woman the final say in the determination of whether to continue a pregnancy.

Paul Simmons, professor of Christian ethics at Southern Baptist Theological Seminary, scored anti-choice fundamentalist misuse of the Bible and showed that both the Jewish and Christian scripture are silent on abortion. He noted that a biblical perspective supports the view that "personhood" implies the "God-like" capacity for consciousness, introspection, self-transcendence, choice-making. He concluded that government imposition by law of a minority theory of "personhood" is not compatible with our constitutional principles of individual religious liberty.

Attorney Judith Rosen showed how woman's rights and bodily integrity are being threatened by some state legislatures and lower courts in the supposed interests of fetal welfare. She noted that courts have forced at least 21 women to have Caesarian sections and that women can be sued for damages for "prenatal negligence." Yet, she pointed out, the same lawmakers neglect to set up or fund programs for prenatal medical care.

Janet Benshoof, director of the ACLU Reproductive Rights Project, expanded on Rosen's theme. She showed that notions of fetal personhood are being used to void "living wills" and to deny women employment in certain industries rather than cleaning up workplace health hazards.

Luncheon speaker Fredrica Hodges, executive director of the Religious Coalition for Abortion Rights, highlighted the importance of educating the public "to the fact that within mainline religious America there exists a wide range of theological perspectives on the abortion issue." She criticized the misuse of religion by anti-choice activists and the "bogus clinics" operated by anti-choice people which are victimizing pregnant women with misinformation and propaganda.

Michael J. Flower, professor of biology at Lewis and Clark College, discussed the relevance of neurobiological development to the "personhood" question. He agreed with theologian Maguire that a certain level of neural development is needed to provide the physical basis for "personhood." The part of the brain needed for consciousness, the neocortex, does not have its component cells in place until 20 or 21 weeks of gestation (and 99% of all abortions are done before that stage), but the "wiring into place" of the neocortical neurons does not take place until 28 to 32 weeks. Flower acknowledged that there is early fetal movement but said that it cannot be intentional.

Michael Bennett, chairman of the Department of Neuroscience at Albert Einstein College of Medicine, agreed with Flower and commented that although a fetus begins some learning before birth, such as to recognize the sound of its mother's voice, it is still not a person. Nor is personhood, except in the legal sense, acquired at a particular moment; rather, it develops over a period of a number of months after birth.

Lynn Morgan, assistant professor of anthropology at Mt. Holyoke College, reviewed the extraordinary diversity of definitions of personhood in various cultures, showing that there has never been a fixed or absolute definition of personhood. Personhood, she said, is a social and legal concept and not a scientific category. In our culture we "equate biological birth with social birth." She noted that social birth rites serve the purpose of conferring moral status on and granting social protection to infants or young children.

Leigh Minturn, professor of psychology at the University of Colorado, examined the history of abortion and infanticide in Western Christian society and showed that both were common and tolerated. She agreed with Maguire that the law should allow each woman to decide for herself when to attribute personhood. Minturn concluded that "if you stop decent contraception you get abortion. If you stop abortion you get infanticides. If you stop infanticide you get child neglect and indirect infanticide, and the primary course cause of death of children in the United States before the age of ten is parental neglect."

Neuropsychologist James W. Prescott, who helped to plan the conference, reported on his studies of voting patterns in the U.S. Congress and Canadian Parliament. He concluded that lawmakers who vote against free choice are far less likely than pro-choice legislators to vote for school lunch programs for children and for medical use of narcotics for dying cancer patients, and far more likely to vote for capital punishment and contra aid. His studies of primitive cultures showed similar relationships.

ARL's Distinguished Service Award was presented at the conference to Patricia A. Jaworski for her production of the audio documentary, *Thinking About the Silent Scream,* which featured interviews with scientists Isaac Asimov, Michael Bennett, Clifford Grobstein, Patricia Goldman-Rakic, and Dominic Purpura on fetal "personhood" and abortion rights. The documentary is a response to the anti-choice propaganda film *The Silent Scream.*

Clipping Service

We depend on our members and readers to send us clippings of news items, editorials, columns, and letters to editors, as commercial clipping services are prohibitively expensive.

When you see an item in a newspaper, magazine, or professional journal you feel is relevant, please cut it out (or photocopy it), indicate the date and source, and send it to ARL, Box 6656, Silver Spring, MD 20906.

MOVING?

Send both old and new addresses, with both old and new zip codes, to **ARL, Box 6656, Silver Spring, MD 20906.**

Resources

Available from ARL, Box 6656, Silver Spring, MD 20906.

Religious Liberty and the Secular State, by John M. Swomley. A clearheaded, authoritative response to the Rehnquist and other revisionist attempts to discredit church-state separation. ($15.95 hardcover, $10.95 paperback, plus $1.50 for postage and handling.)

Religion, the State and the Burger Court, by Leo Pfeffer. A comprehensive up-to-date examination of the whole range of church-state issues by the dean of constitutional authorities on religious liberty. An indispensable resource for layperson and lawyer alike. ($22.95 plus $2 for postage and handling.)

American Freedom and the Radical Right, by ARL co-founder Edward L. Ericson. An excellent guide to the aims and methods of the movement bent on "piecemeal repeal of the Bill of Rights." ($4.95 plus $1 for postage and handling.)

James Madison on Religious Liberty, edited by Robert S. Alley. Madison's own writings plus authoritative essays analyzing their importance. ($20.95 plus $2 for postage and handling.)

Religion and the State, edited by James E. Wood, Jr. A 596-page treasury of essays on every aspect of religious freedom, published as a tribute to Leo Pfeffer, dean of church-state constitutional lawyers. ($30, plus $2 for postage and handling.)

Crusade of the Credulous, by William J. Bennetta. A collection of articles about "creationism" and the effects of that fundamentalist movement on public education. ($2 plus $1 for postage and handling.)

Public Funds and Private Schools, by ARL executive director Edd Doerr (50¢ each, 10 for $4.00. Postage and handling included).

Does Religion Belong in Our Public Schools? Reprint of Edd Doerr's September 1987 *USA Today* article on school prayer, "creationism," "secular humanism," censorship, "equal access," missionaries in public schools. (50¢ each, 10 for $4.00. Postage and handling included.)

The Case Against Robert Bork, by Edd Doerr. Summary of objections to Bork's nomination to the Supreme Court. (60¢ each, 10 for $2.50, 50 for $10. Postage and handling included.)

Update

Reproductive Rights

The Reagan administration campaign against reproductive freedom has accelerated with promulgation of new rules for the $142.5 million Title X (of the 1970 Public Health Services Act) federal family planning program. The new rules, bypassing Congress, will prohibit clinics receiving Title X funding from even mentioning abortion as a legal option in counseling women with unwanted pregnancies, and from referring clients to an abortion clinic even if they request such help. Also, clinics offering federally funded birth control counselling and privately funded abortion services must have separate sites for each activity.

Health care professionals believe that withholding legal information about abortion from clients is unethical and also a violation of free speech, while requiring physically separate facilities for counseling and abortions will make both services more expensive. Many clinics would be forced to give up federal funding rather than deny clients adequate services. The result of the new Reagan rules will be to reduce family planning counseling and thus increase the demand for abortion. Family planning groups will ask either Congress or the courts to void the rules. About 800,000 unintended pregnancies are now averted annually by Title X programs. None of the Title X funds are used for abortions. Title X now funds about 4,000 clinics serving 4.3 million women per year, 85% of whom are poor and/or adolescent. State and local health departments serve 40% of the people getting Title X help, Planned Parenthood clinics serve 27%, hospitals 13%, and other nonprofit centers the rest.

In other action, President Reagan, not content with cutting off federal funding for abortions, has asked Congress to forbid the District of Columbia from using its own funds to pay for abortions for poor women. Illinois governor James Thompson in August vetoed a bill that would have ended teenager access to contraceptives at public school health clinics. In June Alabama governor Guy Hunt (who is a Primitive Baptist preacher) signed into law a bill to require minors to have parental permission before having abortions. Although more than half the states have parental consent laws, the statutes in 17 states are not enforced, are under court challenge, or have been ruled unconstitutional.

An Alabama woman, Kathryn Wood, has won a $117,500 judgment against a Catholic priest, Rev. Edward Markley, who injured her in an attack on a Huntsville abortion clinic. Markley was sent to prison for attacks on two clinics. Wood is asking the state supreme court for $25 million from the Catholic Church, which she says is responsible for Markley's attack.

In July a priest and 13 other persons were arrested for blocking the entrance to a Montclair, NJ abortion clinic.

Chicago Creche Ruled Unconstitutional

Chicago's controversial Christmas nativity display in the City Hall is unconstitutional, according to an August ruling by the U.S. Seventh Circuit Court of Appeals. The appeals court overturned a November 5, 1986, federal district court ruling upholding the religious display.

The suit, *American Jewish Congress v. City of Chicago,* was brought by several Jewish organizations and Jewish and Catholic individuals. The ACLU of Illinois and Americans for Religious Liberty joined in an *amicus curiae* brief in the case on the side of the plaintiffs.

The appeals court ruled that, "A creche in City Hall thus brings together church and state in a manner that unmistakably suggests their alliance," and that, "the display at issue in this case advanced religion by sending a message to the people of Chicago that the city approved of Christianity."

Falwell's Funny Finances

Jerry Falwell's Moral Majority and Liberty Federation, both political organizations, shifted more than $6.7 million to his other ministries over a recent 3-year period, according to an August 23 report by the Lynchburg *News and Daily Advance.* Falwell said that many who give to his political groups would not have given directly to his religious organizations. Falwell said that one person donated $1 million to Moral Majority specifically designated for "political´science and political activities" and "we sent it across the street" to a religious organization. The Lynchburg paper also reported that of the $24 million collected by Falwell's political operations from 1984 to 1986, "financial records for the three previous years ending in August 1986 show no substantial [political] organizing or lobbying." According to Falwell biographer and White House domestic policy analyst Dinesh D'Souza, Falwell provides "rhetorical leadership."

Falwell's operations have started paying back taxes of $1.85 million to

(continued on page 8)