Newsbriefs

Abortion Rights

The Radical Right campaign to end the constitutional right to freedom of conscience on abortion has moved into high gear. The latest developments:

The Supreme Court will hear two new cases on state laws intended to restrict abortion rights, *Thornburgh* and *Diamond* (see "ARL in Action"). Since it takes four of the nine justices to get the Court to accept a case, observers of the Court figure that four anti-choice justices hoped that President Reagan would be able to appoint a replacement to the Court in time to have it reverse the 1973 *Roe v. Wade* ruling. Both the Reagan administration and a group of 82 members of Congress have filed *amicus* briefs urging the Court to reconsider and reverse *Roe*. The congressmen's brief was co-written by Robert Destro, a Reagan appointee to the Civil Rights Commission and former counsel for the ultarconservative pressure group, the unofficial Catholic League for Religious and Civil Rights.

In Congress anti-choice members in both houses are trying to amend the Civil Rights Restoration Act, H.R. 700 (designed to overturn the Supreme Court's 1984 *Grove City* ruling which weakened Title IX of the 1972 Education Amendments with regard to penalties for gender discrimination) to weaken abortion rights. Civil rights and pro-choice groups are urging members to let their representatives know that they want either an unamended H.R. 700 or no bill at all.

Elsewhere in Congress Sen. Orrin Hatch has held hearings on his "Bill to Amend the 1964 Civil Rights Act to Protect the Rights of the Unborn," S. 522. The deceptively simple bill, a single sentence, is ostensibly aimed at merely codifying "Hyde amendment" restrictions on spending federal funds for abortions, but its true purpose is to try to establish fetal "personhood" at conception, thus overturning *Roe v. Wade* and outlawing abortion, as ACLU president Norman Dorsen pointed out to the Senate Judiciary Committee on April 2.

The House of Representatives voted at the last minute to amend the District of Columbia budget to bar the city from using either federal or District funds for any abortions. City officials declared that the move violated the District's right to spend its own money as its elected representatives wish.

The Reproductive Health Equity Act, H.R. 2691, was introduced in the House of Representatives in June by 72 pro-choice congressmen. The bill would restore Medicaid funding of abortions for poor women and restore abortion services for government employees whose medical care is paid for by the federal government.

Anti-choice activists in California are collecting signatures for a ballot initiative that would cut off state funding for 85,000 abortions per year for poor women. To make the initiative attractive to others in the June 1986 primary election, the anti-choice forces have coupled the fund cut-off with a provision to switch the funding over to aid handicapped children.

Sam Ervin's Last Letter

Retired Senator Sam J. Ervin, Jr., noted for his unflagging devotion to the First Amendment, wrote the following letter shortly before his death last spring.

The Constitution is the wisest instrument of government the Earth has ever known. If America is to endure as a free republic as ordained by it, Presidents, Supreme Court justices, and other public officers must do what they have sworn to do, that is, support it.

Recognizing these truths, I spent my major efforts during my 20 years as a senator from North Carolina trying to persuade government to obey the Constitution.

Despite my admiration for President Reagan, I am constrained by my duty to our country to assert that what he says, does, and advocates in respect to religion shows that he does not understand the religious clauses of the First Amendment and how obedience to them is essential to the preservation of the religious freedom they are designed to secure to all Americans of all faiths.

He urges Congress to give federal tax credits to parents who send their children to private schools to be taught the creeds of their churches. His action in this respect violates the First Amendment, which forbids government to use the taxes of Caesar to finance the things of God.

He named an ambassador to the Vatican—an act in violation of the establishment clause, which in the words of its drafter, James Madison, forbids government to establish an official relationship with any religion.

He urges the adoption of a constitutional amendment to authorize prayer in the public schools. The adoption of such an amendment would drastically alter the First Amendment, which commands the government to be strictly neutral in respect to religion, and leaves the task of teaching religion to children to the homes and churches of our land.

The Founding Fathers rightly believed that the great diversity of religious faiths in America makes governmental neutrality in religion essential if our people are to live together in peace.

The government must keep its hands off religion if our people are to enjoy religious freedom—our most precious freedom.

A New Jersey federal court in July ruled unconstitutional a state regulation which bars women from getting low-cost abortions in clinics after the 18th week of gestation. Clinic abortions are less than one-third the cost of the same procedure performed in a hospital.

In Albany, N.Y., attorneys for the local Catholic diocese got a state appellate court in June to deny Planned Parenthood permission to perform abortions in two clinics. The move forces women to go to hospitals for procedures costing about four times as much or to travel to a distant city to find a less expensive clinic. The ruling is being appealed.

Despite heavy pressure from the Vatican that they recant their views or leave their religious orders, a group of American nuns is collecting signatures for a second *New York Times* ad endorsing freedom of conscience on abortion.

Vatican Envoy Suit Dismissed

A legal challenge of the Reagan administration's establishment of formal diplomatic ties with the headquarters of the Roman Catholic Church (the Holy See, not Vatican City) was dismissed by the federal district court in Philadelphia on May 7 on the grounds that the plaintiffs lacked "standing to sue" and that the president's conduct of foreign affairs is beyond the jurisdiction of the federal courts. The ruling is being appealed.

The plaintiffs—20 Protestant, Catholic, and Humanist organizations and 71 individuals, mostly clergy, including ARL board members David Van Strien and Kenneth Gjemre and ARL executive director Edd Doerr, charge that the president's action violates the First Amendment by establishing a formal link between the U.S. government and a church, by preferring one church over all others, by producing an excessive entanglement between religion and government, and by spending public funds on the church-state link-up.

Catholic critics of the Holy See's diplomatic relations with over 100 countries point out that the Holy See has minimal influence on several overwhelmingly Catholic countries which Amnesty International reports practice torture of dissidents.

Creationism Law Scrapped

Louisiana's 1981 law requiring "Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction" was ruled unconstitutional on July 8 by the Fifth U.S. Circuit Court of Appeals in New Orleans. The ruling in *Aguillard v. Edwards* was expected. It affirmed a January 10 federal district court decision against the law and paralleled a 1982 federal court ruling against a similar Arkansas law.

The appellate court held that "the Act violates the establishment clause of the first amendment because the purpose of the statute is to promote a religious belief." The court added that "The Act's intended effect is to discredit evolution by counterbalancing its teaching at every turn with the teaching of creationism, a religious belief."

In other developments, *Creation/Evolution* magazine has devoted an entire issue to publication of scientific papers debunking a creationist claim that human and dinosaur footprints exist together near Glen Rose, Texas. The team of scientists who made the field studies of the claims included University of Massachusetts anthropologist Laurie Godfrey, a member of ARL's National Advisory Board, and paleontologist Steven Schafersman, ARL's representative in Houston. The team's findings and research are spelled out in five scholarly papers, written in layman's language, in *Creation/Evolution's* Vol. 5, No. 1 issue, available from the journal's office at P.O. Box 146, Amherst Branch, Buffalo, NY 14226, for $2.75 each.

Pat Eyes White House

Televangelist Pat ("700 Club") Robertson is considering running for the 1988 Republican presidential nomination, according to the public relations director of Robertson's Christian Broadcast Network. Robertson has declared that "There is nothing in the U.S. Constitution that sanctifies the separation of church and state." On April 26 Robertson urged his TV audience to support the Christian Unity Political Action Committee as a way of getting fundamentalist candidates into public office.

Con-Con

The drive to get 34 state legislatures to force Congress to call a national constitutional convention remains stalled two states short. The legislatures in Michigan, Connecticut, and Montana defeated the resolutions despite heavy pressure from the Reagan administration and Radical Right groups. Meanwhile, the Florida legislature caved in to pressure and deferred action on a proposal to repeal its con-con resolution.

Opponents of the con-con drive point out that once called, ostensibly to pass a balanced budget amendment to the Constitution, a convention could not be blocked from considering proposed constitutional amendments to outlaw abortion, allow government sponsored group prayer in public schools, authorize tax support for sectarian private schools, and otherwise weaken the Bill of Rights in line with the declared agendas of Radical Rights groups.

In the Courts

Invocations and benedictions at public high school graduations were ruled unconstitutional on May 9 by an Iowa federal district court. The case, *Graham v. Central Community School District of Decatur County*, was brought by the Iowa Civil Liberties Union on behalf of a Unitarian student and her father. The court held that the graduation prayers had "as their primary effect, the advancement of the Christian religion." The Iowa ruling is a significant breakthrough because courts have generally ruled in such cases on the basis of limited evidence, which led them to find a "secular purpose" justification for the practice.

Amish farmers in Kentucky will not have to obey a state law requiring warning signs on their horse-drawn vehicles. So ruled Barren County District Judge Ben Dickerman in August in dismissing a traffic ticket of an Amishman who said his religious beliefs forbid the display of bright colors and symbols of government authority. Apparently the judge felt that public safety is not a compelling state interest.

The U.S. Court of Appeals for the Tenth Circuit has ruled that an Oklahoma school district violated the First Amendment when it allowed students to hold prayer meetings in school before classes. The plaintiffs in *Bell and McCord v. Little Ax School District* received threats and the McCord home was destroyed by a "suspicious" fire.

An Ohio federal judge ruled in August that the Findlay public schools may not allow private religion classes just before or after school. In June a federal court in Nebraska ruled that students could not hold religious meetings in public schools while in April a federal court in Texas ruled just the opposite.

In an out-of-court settlement of an ACLU case, Gideons International has agreed to stop distributing Bibles in Iowa public schools.

Trial is expected soon in *Abortion Rights Mobilization v. Baker*, a suit seeking to have the Internal Revenue Service remove the tax exempt status of Ctaholic churches said to be involved in partisan politicking. Plaintiffs charge that the IRS has been derelict in not applying the IRS code to churches involved in anti-abortion political activity.

On August 2 the South Dakota Supreme Court ruled in *Elbe v. Yankton School District* that providing textbooks and other instructional materials to sectarian private schools violates the state constitution's section separating church and state.

Grass Roots Organizing

ARL board member David Treece, former president of our University of Michigan chapter, is heading our effort to develop local chapters and field representatives. He has produced an organizing manual, a chapter newsletter, and a program for field representatives. Volunteers interested in either chapters or the field representative program should contact David Treece, c/o ARL, P.O. Box 6656, Silver Spring, MD 20906.

International

Madrid: Spain's parliament, despite strong opposition from the Catholic bishops, has legalized abortion in cases of rape, danger to a woman's mental or physical health, and fetal deformity. Spain has made greater progress toward church-state separation since Franco's demise than any other country in the world, while in the U.S. the Reagan administration is trying to emulate the Franco regime . . . *Rome:* Italy has a new condordat with the Vatican which officially ends the Catholic Church's status as an established church . . . **Dublin:** Despite bitter opposition by the Catholic bishops, Ireland's parliament has voted to ease restrictions on the distribution of contraceptives. This marks the hierarchy's first defeat in a clash with the government over social policy. Abortion remains illegal in Ireland, but is readily available to Irish women in nearby Britain . . . **Nairobi:** Although Kenya has one of the world's highest birthrates, the local Catholic Church hierarchy is lobbying hard to block government efforts to lower it . . . **London:** British teachers are trying to get Parliament to remove the legal requirement that public (in the American sense) schools have compulsory worship activities and compulsory religious education . . . **New York:** The Vatican Bank loaned $172 million in 1983 and 1984 to government agencies in South Africa. The loans were "laundered" through a Swiss bank in which the Vatican owns a majority of shares.

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