Public Schools: Abortion's Next Battleground

by John Beasley, Ph.D.

Robert E. Lee labored under a tremendous handicap at Gettysburg: he simply did not have the information he needed to make the best military decision. Lee fought at a time when the cavalry served as the eyes and the ears of the General. Jeb Stuart, commander of the cavalry, was out "joy riding", unaware that Lee was in imminent peril. It would be Lee's lack of information that would lead him to order Pickett's Charge, in which 13,000 Confederate troops would march directly into Union fire.

Just as Lee based tactical decisions upon faulty information, the pro-life movement does the same today. Jeb Stuart's failure to perform his duty hurt Lee. The pro-life problem is much easier to understand. We simply do not understand the tactical advantages of the Supreme Court's *Casey* decision. That decision dramatically affected the options available to the movement. Lee had no way to correct his decision. The pro-life camp can today begin to fully understand Casey and alter its strategy accordingly.

WHY THE ANGUISH OVER CASEY?

Virtually all of the leaders of *the movement* were disappointed over the decision. After all, the *Casey* decision was to be the sweetest of victories, the abolition of *Roe v. Wade*... and with it abortion on demand. The expectations were realistic. Two conservative presidents had changed the complexion of the Supreme Court. Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, David Souter, and Clarence Thomas, seemingly tilted the court against the pro-choice theology that began with *Roe* in 1973. Randall Terry camped on the doorsteps of the Supreme Court throughout the night so that he could be present and witness the demise of *Roe*. Millions of others waited eagerly for the decision that would end the tragic slaughter that had become America's shame.

It is understandable, against this backdrop of hope and expectation why the *Casey* decision would seem to be such a great disappointment. The bottom line was that women could still have abortions. The unborn child remained, of all people in all lands, the one most likely to be killed by other humans. Randall Terry was not alone in his warning that possibly the movement had been betrayed by two presidents who had gained so much from pro-life political support. Virtually all in the movement were surprised that the Court had not taken stronger action.

And yet, tucked between the lines of the *Casey* decision may be the secret to ultimate victory for the unborn. It may be that all of the weeks of work for Reagan-Bush paid off. Before looking at the *Casey* decision, we will examine the way in which an abortion culture is created, nurtured, and sustained.

WHY ABORTION THRIVES

The death mentality does not simply happen. It is actively nurtured and developed. The woman's resort to abortion is actually the last step in a long process. The process begins and is nurtured by the public media, the public schools, and in some cases, by the silence of the Church. The end result is a mind set, a way of looking at the world, and a set of assumptions, that embrace the abortion solution.

It is vital that all in the movement understand the role of information in this process. Joseph Foreman argues in his book, *Shattering The Darkness*, that overturning *Roe* without an accompanying change in the culture would be meaningless. Abortions would continue with a wink and a nod from public authorities. If Foreman is right, and I think he is, then *Casey* may have delivered the tool that pro-life needs to begin the attack on the public mentality.

In other words, much of what the Life movement must do is shape public thought. This is not new. Indeed, Right-to-Life, one of the movement's guiding organizations, has always taken education as a key element in any pro-life strategy. But up until now, Right-to-Life, and all other pro-life groups, have had to spread the gospel of life in small settings. . . usually five to ten people. More importantly, the work done by these very committed individuals was routinely undone when children reached the public schools. There the pro-life message had very little opportunity to prosper. The schools were under Court order, *Roe v. Wade*. Teachers and administrators were gagged.

The *Casey* decision removes the gag and unties the wrists. Now the battle for life can be taken into every classroom in America. It can become the major issue confronting schools boards all across the land. There is no reason for abortion to thrive any longer.

HOW *ROE* HURT AND *CASEY* HELPS

Roe v. Wade forced the public schools to become tools of the state or of the government. School boards, superintendents, and principals had no legal authority to oppose abortion. At long last. . . . they do. Most in the movement are unaware of this important and critical next battleground. Just as importantly, few educators are aware of their rights as a result of the *Casey* decision. If pro-lifers learn the truth of *Casey* and then alter strategy to accommodate this understanding, then they will win the struggle for life. *We have a chance to alter the culture, and we must not lose the opportunity.*

Roe v. Wade made abortion a privacy right. In legal terms this turned the right to an abortion into a "fundamental right." In legal terms, the Court had turned abortion into a right that was on a par with such rights as voting. It made abortion virtually untouchable from a legal perspective.

But how do you challenge a fundamental right, like the right to privacy? The Court was very clear. The state governrnent, the police, the schools, the courts, were not to interfere with abortion. Any "restriction" must meet the test of "strict scrutiny," which means that it would be upheld only if it achieves a "compelling state interest." As a result, it was virtually impossible to tackle the abortion colossus. Some headway was made, but only with law suits that were highly creative.

It is important to understand the pressure that this ruling placed on pro-life teachers, administrators, and board members. Their views were simply ruled *out of order*. Most efforts by pro-life educators would have been efforts to "restrict" abortion. As such, *Roe* made them illegal. A school board member could honestly face the community and claim that his or her view on abortion had no bearing upon their role as a board member. The courageous candidates who made the Life issue important in a campaign were often portrayed as radical because of a sense that they could not do anything if elected — so why make an issue of it. One of the casualties of the *Roe* era was that pro-life candidates and voters became disenchanted with the political process. All of that has changed.

The *Casey* decision has altered the rules of the game. The Court changed abortion from a "privacy" right to a "liberty" right. The agencies of government have more latitude. The guideline for evaluating a restriction is not a "compelling" state interest. It is simply that a restriction must not create an "undue" burden on the woman. Theoretically, the woman has a liberty right — so does the State. In short, the schools, the police, and the courts, have greater latitude than they did under *Roe v. Wade*.

All of the following items are arguably legal under *Casey*, while they would have been illegal or highly questionable under *Roe*.

*A high school can put a large sign in its front lawn stating, "Harrison HS Recognizes The Sanctity Of The Life Of The Preborn!"

*A school board can adopt a reading series entitled, "Pro-Life Heroes" for all second grade students with the express purpose of attempting to restrict, or discourage, abortion.

*School Boards can use a film like, *"Eclipse of Reason"*, as a means of discouraging abortion.

*Every school board election can be turned into a referendum on the abortion issue. Those board members who support pro-life curricular materials could receive support; others turned out of office.

*Citizen groups can attend board meetings, or join curriculum councils of the local schools and begin to lobby for the use of pro-life materials covering a wide-varety of areas:

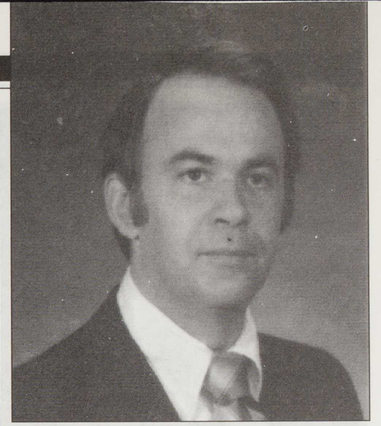
a. Sociology classes need to begin to study topics like the relationship between abortion and the resort to violence on the part of the young.

b. Government: It is time to study the manner in which the Supreme Court was manipulated during the *Roe* case. Students need to learn about the manner in which pro-life judges like Robert Bork were publicly destroyed because of their views on the Life issue.

c. History classes need to begin to study the systematic abuse of truth by the media in order to protect an intellectually bankrupt pro-death mentality.

d. Most of all, students can learn about the pre-born, how she develops, and the rights that a compassionate government should grant.

The list of possible topics is endless. Hopefully, with time and understanding, the movement will begin to develop outstanding curricular materials that can be used at all grade levels when adopted by pro-life school boards.



John Beasley, Ph.D.

THE COMING CHALLENGE

Lee's decisions at Gettysburg affected lives. Because of faulty information, he made a serious tactical error. The pro-life community must adapt its tactics to meet the opportunities buried in the *Casey* decision.

It is time to take the abortion battle into the heart of every community in America. Pro-lifers must get out the vote, run strong candidates, fight for a pro-life curriculum that shows the truth. If we win the battle for the minds of the young — and it is a battle — we ultimately win. If we fail to win the battle for the culture, overturning *Roe* is an insignificant victory.

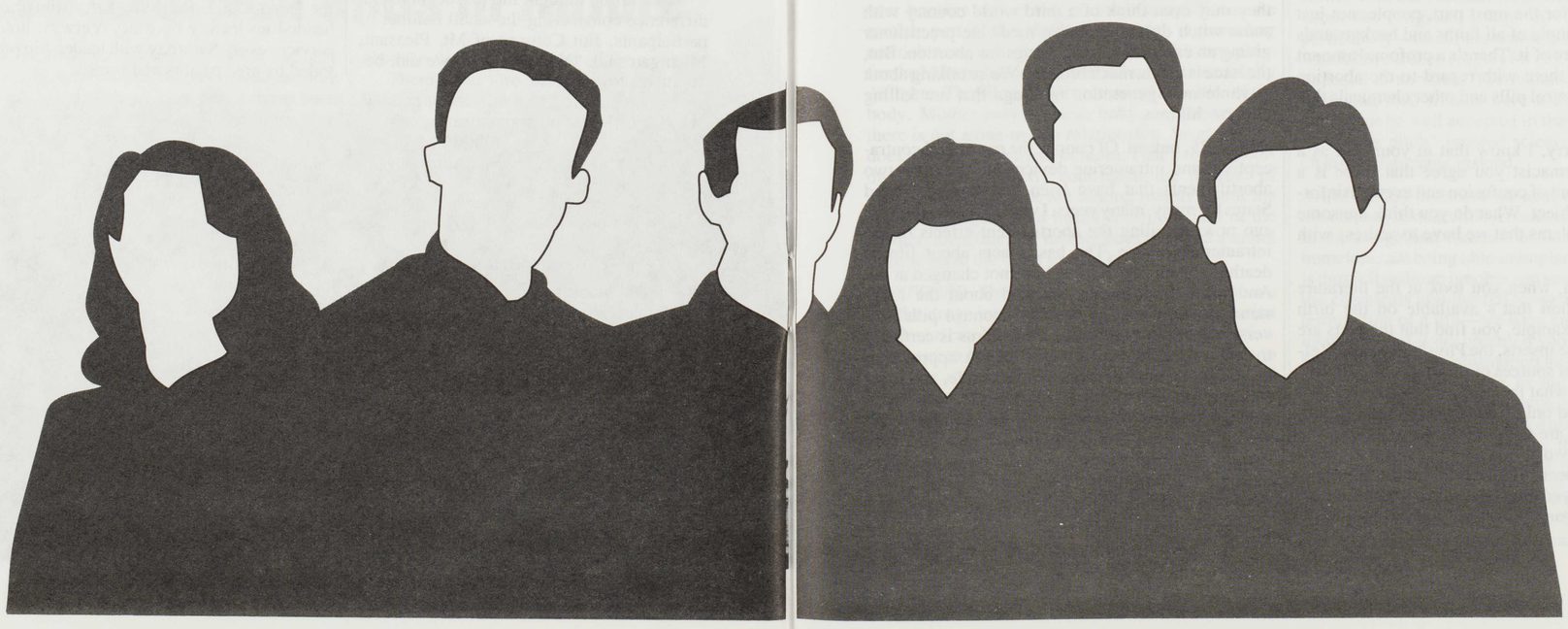
One pro-life leader who recognizes the challenge is Jarnes Bopp, General Counsel for National Right-to-life. In a telephone interview with Bopp, the following exchange occurred which accurately reflects the current situation:

Bopp: As a result of Court decisions like the funding cases and *Casey*, public schools can now offer strong pro-life curriculums at all grade levels.

Beasley: Do most leaders in public education understand ths?

Bopp: No.

Beasley: Do pro-lifers understand?

Bopp: No, not yet.

We must at this time have leaders step forward who — for the sake of dear life — will lead this battle. That is both our responsibility and our challenge. ■