NEWS WATCH

ON THE HILL

Porn Stall. The Senate Judiciary Committee markup of the Pornography Victims Compensation Act of 1991 (S. 1521) has reached an impasse as proponents of the bill negotiate with Sen. Hank Brown (R-Colo.) Porn busters hope to overcome Brown's objections. S. 1521 allows victims of sexually violent crime to sue the pornography industry if the perpetrator was incited by obscenity or child pornography. Sen. Alan Simpson (R-Wyo.) had been counted as a "yes" vote, but now is echoing Brown's concerns. Both men are expected to vote for a compromise version of S. 1521.

Cookies, Tea and Taxes. A buzz saw of criticism met an insulting remark about "baking cookies and holding teas," but Democratic leaders in both houses of Congress added real injury to insult. In a tax bill passed March 20, and vetoed *seven minutes after its arrival at the White House,* Congress hit stay-at-home moms with a tax hike. The Democratic tax package repealed the Supplemental Young Child Tax Credit. This "wee tots" provision provides up to $376 in tax relief to low-income families who care for their own children. The tax hike on mothers-at-home undercut other provisions in the bill that would have offered tax savings of up to $300 per child to working-class and middle-income families. The tax hike also diverted attention from the president's tepid support for pro-family tax relief.

AROUND TOWN

Title X Teeth. The Bush Administration moved March 20 to put some teeth in the ban on federally funded family planning clinics referring for abortion. The announcement came 10 months *after* the Supreme Court affirmed the Title X regulations and will go into effect two months from the announcement. Some pro-lifers were confused by press reports that suggested that the administration was giving way on the regulations. They noted that physicians at the clinics can still talk about abortions that are narrowly defined as medically necessary. But HHS Assistant Sec. Reyn Archer defended the announcement, saying the regulations were "nothing new." Meanwhile, Operation Rescue leader Randall Terry has pledged to test the compliance of the clinics with the law.

Combat Commission. Pro-family leaders and military readiness experts are commending the White House on the selection of the Commission on the Assignment of Women (CAW). The Bush Administration announced the 15-member panel March 10. Military analyst Brian Mitchell, a frequent critic of the feminization of the U.S. military, expressed optimism that the CAW's chairman, Gen. Robert T. Herres, and Gen. Maxwell R. Thurman, U.S. commander in Panama, would keep the commission on track.

Domestic Bliss? Spring is in the air in the District of Columbia, where the City Council has voted to extend health benefits to unmarried domestic partners and homosexual couples. This reduces marriage to the legal status of roommates. The ordinance, which will become law automatically unless Congress acts, requires public and private employers to give benefits to "domestic partners" over 18 years old in "committed relationships...characterized by mutual caring and the sharing of a mutual residence." Partners need only sign a form declaring their bond, which they can "terminate" at will.

ACROSS THE NATION

On Wisconsin! The Wisconsin State Supreme Court on March 3 voted 4-3 to uphold the Milwaukee Parental Choice Program (MPCP). The program, sponsored by state Rep. Polly Williams (D) and signed into law by Gov. Tommy Thompson (R), had been bitterly attacked by school administrators, teacher union leaders and the NAACP. MPCP does not permit parents to use tuition vouchers at church-related private schools, but the Supreme Court ruling was nonetheless hailed by parental choice supporters. "Merely that MPCP has survived the Wisconsin courts is itself significant outside the state's borders," said Terry Eastland, a resident fellow at the conservative Ethics and Public Policy Center.

Tooralooralala. Green with envy at being left out of New York's 231st annual St. Patrick's Day Parade, a contingent of homosexuals held their own parade just ahead of the real McCoy. The separate event was scheduled after two judges threw out lawsuits from the Irish Lesbian and Gay Organization (ILGO) demanding entry. Meanwhile, Boston officials had to allow a homosexual group to march in their St. Paddy's parade because the city kicked in some money, and Boston's homosexual rights ordinance applies to publicly sponsored events. Livid spectators showered the group with green beer and boos.

Pennsylvania, True or False. Parents' rights leader Peg Luksik has charged the state's education establishment with violating family privacy. Mrs. Luksik, who gained 46 percent of the Republican primary vote for governor against a pro-abortion opponent in 1990, held a series of seven news conferences March 18. While state education officials assured parents "no individual student names or ID numbers are taken from the student sheets," Mrs. Luksik's Pennsylvania Coalition for Academic Excellence showed that state officials were actively collecting extensive data on children and their families by name and storing it on micro record data files. The information is a part of national data banks and forms the basis for the National Assessment of Educational Progress (NAEP).

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COURT WATCH

INDECENCY: FCC REGS SHORT-CIRCUITED

In a setback for public regulation of indecency, the Supreme Court early in March declined to hear an appeal from the D.C. Circuit's decision in *Action for Children's Television v. Federal Communications Commission.* It thus left standing the Circuit Court's opinion that the FCC's rules banning indecent broadcasting, even though directly mandated by Congress, were unconstitutional. (The opinion was written by Chief Judge Abner Mikva; with him on the panel were Judge Harry Edwards, and Judge, now Justice, Clarence Thomas. There were no dissents.)

The FCC's authority in the area dates back to the Radio Act of 1927, which banned "indecent, obscene, or profane language" on the air. In 1978, the Supreme Court upheld the FCC's authority to ban afternoon broadcasting of George Carlin's "Seven Dirty Words" monologue (*FCC v. Pacifica*).

According to the D.C. Circuit, however, a 24-hour-a-day ban on indecency raises constitutional issues even after *Pacifica.* Unlike obscenity, "mere" indecency is protected by the First Amendment. Under the Circuit's analysis, bans on indecency must be justified by a compelling state interest, and must be the least restrictive means of achieving that interest.

Here, the interest is that of keeping indecent programming away from children. The court granted that this interest is "compelling," but went on to hold that the FCC had not shown that the round-the-clock ban is the least restrictive means. For instance, the commission had not shown why indecency had to be banned altogether, rather than confined to the late-night hours.

In theory, the FCC could now go to work developing a factual record to show that a round-the-clock ban is the least restrictive means available for keeping indecency out of the way of children. The commission could show that kids can preset VCRs and record the material, or they could show that it is no longer realistic to assume that young people are asleep during any particular stretch of time. But ultimately, the FCC can't regulate our children's use of the television set, or enforce their bedtimes: Only parents can do that.

POLICY UPDATE

EXIT STAGE LEFT

Decrying "a cultural war," recently ousted National Endowment for the Arts (NEA) Chairman John Frohnmayer lamented that his side has "been fighting this battle essentially alone, and that cannot be a winning posture. We have to have allies."

Mr. Frohnmayer, whose forced resignation will take effect on April 30, was being a bit coy. He has had powerful allies all along: The nation's media.

If there were any doubt as to which side they have been on, reporters and editors at the National Press Club on March 23 gave Mr. Frohnmayer a rare standing ovation. The tribute came after a speech in which he ridiculed Sen. Jesse Helms (R-N.C.) by affecting a Southern drawl, railed against "religious fundamentalists" and even compared his critics to the Nazis.

Frohnmayer frequently uses religious terminology such as "covenant" and "spirit" to describe the power of art. Quoting writer Willa Cather, Mr. Frohnmayer said: "The stupid believe that to be truthful is easy; only the artist, the great artist, knows how difficult it is." He concluded by singing, in a fine voice, a lovely Shaker hymn and reciting a stirring poem to freedom. If art is now religion, as writer Tom Wolfe says, then Mr. Frohnmayer has been cast as its high priest.

The NEA plays a crucial role in the liberal cultural war against Americans who hold traditional values of faith, family and country. These Americans resent the NEA's misuse of their tax dollars. President Bush fired Mr. Frohnmayer only after conservative challenger Patrick Buchanan made a campaign issue out of an NEA-funded homosexual movie. The film, which even many public television stations refused to air, depicted sexual bondage and gross vulgarity, a far cry from Mr. Frohnmayer's stated high ideals of freedom and beauty.

Yet Mr. Bush has been silent about who will succeed Frohnmayer or what future role the NEA will play. But one thing is clear: In the culture war, neutral ground is becoming a no man's land.

THE ANNUAL NATIONAL DAY OF PRAYER
THE FIRST THURSDAY OF MAY

BULLETIN BOARD

- **Presidential Proclamation on Prayer**

May 7—FRC joins the U.S. prayer force to affect change in this country and welcomes all to participate. For more information contact the National Day of Prayer, Box 15616, Colorado Springs, CO 80935, or call (719) 531-3379.

- **Bauer Itinerary Selections**

April 27—Address Middleton Crisis Center, Ohio.

April 28—Keynote event at Cincinnati Crisis Pregnancy Center.

May 8—Address banquet sponsored by the Pilgrim Family Institute, Boston.

May 12—Pregnancy Services of Greater Lansing, Mich. hosts dinner with Bauer as speaker.

- **FRC Staff in Action**

March 13-14—Policy analyst Charmaine Yoest participated in Physicians Advisory Council meetings in Colorado Springs, Colo. to discuss professional network's involvement in policy issues such as pro-life endeavors and combatting the "safe sex" message.

March 20—CBN aired education analyst Bob Morrison's interview on "America 2000" and the federal education bill.

April 10—Family Time briefings on Capitol Hill continue with Tax Fairness For Families.

- **FRC Staff on the Road**

April 7—Executive Staff Director Chuck Donovan addresses the Celebrate Life Banquet sponsored by Wisconsin Right to Life, Jackson County chapter, and discusses the social policy of Planned Parenthood.

- **Staff Quotables**

March 4—PBS slammed for "consistently anti-family [programming], it favors alternative lifestyles and is usually a mirror of the liberal democratic agenda," *The Boston Globe* quotes FRC's director of cultural studies Bob Knight.