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Religious Coalition for Abortion Rights, 1981-1990.

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I am Rabbi Alexander Schindler. I serve as President of the Union of American Hebrew Congregations, the national congregational body of Reform Judaism, representing over one million people in approximately 750 congregations.

At our 1975 Biennial Convention, two thousand delegates representing their congregations in democratic fashion, voted overwhelmingly to support the constitutional right of a woman to obtain a legal abortion if she freely chooses to do so, as determined by the Supreme Court in 1973. The resolution reads in part:

The UAHC reaffirms its strong support for the right of a woman to obtain a legal abortion on the constitutional grounds enunciated by the Supreme Court in its 1973 decision in Roe v. Wade, 410 U.S. 113 and Doe v. Bolton, 410 U.S. 179, which prohibit all governmental interference in abortion during the first trimester and permits only those regulations which safeguard the health of the woman during the second trimester. This rule is a sound and enlightened position on this sensitive and difficult issue, and we express our confidence in the ability of the woman to exercise her ethical and religious judgment in making her decision.

The Supreme Court held that the question of when life begins is a matter of religious belief and not medical or legal fact. While recognizing the right of religious groups whose beliefs differ from ours to follow the dictates of their faith in this matter, we vigorously oppose the attempts to legislate the particular beliefs of those groups into the law which governs us all. This is a clear violation of the First Amendment. Furthermore, it may undermine the development of interfaith activities. Mutual respect and tolerance must remain the foundation of interreligious relations.

We oppose those riders and amendments to other bills aimed at halting medicaid, legal counselling and family services in abortion-related activities. These restrictions severely discriminate against and penalize the poor who rely on governmental assistance to obtain the proper medical care to which they are legally entitled, including abortion.

We are opposed to attempts to restrict the right to abortion through constitutional amendments. To establish in the Constitution the view of certain religious groups on the beginning of life has legal implications far beyond the question of abortion. Such amendments would undermine constitutional liberties which protect all Americans.

This resolution conforms to Judaism's traditional concern for the sanctity and protection of human life. While Judaism teaches a responsible attitude toward the moral question of abortion, it is not considered to be murder. Rabbinic law

assigns the fetus no juridical personality; it does not regard it a 'nefesh,' a living person until it leaves the womb. Jewish legal tradition is based on a portion of the Mosaic Code in Ex. 21:22:

If men strive and wound a pregnant woman so that her fruit be expelled, but no harm befall her, then shall he be fined as her husband shall assess, and the matter placed before the judges. But if harm befall her, then thou shalt give life for life.

The law is quite clear. The penalty for abortion of the fetus is monetary compensation. Abortion is not a capital crime because no murder is involved. Causing the death of the woman was clearly considered murder for which the punishment was death. A similar view is emphasized in the Mishna, the code of Jewish law which was published in 200 c.e. Mishna Ohalot 7:6 states that -

A woman who is having difficulty in giving birth, it is permitted to cut up the child inside her womb and take it out limb by limb because her life takes precedence. However, if the greater part of the child has come out, it must not be touched, because one life must not be taken to save another.

Thus to save the life of the mother, the fetus may be destroyed, but not the living child.

Rashi (11th century), a most distinguished and revered commentator on the Bible and Talmud, explains the passage in the following way:

As long as the child did not come out into the world, it is not called a living being and it is therefore permissible to take its life in order to save the life of its mother. Once the head of the child has come out, the child may not be harmed because it is considered as fully born, and one life may not be taken to save another.

Maimonides (1135-1204), another distinguished scholar further explains:

...when a woman has difficulty in giving birth, one may dismember the child in her womb --either with drugs or by surgery-- because it is like a pursuer trying to kill her...

Here, even where we are dealing with the latest stages of pregnancy, feticide is not regarded as homicide, and we are spared the painful dilemma of choosing between human life and human life.

Various Responsa indicate that abortion is permissible even if it is not to save the life of the woman. In case of rape, for instance, a woman "need not nurture seed implanted within her against her will; indeed, she may 'uproot' seed illegally sown (Resp. Or Gadol, No. 31, 1891). Rabbi Jacob Emden (1697-1776) permits abortion for "great need" - even if only to save the woman from "great pain" (She'elat Yavez 1:43). Rabbi Israel Meir Mizrachi also equated serious mental-health risk with physical health-risk (Resp. Pri Ha Aretz, Vol. III Jerusalem, 1899).

Rabbi Sllomon B. Freehof, one of the greatest modern commentators on Jewish Law, refers to the Talmudic principle that the fetus is a part of its mother and has no independent life. Therefore, just as a person may sacrifice a part of herself, such as an arm or a leg, to be cured of a worse sickness, so may she sacrifice this part of herself. Jewish Law sanctions, at times even requires, abortion when the life and well-being of the woman commend such a step.

Dr. David Feldman, a Conservative rabbi, who is a recognized expert in the field of Jewish Law, states:

The rights of the foetus, therefore, are quite secondary to the rights of the mother. She is a living human person now; the foetus is not yet a human person. The slogan we hear nowadays, "right to life," confuses this principle. When we are speaking about abortion, the issue is not at all "right to life" but, rather "right to be born." It must be stated that, in Jewish Law, there exists no right to be born, only a right to life of persons who already exist. The use of the word "persons" here is also important.

Those who oppose abortion on grounds that it is a denial of the right to life point to evidence that life begins early in the foetal stage. Yes, life may begin early, but our question still has to be: What kind of life? There is human life, animal life, plant life. Rabbinic Law has determined that human life begins at birth.

There is a wide divergence of opinion concerning the specific circumstances under which an abortion would be morally justified, with Orthodox rabbis generally taking a more restrictive position and Conservative and Reform rabbis a more liberal stance. There are similar differences within many Protestant denominations, as



well as differences between faith groups about the question of when human life begins. Even within Catholicism there are prominent theologians, like Father Charles Curran of Catholic University, who accept Catholic teaching on the morality of abortion but who do not want to see this teaching enacted into civil law due to the lack of consensus in American pluralistic society.

The historic 1973 Supreme Court decision states:

The Constitution does not define 'person' in so many words. The use of the word is such that it has application only post-natally. The unborn have never been recognized in the law as persons in the whole sense.

In his opinion, Justice Blackmun wrote:

We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any consensus, the judiciary, ..is not in a position to speculate as to the answer.

For this reason, Reform Judaism has consistently opposed all efforts to subvert the 1973 Supreme Court decision which allows all religious groups the widest latitude in freely exercising their religious rights according to their understanding of the will of God. Similar testimony was presented before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, U.S. House of Representatives in 1976, in the hope that this would end attempts to impose the religious views of one group on all others in the United States.

The proposals currently under consideration by this Subcommittee on the Constitution are of even greater concern to us, for all define the fetus in terms at variance with Jewish tradition. Proposed Amendment SJ Res 17 defines a fetus as a person "at every stage of its biological development" and further provides for legal abortion only "to prevent the death of the mother" which is contrary to normative Judaism.

STATEMENT

OF

RABBI ALEXANDER M. SCHINDLER, PRESIDENT  
UNION OF AMERICAN HEBREW CONGREGATIONS

TO THE

UNITED STATES SENATE JUDICIARY  
SUBCOMMITTEE ON THE SEPARATION OF POWERS

SENATOR JOHN EAST, CHAIRMAN

*Jan 5/15/81*

Proposed Amendment SJ 19 would declare a fetus to be a human being from the "moment of fertilization" which not only runs contrary to Jewish Law, but which automatically has the additional effect of making the use of such contraceptive devices as the pill and the IUD illegal. The Union of American Hebrew Congregations has long been on record as supporting "the right of all persons... to practice birth control as they see fit." This concern was voiced in a resolution passed in 1959 which is based on traditional Jewish emphasis on the "importance ...the well-being and the security of the family."

The proposed Human Life Statute, Legislation S 158, which would change the Fourteenth<sup>th</sup> Amendment to declare that a person exists from the moment of conception, is also contrary to normative Judaism.

If enacted, all such legislation would prevent the majority of Jews from the free exercise of their religion. Two examples will illustrate the problem. Rabbis are sometimes called upon for counseling in cases where it has been determined that the fetus will be born suffering from Tay Sachs, a Jewish genetic disease which cannot be detected until the second trimester. There is no known cure. Such children die an agonizing death by the time they are five years of age. Rabbis would be prevented from counseling such women in their anguish, for to counsel abortion, which would be permissible under Jewish Law, would place the rabbi in jeopardy of being considered an accessory to murder. The woman would be prevented from exercising her religious convictions for she would be open to the charge of murder. It would be illegal for both to follow their religious consciences under the proposed legislation. Or, a woman suffering from a neurological disease, like muscular dystrophy, on becoming pregnant, is told by her doctor that she could become paralyzed if she carries the fetus to term, causing her irreparable physical and mental harm. If, in her pain, she turns to a rabbi for advice, both would be prevented from acting according to the principles of Jewish Law which consider that the health and welfare of the woman take precedence over the potential life of the fetus.

We also oppose all attempts to remove legislation regarding abortion from the jurisdiction of either the lower Federal Courts or the United States Supreme Court. Historically, the Federal Courts have been the greatest protectors of religious freedom, ensuring the preservation of our liberty in every State in the land.

Legislators should be aware that passage of these amendments and statutes that make abortion illegal will not end abortion any more than the passage of the Prohibition Amendment ended the consumption of alcohol or the problem of alcoholism. Passage of the Prohibition Amendment drove the problem underground, creating greater problems for society. Passage of the proposed legislation simply means that more women will die of illegal abortions.

The Union of American Hebrew Congregations has consistently opposed restrictive abortion laws which result in "illegal abortions that take a tragic and needless toll." A resolution was passed at the Biennial Convention in 1967 urging "states to permit abortions under such circumstances as...threats to the physical and mental health of the mother, rape, incest and the social, economic and psychological factors that might warrant therapeutic termination of pregnancy."

The vocal minority that would impose its religious views on all Americans claims that they are pro-life and that we are not. This is manifestly a malignity. We too affirm life. Judaism makes it a summum bonum, a bright and shining star in the firmament of its commandments. We are commanded to choose life and live it fully. It is because we affirm life and value family stability that we insist that parents be free to determine precisely how many children they can properly feed and educate and love. It is because we affirm life that we insist that all women be free to choose just when and under what conditions they bring life into this world.

It is precisely because we value life that we are opposed to accidental and indiscriminate reproduction in a world which is already overpopulated and underfed. The cries of emerging life are a delight. But we must also hear the silent crying of parents who see the bloated bellies of their starving infants and are helpless

to give them surcease.

The vocal minority grows more shrill, more intense and more intolerant of those who differ with their theology. Members of twenty-seven faith groups, representing the majority of the American people, were accused of sacrilege when they gathered to worship in peace in our nation's capital to celebrate the eighth anniversary of the Supreme Court decision allowing freedom of choice. Such bigotry is discordantly alien to the principle of diversity which has guided our nation since its founding.

It is precisely this difference in theological belief that forms the basis of the controversy regarding abortion.

It is precisely this type of religious controversy our founders sought to prevent by adopting the First Amendment. The maintenance of our democratic ideals of liberty and justice requires that legislators avoid pressure to adopt the theology of any one religious group as the law of the land. Proposed legislation would undermine this basic principle that has enabled all religions to flourish in the United States.

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*Chaim L. ...*

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## ABORTION - JEWISH LAW

### Basic Principles:

1. Abortion is not murder.
2. Abortion is morally permissible, although there are varying opinions concerning the circumstances which justify such an act.
3. Abortion may even be morally necessary, although there are varying opinions concerning the circumstances which justify such an act.
4. The life of the mother takes precedence over the potential life of the fetus.
5. Summary.

### Exodus 21:22

"If men strive and wound a pregnant woman so that her fruit be expelled, but no harm befall her, then shall he be fined as her husband shall assess, and the matter placed before the judges. But if harm befall her, then thou shalt give life for life."

### Mishna Ohalot 7:6

"A woman who is having difficulty in giving birth, it is permitted to cut up the child inside her womb and take it out limb by limb because her life takes precedence. However, if the greater part of the child has come out, it must not be touched, because one life must not be taken to save another."

### Rashi (11th cent. C.E.)

"As long as the child did not come out into the world, it is not called a living being and it is therefore permissible to take its life in order to save the life of its mother. Once the head of the child has come out, the child may not be harmed because it is considered as fully born, and one life may not be taken to save another."

### Maimonides (12th cent. C.E.)

"...when a woman has difficulty in giving birth, one may dismember the child in her womb - either with drugs or by surgery - because he is like a pursuer trying to kill her..."

### Rabbi Jacob Emden (18th cent. C.E.) (She'elat Yavez 1:43)

Abortion is permissible even if only to save her from "great pain".

### Rabbi Solomon Freehof (Responsa Literature)

A fetus has no independent life and, just as a person may sacrifice a part of herself, such as an arm or a leg, to be cured of a worse sickness so she may sacrifice ~~herself~~. *this part of herself.*

### Summary

While there is a wide range of opinions on the matter, in general, most Rabbis are in agreement that in Jewish Law, concern for the health, both physical and mental, of the woman takes precedence.

The Union of Orthodox Jewish Congregations of America is opposed to public policy permitting abortion claiming that "from conception the fetus is considered a live person with the right of any other individual..." (NCJRAC, '79-'80). This is based on a reading of Gen. 9:6 - "He who sheds the blood of man in man, shall his blood be shed". They therefore insist that the Noachide Laws prohibit abortion. Rabbi David Feldman, who has written the definitive work BIRTH CONTROL AND ABORTION IN JEWISH LAW - disagrees with this translation. He suggests the following as more accurate: "He who sheds the blood of man, through man (i.e. a human court of law) shall his blood be shed.

The Plaut commentary on Genesis indicates a similar translation - "Whoever sheds the blood of man, By man shall his blood be shed.

If we were to take the UOJCA statement@face value, abortion would never have been permissible under Jewish Law. This is patently not true. The statement misleads Christians, particularly Catholics, as well as Jews. I included this information because some reporters and legislators believe this to be the "Jewish" position and may ask questions about it. In my opinion, the Orthodox statement was deliberately phrased in terminology similar to that of the Catholic hierarchy.

## PARTICULAR JEWISH CONCERNS

### HOLOCAUST

There is a growing tendency on the part of those opposed to freedom of choice to depict abortion as analogous to the Holocaust. This denigrates the full personhood of the millions who died in the most shattering and dehumanizing experience in modern history. The very people who make this charge are themselves guilty of fostering legislation similar to THE REPRESSIVE POLICY of the Nazis. Under their totalitarian rule, abortion was forbidden for Germans, but made mandatory for Jews. Jews join the majority of American in support of the 1973 Supreme Court decision which is permissive, rather than coercive. NO ONE IS FORCED TO PERFORM AN ABORTION. NO ONE IS FORCED TO HAVE AN ABORTION.

### TAY-SACHS

Tay-Sachs is a Jewish genetic disease which cannot be detected until the second trimester. Babies born with this disease suffer from a neurological disorder which is incurable and results in a slow, agonizing death, usually before the age of 5. A woman who could not face the expected birth of such a child might very well be counseled by her rabbi that abortion is permissible in such a case, might even be advised to arrange one. Proposed legislation, particularly a Constitutional Amendment declaring a fetus to be a person from the moment of conception, would interfere with both the rabbi's and the woman's ability to practice their religion freely.

This is but one example. There are many other cases where the woman would suffer irreparable physical and mental harm if she were to carry the fetus to term which would present the same problem.

Passage of the proposed Constitutional AMendment would grant a fetus constitutional rights not yet guaranteed to woman.

## ABORTION - RELIGIOUS PLURALISM

"The Jewish community overwhelmingly supports the 1973 Supreme Court decision regarding abortion, which is permissive, granting all women freedom of choice based on their own moral and religious consciences. Having suffered as a people the consequences of living in repressive societies, having been denied for centuries the right to live in religious freedom, we treasure our American heritage of religious pluralism. We have a particular interest in preserving the rights of all individuals to the free exercise of their religious beliefs."

--Statement - Annette Daum  
RCAR Press Conference - 8/20-80

"When ministers assert before thirty million parishioners that only one brand of politics has God's approval, why, then, intolerance takes rootage. When the Moral Majority demands a Christian Bill of Rights and a prominent churchman adds that "God almighty does not hear the prayer of Jews, there should be no surprise when synagogues are destroyed by arson and Jewish families are terrorized in their homes.."

--Report of the President of the  
Union of American Hebrew Congregations  
to the Board of Trustees - 11/21/80

## CHRISTIAN BILL OF RIGHTS

Amendment I - "We believe that, from the time of conception within the womb, every human being has a scriptural right to life upon this earth (EX 20:13; Psa. 139-13-16)"

Comment: Asking the President of the United States to endorse this directly contradicts the First Amendment of the Constitution, which guarantees religious freedom. Falwell's basis for his Amendment #1 is the Sixth Commandment - "Thou Shalt Not Murder." Theologically, most Protestant denominations do not regard abortion as murder, nor does Jewish Law. Moral Majority mentality is apparently anxious to get the government off our backs and into our beds. Religious groups vary in their interpretation of when human life begins. This is a matter of belief - of opinion - not fact. In a religiously pluralistic nation, the religious views of a vocal minority should not be written into the law of the land which governs us all. People should be free to make this choice free of government coercion.

As the United States Catholic Conference recently stated, "Americanization does not call for the abandonment of cultural differences but for their wider appreciation." No one culture, no one heritage, no one religion should prevail in the U.S.

## ABORTION - TACTICS

Tactics of fanatic opponents include invasion and firebombing of clinics, roughing up and harrassment of patients, death threats directed against the children of advocates of Planned Parenthood, disruption of discussions and denial of freedom of speech to pro-choice proponents - all familiar totalitarian tactics which undermine the democratic process.

Moral Majority mentality, in its fanatic, absolutist and authoritarian determination to impose its version of Christianity on all Americans cannot be allowed to succeed for the price is denial of the free exercise of religion for all other people.

"Their means are manifestly a threat to the democratic process. And their goal for a Christian America is discordantly alien to the principle of diversity which has guided our nation since its founding...The issue is political safety in a pluralistic society."  
(from report of the President of the  
Union of American Hebrew Congregations)

"What has begun, in effect, is a struggle for the character and the soul of America. It will endure for many years, transcending the immediacies of politics and elections. It is a struggle, therefore, we ought need not fight alone. It must be waged by the entire American community, by interfaith and intergroup coalitions of decency speaking out together (against bigotry and hate of every kind)....."



## ABORTION - LEGISLATIVE HISTORY

The first anti-abortion law was not passed until 1821 when the State of Connecticut passed restrictive legislation at the behest of the medical profession to protect women from what was then regarded as a dangerous procedure. Such legislation was also subsequently passed by other states out of concern for the life and health of the woman. Current proposed legislation places precedence on concern for the fetus over that of the life and health of the woman. Abortion was not condemned by religious groups until after the Civil War. The first Federal law was not passed until 1873 and then, also, out of concern for the woman.

### U.S. Supreme Court

- 1973 - Roe vs. Wade legalized abortion based on a woman's right to privacy. This right was unconditional in the first trimester. During the second trimester the state may intervene only to protect the health of the woman. Steps may be taken to protect fetal life only as the fetus becomes viable in the third trimester.
- 1977 - The Supreme Court ruled that the states have no legal obligation to pay for elective abortions.
- 1980 - By a very slim majority (5-4) the Supreme Court ruled that the States are not obliged to provide Medicaid funding even in cases where abortion is declared "medically necessary". This is now the only medically necessary procedure that is exempt from Medicaid. The Supreme Court did not consider the entire question of free exercise of religion.

### Other legislation

Amendments to appropriations bills also seek to limit funding for abortion, some even attempting to interfere with the judicial process.

An amendment to one bill was passed which permits states to be even more restrictive than the federal government in their coverage of abortions for the poor. States do not have to meet minimum Federal standards and may refuse to pay for any abortion - even to save the life of the woman.

### Future legislation

See pg. 3 for discussion of Constitutional Amendment. Another new tactic is for the call for States urging Congress to call a Constitutional Convention on the subject. (see page II - my address to the RCAR, 1977 for an analysis of the danger)

Fifteen states out of the necessary 34 have already passed such legislation - five in the last year alone. The pace is accelerating and we must mobilize to make this a priority issue or the entire U.S. Constitution will be up for grabs.



End of legislation history

Ironically, more restrictive legislation is being passed at the same time that polls indicate majority support for freedom of choice among most religious groups, including Catholics and evangelical Protestants.

מדינת ישראל  
STATE OF ISRAEL

משרד הבריאות  
Ministry of Health  
Jerusalem ירושלים

לשכת השר  
Office of the Minister of Health

26 December 1990

Rabbi Alexander M. Schindler  
President  
Union of American Hebrew Congregations  
838 Fifth Ave.  
New York, NY 10021-7046  
USA

Dear Rabbi Schindler:

Re: Amendment to the Abortion Law

Thank you for your letter of December 14th concerning the Abortion Law Amendment.

The amendment was based on a Professional Committee, headed by Prof. Yosef Shenkar, M.D., Director of the Gynecology Department at Hadassah Ein Karem Medical Center in Jerusalem, whose recommendations were unanimously accepted by the Knesset Committee on Labor and Welfare.

Disallowing a doctor who has participated in a specific approval from performing that specific abortion is intended to prevent a conflict of interests. Similarly, the amendment cancels the abortion approval committees functioning in private hospitals. Otherwise the amendment does not affect a doctor's right to perform an abortion or change the conditions for approval of abortion.

Additional abortion approval committees will be instituted in public hospitals - according to the number of private hospital abortion approval committees which have been canceled. Abortion approval committees will be instructed to meet daily or as frequently as necessary in order to ensure the access and right of any woman to present her abortion request and to prevent any unnecessary delay in rendering essential abortions.

Sincerely yours,

Ehud Olmert, M.K.  
Minister of Health

3221a/DH/yw

National Council of Jewish Women 53 West 23rd Street ■ New York, NY 10010

Joan Bronk  
National President



Iris Gross, CAE  
Executive Director

FAX

*Joan Bronk*  
DATE: 1/3/91

TO: Rabbi Alexander Schindler, President  
Al Vorspan, Senior Vice President  
Union of American Hebrew Congregations

FAX NUMBER: 570-0895

Dear Colleague:

Happy New Year!

I am pleased to inform you that additional organizations have signed on to the statement on the American Jewish Response to Proposed Israeli Abortion Restriction. The statement with the most current list of signators was faxed to Israel on December 27th.

President Shamir has agreed to meet with the NCJW delegation visiting Israel this month.

I have written to Ambassador Shoval, on behalf of the statement signers, requesting a meeting. As soon as I hear from him, I will let you know.

Sincerely,

*Joan Bronk*

Joan Bronk  
National President

**National Council of Jewish Women** 53 West 23rd Street ■ New York, NY 10010

**Joan Bronk**  
National President



**Iris Gross, CAE**  
Executive Director

The undersigned American Jewish organizations have long been committed to Jewish values and to safeguarding a woman's right to safe, legal abortion. We are deeply distressed at the proposed legislation pending before the Knesset which would further curtail access to abortion in Israel.

In response to a call from the Coalition to Prevent Passage of the Abortion Amendment in Israel, we join in opposing any legislation that would limit a woman's fundamental right to privacy and confidentiality in making this most personal decision. Any proposal, such as that negotiated by Ettia Simcha, the Prime Minister's Advisor on Women's Affairs and Knesset Member Menachem Porush of Agudat Yisrael, that curtails a woman's access to abortion committees, is not acceptable. We are opposed to any compromise that has the potential to reduce the number of cases considered by these committees.

In any country, whenever abortion has been restricted, the result has been a dramatic increase in the death rate for women. Women's lives and health depend on the continuing availability of a full range of reproductive health services. Working to ensure this is a priority for the American Jewish community, both men and women. We urge Israeli leaders not to risk women's lives in the interest of political expediency.

National Council of Jewish Women  
American Jewish Committee  
American Jewish Congress  
Americans for Progressive Israel  
ARZA - Association of Reform Zionists of America  
B'nai B'rith Women  
Federation of Reconstructionist Congregations and Havurot  
Jewish Labor Committee  
NA'AMAT USA  
National Federation of Temple Sisterhoods  
New Israel Fund  
Rabbinical Assembly  
The United Synagogue of America  
Union of American Hebrew Congregations  
Women's League for Conservative Judaism

December 27, 1990

**NOTE: THIS UPDATED LIST INCLUDES NEW SIGNATORS**

RELIGIOUS ACTION CENTER  
OF REFORM JUDAISM

*Robert R. Light*

DATE: Sept 20, 1989  
TO: Eddie Miller  
FROM: Lynne Landsberg  
NUMBER OF PAGES INCLUDING COVER SHEET: 3  
ANY QUESTIONS? CALL (202) 387-2800.

The Religious Action Center  
pursues social justice and  
religious liberty by  
mobilizing the American  
Jewish Community and  
serving as its advocate  
in the nation's capital

2027 Massachusetts Ave NW  
Washington, DC 20036  
(202) 337-2800

Harve Gilbert, Chairman  
Commission on Social Action  
of Reform Judaism

Albert Vortman  
Co-Director

Rabbi David Saperstein  
Co-Director and Counsel

*OK.*

The Religious Action Center  
is under the auspices of  
the Commission on Social  
Action of Reform Judaism,  
a joint instrumentality of  
the Central Conference of  
American Rabbis and  
the Union of American  
Hebrew Congregations  
with its affiliates:  
American Conference  
of Cantors,  
Association of Reform  
Zionists of America,  
National Federation of  
Temple Sisterhoods,  
National Federation of  
Temple Sisterhoods,  
North American Federation  
of Temple Youth.

We just got a call from RAC -

Senator Harkin has requested  
that RAC submit a letter  
from the religious community  
in support of the FY '90

L, H + HS and Ed Appropriations Bill  
section 204 which permits  
women who are victims of  
rape & incest to obtain abortion  
if they so choose.

Alex signed a similar letter  
the last go round. Would you  
be so kind as to ask him to  
sign the FY '90 version. We need an answer  
as soon as possible. THANKS!

*Don  
Lynne*



# RCAR



RELIGIOUS COALITION FOR ABORTION RIGHTS

100 Maryland Avenue, N.E. • Suite 307 • Washington, DC. 20002 • (202) 543-7032

September 20, 1989

Senator Thomas Harkin  
United States Senate  
Washington, D.C. 20510

MEMBERS:

American Ethical Union  
National Service Conference  
American Ethical Union  
American Humanist Association  
American Jewish Committee  
American Jewish Congress  
B'nai B'rith Women  
Division of Homeland Ministries  
Christian Church (Disciples of Christ)  
Women's Caucus  
Church of the Brethren  
Women in Mission and Ministry  
The Episcopal Church  
Episcopal Urban Caucus  
Episcopal Women's Caucus  
Federation of Reconstructionist  
Congregations and Haverah  
Northern Province  
The Moravian Church in America  
NAHAT USA  
National Council of Jewish Women  
National Federation  
of Temple Sisterhoods  
North American Federation  
of Temple Youth  
Social Justice and  
Peace-making Ministry Unit  
Presbyterian Church (U.S.A.)  
Woman's Ministry Unit  
Presbyterian Church (U.S.A.)  
Union of American  
Hebrew Congregations  
Unitarian Universalist Association  
Unitarian Universalist  
Women's Federation  
Board for Homeland Ministries  
United Church of Christ  
Coordinating Center for Women  
United Church of Christ  
Office for Church in Society  
United Church of Christ  
Board of Church and Society  
United Methodist Church  
Women's Division  
Board of Global Ministries  
United Methodist Church  
United Synagogue of America  
Women's League for  
Conservative Judaism  
YWCA National Board

Dear Senator Harkin:

We are writing in support of Sec. 204 of the FY 1990 Labor, Health and Human Services and Education Appropriations bill, H.R. 2990, permitting women who are victims of rape and incest to obtain Medicaid coverage if they choose abortion.

The faith groups we represent hold differing views about when abortion may be a moral option, but they are united in the belief that all women confronted by a crisis pregnancy should be free to make their own moral decision, regardless of their economic circumstances.

As persons of faith, we believe that the restoration of Medicaid funding of abortion services for indigent women is a matter of simple justice and equity. When Medicaid funds are restricted, low income women and girls are effectively denied access to necessary and legal health care services which are available to women not dependent on the Federal government for their health care. Such discrimination against those who happen to be economically disadvantaged is morally unjustifiable.

Section 204 does not meet all of our concerns. However, it begins to correct an injustice and responds compassionately to the needs of some women who have suffered greatly. The number of cases of rape and incest being reported to authorities is increasing. Despite the claims of opponents of reproductive choice, women do become pregnant as a result of a violent sexual assault. Regardless of the numbers, however, it would be wrong to limit the choice of even one woman or girl who has been the victim of a violent sexual assault because she is poor.

DRAFT  
(close to final)





For more than a decade, the overwhelming majority of the American people have supported the right of women to choose to terminate a pregnancy that results from rape or incest. Congress permitted such funding under earlier versions of the Hyde amendment, and we believe that it is time for Congress to do what is right by reversing this cruel provision of the Hyde amendment.

Sincerely yours,



*NARAL  
Abortion 12th*

*I definitely  
congratulate  
them!*

April 7, 1989

*100%  
RV  
4/12*

Dear Rabbi Schindler,

When the question of religious leaders was raised at the National Abortion Rights Action League, your name was one of the first to come to mind. I am writing now to ask you to lend your name to our national advisory committee.

I enclose the general letter we are sending to people we ask to join us, and the form we ask them to sign. I also enclose a copy of the most current version of our list, of which I am inordinately proud. In its final form I expect it to be like the Nixon Enemies' list--a place where it would be embarrassing not to be cited. It already includes people who have won the Nobel Prize, as well as the Pulitzer. It includes writers, actors, congressmen and congresswomen, doctors, philanthropists, artists, and many active citizens. I am keen to have the religious community well-represented, and I should very much appreciate any suggestions you may have of others who might be interested in being included on our list.

I look forward to hearing from you.

*Done  
See next  
Page*

Many thanks,

*Celia Morris*  
Celia Morris



YES, I WANT TO BE A MEMBER OF "The National Committee to Preserve Choice," the advisory committee for NARAL's MILLIONS OF VOICES, SILENT NO MORE! campaign.

NAME Alexander M. Schindler, Rabbi

ADDRESS 838 Fifth Avenue  
New York, NY 10021

PHONE 212-249-0100

SIGNATURE \_\_\_\_\_

\_\_\_\_ Check here if you are willing to speak publicly for NARAL when your schedule permits.

I regret my own travel for the UAHC is exceedingly heavy and thus I cannot offer to speak for NARAL...should an occasion arise when it is possible I will be happy to be in touch with you.

WE ARE WORKING ON A TIGHT DEADLINE. WE ENCLOSE A STAMPED, ADDRESSED ENVELOPE FOR YOUR CONVENIENCE. PLEASE FILL OUT THIS FORM AND RETURN IT TO US AS SOON AS POSSIBLE.

MANY, MANY THANKS!

Congratulations on a great day in Washington on April 9, 1989!!



April 6, 1989

**NARAL** Dear Pro-Choice Friend:

We write to ask your help at a crucial moment for the freedom of reproductive choice in the United States. We want to include your name with those of several hundred other distinguished Americans who will constitute "The National Committee to Preserve Choice," the advisory committee to the National Abortion Rights Action League (NARAL).

We are now beginning the largest grassroots and media effort in the history of our pro-choice movement: we call it Millions of Voices, Silent No More! Our purpose is to demonstrate to the Supreme Court, the United States Congress, and the legislatures in each of the 50 states that Americans overwhelmingly support a woman's right to choose a safe and legal abortion.

Over the next few months, and in every corner of our country, we shall ask people to sign the following pledge:

I BELIEVE our Constitution protects every woman's right to make her own decision about abortion, free from the intrusions of government.

Some people want to destroy this right by making abortion illegal once more.

Americans must never be forced back to the time when millions of women risked their lives by resorting to illegal abortions--a time when thousands died.

I THEREFORE PLEDGE to oppose any attempt to interfere with a woman's fundamental right to freedom of reproductive choice.

By inviting you to join our advisory committee, we are asking you to be among our nation's leaders on an issue of fundamental importance. When you fill out the enclosed form and return it to us, you are agreeing that we can use your name on our campaign stationery and endorsing NARAL's efforts to galvanize the substantial majority supporting freedom of choice.

We count on your leadership and look forward to hearing from you!

*Kate Michelman*

Kate Michelman  
Executive Director  
NARAL

*Joanne Woodward*

Joanne Woodward  
Chair, Millions of  
Voices, Silent No More

April 7 at 4 P.M.

National Advisory Committee

Bella Abzug  
Arlene Alda  
Jane Alexander  
Beth Armstrong  
Mrs. Max Ascoli  
Dore Ashton  
Isaac Asimov  
Ed Asner  
Congressman Les AuCoin  
Nina Auerbach  
Lauren Bacall  
Mark Lynn Baker  
Alec Baldwin  
Lois W. Banner  
Barbara Barrie  
Elizabeth Bartholet  
Justine Bateman  
Ed Begley, Jr.  
Congressman Anthony C. Beilenson  
Polly Bergen  
Marilyn Bergman  
Congressman Howard L. Berman  
Jessie Bernard  
Robert L. Bernstein  
Gwenda Blair  
Peter Blake  
Judy Blume  
Elayne Boosler  
Sarah Brady  
Catherine Breslin  
Beau and Wendy Bridges  
Jeff and Susan Bridges  
Lloyd and Dorothy Bridges  
Helen Gurley Brown  
Robert McAfee Brown  
Rosellen Brown  
Carole Burnett  
Mrs. Alexander Calder  
Liz Carpenter  
William H. Chafe  
Cher  
Phyllis Chesler  
Rev. F. Forrester Church  
Eleanor Clark  
Susan Clark and Alex Karras  
Ceil Cleveland  
Rev. William Sloane Coffin  
Johnnetta B. Cole



Judy Collins  
Blanche Wiesen Cook  
Barbara Corday  
Midge Costanza  
Nancy F. Cott  
Senator Alan Cranston  
Mary Dent Crisp  
Cathy Lee Crosby  
Irene Crowe  
Jane Curtin  
Lynn Cutler  
Congressman Peter A. DeFazio  
Congressman Ronald V. Dellums  
Congressman Julian C. Dixon  
Claudia Dreifus  
Ellen C. DuBois  
Patricia and Mike Duff-Medavoy  
Robin Chandler Duke  
Congressman Don Edwards  
Barbara Ehrenreich  
Jill Eikenberry  
Zillah Eisenstein  
Thomas I. Emerson  
Susan Estrich  
Congressman Lane Evans  
Sara M. Evans  
Morgan Fairchild  
Frances (Sissy) Farenthold  
Congressman Vic Fazio  
Diana K. Feldman  
Thomas Ferguson  
Geraldine A. Ferraro  
Naomi Fertitta  
Naomi Foner  
Betty Ford  
Arvonne Fraser  
Mayor Don Fraser  
Betty Freidan  
Teri Garr  
Barbara Gelb  
Ann Getty  
Sandra M. Gilbert  
Vivian Gornick  
Phyllis Grann  
Congressman Bill Green  
Randa Haines  
Jacquelyn Dowd Hall  
Elizabeth Hardwick  
Valerie Harper  
LaDonna Harris  
Betty Lehan Harragan  
Heidi Hartmann  
Christie Hefner  
Carolyn Heilbrun

Buck Henry  
Joan Hoff-Wilson  
Ann Hood  
Anne Jackson  
Eliot and Elizabeth Janeway  
Mildred M. Jeffrey  
Noreen S. Jenney  
Congressman Ben Jones  
Vivian Jones  
Barbara Jordan  
Kitty Kelley  
Joanna Kerns  
Alice Kessler-Harris  
Larry L. King  
Norma Klein  
Judith Krantz  
Jill Krementz  
Governor Madeleine M. Kunin  
Cindra and Alan Ladd, Jr.  
Governor Richard Lamm  
Louise Lamphere  
Ann Landers  
Hope Lange  
Jessica Lange  
Sherry Lansing  
Mrs. Albert D. Lasker  
Sylvia A. Law  
Norman and Lyn Lear  
Kate Lehrer  
Gerda Lerner  
Isabel Morel Letelier  
Congressman Mel Levine  
Ann Lewis  
Grace Lichtenstein  
Mr. and Mrs. John L. Loeb  
Congresswoman Nita M. Lowey  
Ellen R. Malcolm  
Jane Marcus  
Paule Marshall  
Penny Marshall  
Elaine Tyler May  
Joyce Maynard  
Jewell Jackson McCabe  
Marilyn McCoo  
Roddy McDowell  
Kelly McGillis  
Ali McGraw  
Victoria McMahan  
Dina Merrill  
Senator Howard Metzenbaum  
Dr. C. Arden Miller  
Kate Millett  
Donna Mills  
N. Scott Momaday

Esai Morales  
Rita Moreno  
Congressman Bruce A. Morrison  
Burke Marshall  
Judith Davidson Moyers  
Lieutenant-Governor Evelyn F. Murphy  
Hans Namuth  
Jean O'Barr  
Catherine Oxenberg  
Senator Bob Packwood  
Gregory and Veronique Peck  
Congresswoman Nancy Pelosi  
Mayor Frederico Pena  
Esther Peterson  
Marge Piercy  
Sarah B. Pomeroy  
Victoria Principal  
Rayna Rapp  
Barbara Raskin  
Marcus Raskin  
Lola Van Wagenen Redford  
Christopher Reeve  
Carl and Estelle Reiner  
Susan Reverby  
Adrienne Rich  
Caryn Richman  
Jimmie and Michael Ritchie  
Ann Rockefeller Roberts  
Holly Robinson  
Laurance S. Rockefeller  
Phyllis Rose  
Virginia Rosenblatt  
Cyma Rubin  
Lillian B. Rubin  
Mayor Anne Rudin  
Dr. Jonas Salk  
Harrison and Charlotte Salisbury  
Congressman James Scheuer  
Congresswoman Patricia Schroeder  
Ally Sheedy  
Cybill Shepherd  
Elaine Showalter  
Dr. Victor W. Sidel  
Hildy Simmons  
Congressman David E. Skaggs  
Congresswoman Louise M. Slaughter  
Lee Smith  
Barbara Probst Solomon  
Dawn Steel  
Catharine R. Stimpson  
Congressman Louis Stokes  
Barbra Streisand  
William and Rose Styron  
John P. Sullivan

Anne Summers  
Anthea Sylbert  
Mr. and Mrs. A. Alfred Taubman  
Studs Terkel  
Mrs. Preston R. Tisch  
Lily Tomlin  
Michael Tucker  
Mary Travers  
Anne Tyler  
Congresswoman Jolene Unsoeld  
Phoebe V. Valentine  
Joan Wachtler  
Katie Wagner  
Robert Walden  
Alice Walker  
Gordon G. Wallace  
Robert B. Wallace  
Robert Penn Warren  
Dionne Warwick  
Wendy Wasserstein  
Sigourney Weaver  
Sarah Weddington  
Claudia Weill  
Cora Weiss  
Congressman Ted Weiss  
Congressman Alan Wheat  
Mayor Kathy Whitmire  
Leslie H. Whitten  
Tom Wicker  
Roger Wilkins  
Congressman Charles Wilson  
Senator Tim Wirth  
Cynthia Griffin Wolff  
Meg Wolitzer  
Lieutenant-Governor Harriett Woods  
C. Vann Woodward  
Lieutenant-Governor Jo Ann Zimmerman  
David Zucker  
Jerry Zucker  
Daphne Zuniga



*Abortion file*

RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS  
PRESIDENT 838 FIFTH AVENUE NEW YORK, N.Y. 10021 (212) 249-0100

February 14, 1989  
9 Adar 1 5749

Molly Yard, President  
National Organization for Women  
1000 16th Street, NW - Suite 700  
Washington, D.C. 20036-5705

Dear Ms. Yard:

Your letter of February 6 and the materials enclosed were received during Rabbi Schindler's absence. He is attending meetings in Israel and will not return to his desk until the end of this month. Be assured your letter will be brought to his attention.

At this time, however, I can tell you that Rabbi Schindler will be in Massachusetts on April 9 for a long-standing speaking engagement. Thus he cannot participate in the March. He will undoubtedly be coming to Washington on Monday but at the moment I do not have definite travel plans.

An arm of our movement, the Religious Action Center of Reform Judaism, will be convening a Consultation on Conscience in Washington, April 9-11, 1989. Leaders of Reform Judaism and social activists will gather for this critical meeting. It is my understanding that delegates will take time from the Consultation to participate in the March and in Lobby Day activities. After all, the Union of American Hebrew Congregations is on record in support of ERA and Abortion Rights. To be certain our Washington staff has all of the required information on hand, I am sharing with them some of your materials.

With best wishes for a superb March and Lobby Day, I am

Sincerely,

Edith J. Miller  
Assistant to the President

cc: Albert Vorspan  
Glenn Stein





# National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20036-5705 (202) 331-0066 FAX (202) 785-8576

February 6, 1989

Rabbi Alexander Schindler, President  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, NY 10021

Dear Rabbi Schindler:

Sometime ago, Faith Evans, President of the Religious Coalition for Abortion Rights, mailed or gave to you my letter of December 5 concerning the April 9 March for Women's Equality/Women's Lives here in Washington.

I am writing to say how much I hope you will join with us in this most crucial action. Many lawyers who have spoken to us believe the March may be our best hope to keep the Supreme Court from overturning Roe v. Wade. Their belief is that an enormous outpouring of citizens demonstrating in support of the right of women to control their reproductive lives through safe, legal abortion can have an enormous effect.

We are working hard to have a very broad-based March with groups of all races, religions, economic levels, interests, ages, all united on behalf of women's rights. Not only are we marching for reproductive freedom and to safeguard the constitutional right to abortion which was won in 1973, but we are also marching to complete the unfinished business of the U.S. Constitution by adding the Equal Rights Amendment to it.

Churches and their leaders are a most important part of the work to safeguard Roe v. Wade, and to help in winning equality for women through the ERA. Do let us know you will join us on April 9 for the March, and, if you can, April 10 for Lobby Day.

I am enclosing again the description of the March and the various participation and order forms.

Thank you for your interest, support, and dedication to women's rights.

Yours for Women's Rights

Molly Yard, President  
National Organization for Women

MY/MS

Encl.

# MARCH FOR WOMEN'S EQUALITY/WOMEN'S LIVES

---

April 9, 1989 / Washington, D.C.

Winter, 1989

Dear President,

The National Organization for Women is pleased to invite you to co-sponsor the most important mass demonstration for women's rights in this decade — perhaps in this century — a national march to keep abortion and birth control safe and legal and to raise anew the banner to complete the unfinished business of the U.S. Constitution by passage of the Equal Rights Amendment. We are calling this historic event, to be held in Washington, D.C. on April 9, 1989, **The March for Women's Equality / Women's Lives.**

As we march to safeguard our constitutional right to safe and legal birth control and abortion, we march also to extend equal rights under the law to all women and girls by adding ERA to the Constitution. Equal rights under the law and reproductive freedom are basic to the lives of women and girls if we are ever to be equal participants with men as citizens of this country.

We are determined to make this March massive and magnificent, to send a message to the White House, the Congress and, yes, the U.S. Supreme Court that we won't go back, that a reversal of the *Roe v. Wade* decision legalizing abortion will cost the lives of thousands of young women and girls. Our government — all three branches — has to understand that American women will not docilely return to an era of compulsory pregnancy or to "back alleys" to risk their lives in order to save their futures. Should abortion become illegal there will be wholesale disregard of the law and organized crime will move to take over the business of illegal abortions.

The right wing's attack on women—until now a nuisance by a fanatical minority seeking to impose its moral views on the majority — has now gained the full support of the Reagan/Bush Administration and of the U.S. Department of Justice. The latter, knowing for a month that the Missouri case challenging *Roe v. Wade* had been appealed to the Supreme Court, waited until just after the election to urge the Court, in an unusual move, to take on the appeal so that *Roe v. Wade* could be re-argued.

The handwriting is on the wall. Women's right to reproductive freedom will be before the present Supreme Court — the Court that Justice Blackmun warned us about in September when he said, "there's a very distinct possibility (that) *Roe v. Wade* (could) go down the drain — this term." The "court of public opinion" has never been more important than it is right now. That's why we made an immediate decision to enlarge the March beyond the ERA, our original focus.

We've talked to many lawyers in the past several weeks. To a person, these attorneys believe the cause of legalized abortion must now be taken to the people — that the people speaking with one, loud voice is our best hope to protect this essential constitutional right.

That's why I'm writing to you. For this March to be truly the voice of the people, we need your participation.

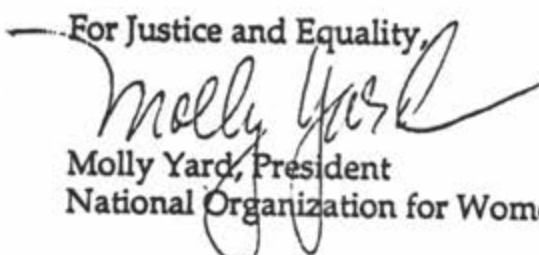
The March will be processional, composed of delegations from a myriad of groups. Each delegation will be composed of a minimum of 20 marchers and will carry a uniform tricolored banner of purple, white and gold panels like the suffragists carried. We want to tie our current challenge to the historic fight for women's rights waged by our great foremothers, such as Margaret Sanger and Susan B. Anthony. We invite you to come, bring as many friends, family members, as you can, forming a delegation if possible.

In addition to the March, we also will sponsor in Washington a Congressional Lobby Day for women's rights on Monday, April 10. We will highlight our support for ERA and for all legislation of importance to women. But we will especially expose those members of Congress who stand in the way of a woman's ability to exercise her constitutional right to control her reproductive life by denying medicaid funding for abortion and precluding federal employees' health insurance from covering abortion. We will further put the spotlight on those members who move to add anti-abortion amendments on legislation affecting women. We will insist the Equal Rights Amendment be moved without such an amendment.

We are determined to make this March the largest outpouring of support for women's rights in history. We will be inviting many dignitaries, elected officials and celebrities. We want Americans — women, men and children — from all walks of life and every part of the country to be there. It is absolutely essential that our numbers on April 9 tower over our opponents' January 22 annual march, and any other activities they may organize in response to the crisis that has been generated at the Supreme Court.

Please help us make this March the truly historic and politically significant event it must be. Let this March reshape the debate on why abortion cannot be outlawed, why such a prohibition could not be enforced, why women are determined to move forward in the struggle for our rights. Let us make certain that henceforth the press and media discuss the momentum of the actual majority that wants abortion kept legal and that supports full, legal equality for all women.

For Justice and Equality,



Molly Yard, President  
National Organization for Women

# MARCH FOR WOMEN'S EQUALITY/WOMEN'S LIVES

APRIL 9, 1989, WASHINGTON, D.C.

## MARCH PARTICIPATION FORM

### Delegation Information

*Please complete and return*

YES, COUNT US IN!

WE WILL ☐ JOIN THE MARCH

☐ LOBBY DAY

Name of Organization

Contact Person

Address

Address (if different from organization address)

City, State, Zip

City, State Zip

( ) - ( ) -

( ) - ( ) -

Phone: Days

Nights

Phone (if different from office number)

Alternate Contact

( ) - ( ) -

Phone: Days

Nights

☐ Our Delegation will be using our Tri-colored Banner from a pervious march.

☐ We wish to order a banner per the information on the attached form

☐ Delegates will participate in Lobby Day, April 10, 1989

Mail to: National Organization for Women • 1000 Sixteenth Street, N.W. Suite 700 • Washington, D.C. 20036-5705

Note: Please return the *Resolution of Support* with this participation form. However, if your resolution must be held for a board meeting of your organization, please do not hold the participation form but return it as soon as possible to indicate your interest in and intention to join the March.

# MARCH FOR WOMEN'S EQUALITY/WOMEN'S LIVES

**April 9, 1989 / Washington, D.C.**

## **MARCH FACT SHEET**

**PURPOSE:**

To show the country that we who support keeping abortion and birth control safe and legal are the overwhelming majority. Thousands will march to send an unmistakable message to the Nation that women will not go backwards. Also to show the country the overwhelming support for passage of the Equal Rights Amendment.

**WHEN:**

Sunday, April 9, 1989    **MARCH AND RALLY -  
WASHINGTON, D.C.**  
Monday, April 10, 1989   **LOBBY DAY -  
WASHINGTON, D.C.**

**TIME OF  
MARCH:**

Assemble at 10:00 a.m.  
March and Rally will be completed by 5:00 p.m.

**Assemble** - site to be confirmed, (either on the Mall between 7th and 14th Streets, N.W. or the Ellipse behind the White House)

**March** - Pennsylvania Avenue past the White House, up Pennsylvania Avenue to the Capitol

**Rally** - Capitol West Side

**DELEGATIONS:**

Any group having 20 or more participants may be classified as a delegation. Two members of this delegation should be designated as marshals. All delegations must register with the March Office no later than March 20, 1989. Individual participation is also welcome.

**SPECIAL  
FEATURES:**

Participants are urged to wear white clothing in the tradition of the Suffragists and to march in delegations.

Delegations are, upon registration, urged to purchase a banner bearing their name or initials. Banners will be the same style as the purple, white, and gold banners used by the Suffragists.

Special transportation will be available for those who are unable to walk or negotiate the March route.

**HOUSING:**

We will be negotiating room rates at several metropolitan area hotels. Because of the Cherry Blossom festival and the expected numbers of tourists in D.C., we are encouraging you to arrive and leave on Sunday, unless you plan to stay for Lobby Day. If you need information on hotel rooms, contact us at the NOW office.

**LOBBY DAY:**

Monday, April 10, 1989 will be a Lobby Day for the ERA and against anti-abortion legislation/amendments. We will push legislation on minimum wage, parental leave, pay equity, and child care.

### **FOR MORE INFORMATION CONTACT:**

March for Women's Equality/Women's Lives  
National NOW Action Center  
1000 Sixteenth Street, N.W.  
Suite 700  
Washington, D.C. 20036-5705  
(202) 331-0066



# March for Women's Equality Women's Lives

April 9, 1989  
Washington, DC

KEEP  
ABORTION  
SAFE  
AND  
LEGAL

PASS  
THE  
ERA

**Assemble:** 10 a.m. on the Mall

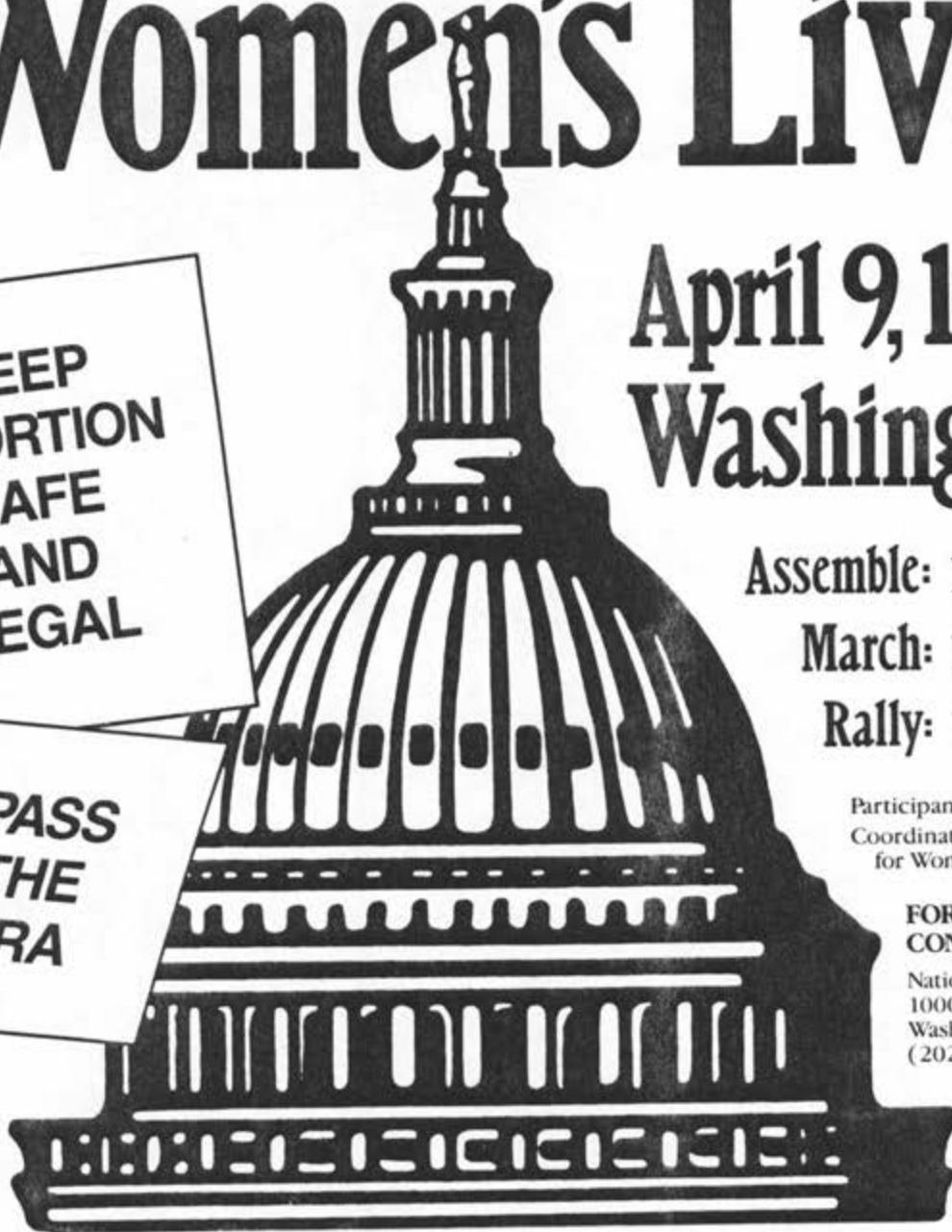
**March:** 12 noon Step Off

**Rally:** 1:30 Capitol West Side

Participants are urged to wear white.  
Coordinated by the National Organization  
for Women

**FOR FURTHER INFORMATION  
CONTACT:**

National Organization for Women  
1000 16th Street NW, Suite 700  
Washington, DC 20036-5705  
(202) 331-0066



01/19/89

15:50

202 667 9070

RAC

+++ AL &amp; ALEX

001

# RELIGIOUS ACTION CENTER OF REFORM JUDAISM

*Abortion*

*OK  
Dine ....*

DATE: ~~1/19~~ 1/19

TO: EDIE MILLER

FROM: ALICIA PARK

NUMBER OF PAGES INCLUDING COVER SHEET: 3

ANY QUESTIONS? CALL (202) 387-2300.

The Religious Action Center  
pursues social justice and  
religious liberty by  
mobilizing the American  
Jewish Community and  
serving as its advocate  
in the nation's capital

2027 Massachusetts Ave NW  
Washington, DC 20036  
(202) 387-2600

Harris Gilbert, Chairman  
Commission on Social Action  
of Reform Judaism

Albert Weissman  
Co-Director

Rabbi David Saperstein  
Co-Director and Counsel

The Religious Action Center  
is under the auspices of  
the Commission on Social  
Action of Reform Judaism,  
a joint instrumentality of  
the Central Conference of  
American Rabbis and  
the Union of American  
Hebrew Congregations  
with its affiliate:  
American Conference  
of Cantors,  
Association of Reform  
Zionists of America,  
National Federation of  
Temple Brotherhoods,  
National Federation of  
Temple Sisterhoods,  
North American Federation  
of Temple Youth.

This is a press statement for the  
Religious COALITION FOR ABORTION  
RIGHTS' press statement ON  
MONDAY 1/23/89.

Please have Rabbi Schindler MAKE  
ANY CORRECTIONS AND ~~THE~~ LET  
US KNOW ASAP. THE STATEMENT  
MUST BE PUT IN A PACKET  
THIS AFTERNOON.

Thanks,  
Alicia

p.s. IGNORE the "I AND R" around  
court cases.

RELIGIOUS ACTION CENTER FAX NUMBER: (202) 667-9070

01/19/89 15:52 202 667 9070

RAC

+++ AL &amp; ALEX

002

In 1973, the Supreme Court ruled that abortion is a constitutional right since a woman's right to privacy takes priority over consideration for the unborn. The Union of American Hebrew Congregations supported the Court's decision in 1973 and today reaffirms its strong support for the right of a woman to choose to obtain a legal abortion.

The Jewish people have always held high the sanctity of human life. We firmly believe that the question of when life begins is a matter of religious interpretation and not medical or legal fact. It is precisely because of this belief, that we express confidence in a woman's ability to exercise her ethical and religious judgement regarding the termination of a pregnancy.

Furthermore, as a religious organization which has traditionally been in the forefront of civil rights efforts, we are deeply disturbed that the Department of Justice has arisen as the new champion of efforts to restrict abortion rights. Make no mistake about it, when laws restricting abortion rights are enacted, civil rights are at stake.

It is the duty of the Administration to ensure the rights of all our citizens. President Bush, we urge you to see clearly that those who attempt to chip away at a woman's right to a safe and legal abortion jeopardize the high standard of living to which we, fortunate enough to benefit from medical technology, have become accustomed and to which we have a right.

President Bush, you have promised us "a kinder, gentler nation." Women dying from back alley abortions is neither kind nor gentle. This, however, will be the price we will pay if forced to turn back the judicial clock by virtue of a reinterpretation or rejection of *Roe v. Wade*.R

Therefore, we call upon the Supreme Court to uphold *Roe v. Wade* and to reaffirm the rights expounded therein as we cosign the Religious Coalition for Abortion Rights sponsored amicus brief in *Webster v. Reproductive Health Services*.R

In order to further demonstrate our support for the freedom of choice, the Union of American Hebrew Congregations is urging its members to participate in the National Organization for Women's historic march for women's rights on April 9, 1989.



# Religious Coalition for Abortion Rights, Inc.

100 Maryland Avenue, N.E. Washington, D.C. 20002 (202) 543-7032

Fredrica F. Hodges  
Executive Director

## MEMBERS:

National Ministries  
American Baptist Churches ✓  
American Ethical Union  
National Service Conference  
American Ethical Union  
American Humanist Association  
American Jewish Congress  
B'nai B'rith Women  
Catholics for a Free Choice  
Women's Caucus  
Church of the Brethren  
Division of Homeland Ministries  
Christian Church (Disciples of Christ)  
Episcopal Urban Caucus  
Episcopal Women's Caucus  
Federation of Reconstructionist  
Congregations and Havurot  
National Council of Jewish Women  
National Federation  
of Temple Sisterhoods ✓  
North American Federation  
of Temple Youth  
Pioneer Women/NA'AMAT  
Committee on Women's Concerns  
Presbyterian Church (U.S.A.)  
Council on Women and the Church  
Presbyterian Church (U.S.A.)  
General Assembly Mission Board  
Presbyterian Church (U.S.A.)  
The Program Agency  
Presbyterian Church (U.S.A.)  
Union of American  
Hebrew Congregations  
Unitarian Universalist Association ✓  
Unitarian Universalist  
Women's Federation  
Board for Homeland Ministries  
United Church of Christ  
Coordinating Center for Women  
United Church of Christ  
Office for Church in Society  
United Church of Christ  
Board of Church and Society  
United Methodist Church ✓  
Women's Division  
Board of Global Ministries  
United Methodist Church  
United Synagogue of America  
Women's League for  
Conservative Judaism  
YWCA National Board

## MEMORANDUM

To: RCAR Board Members  
From: Freddie Hodges  
Executive Director  
Re: Campaign '84

Many members of RCAR affiliates throughout the country are asking what national RCAR intends to do about the continuing exploitation of the abortion issue in Campaign '84.

Rabbi Mintz of the PA RCAR has taken the time to write and submit the enclosed text as an Open Letter to Archbishop John O'Connor to be published in the New York Times.

It has been suggested that it be signed by the heads of our member groups, RCAR as an organization or failing united thought, Rabbi Mintz himself.

In an effort to expedite communication and the decision-making process, I have also sent a copy of this memo and the text to heads of organizations or appropriate contacts.

Please call your respective Presidents, Chairs, etc. as soon as possible as time is of the essence. After a decision is reached, please call me at 543-7032.

Thanks in advance for your immediate attention to this memo.

*Edw*  
*2nd sign it (a yr) if they get the seeds & its other*  
October 24, 1984  
*Ask all's counsel group*  
*David*  
*to sign*

*Mark*  
*Harold*  
*Koban*  
*Boyle*  
*U. W.*  
*David*  
*Rava*  
*will pay me for*



AN OPEN LETTER TO ARCHBISHOP JOHN O'CONNOR

We write in response to your recent posture on the abortion issue as it relates to this election campaign. We, who oppose your views on abortion and oppose those views on the basis of our own religious convictions, cherish your right to voice your opinion no less than we cherish our own liberties. We uphold your right to act out of the tradition you represent and out of the convictions of your own conscience.

However, we resent and take sharp exception to the concept that Catholics who are elected to public office to represent a pluralistic constituency must support the church's views in the political arena.

Further, we respectfully suggest that you do grievous injury to the electoral process and to our civil and religious liberties when you suggest that those who support the 1973 Supreme Court decision have created "a Holocaust mentality in the U. S." or support an institution similar to slavery. To the best of our knowledge no woman in the U. S. has ever been forced by her government to submit to an abortion and no victim of the Nazi holocaust or of slavery in the U. S. ever chose to be so victimized. Your analogies are both fallacious and inflammatory.

Stated simply, we ask: Have American women the right to act on the basis of their own moral and spiritual values or will the state impose its values upon them?

You believe that the state is required to intervene when evil doers take innocent human life. Countless millions of your fellow citizens on the basis of their profound religious convictions do not equate abortion with either the holocaust, nor with homicide. We support women as moral decision-makers and believe that abortion may be included among the responsible options available to a woman faced with a problem pregnancy.

Respectfully,



EMILY R. AND KIVIE KAPLAN BUILDING  
2027 MASSACHUSETTS AVENUE, N.W.  
WASHINGTON, D.C. 20036  
(Code 202) 387-2800

Co-Director: ALBERT VORSPAN

Co-Director and Counsel: RABBI DAVID SAPERSTEIN

*Abortion*

## Religious Action Center

Commission on Social Action of Reform Judaism

צדק צדק תרדף

*Justice, Justice Shalt Thou Pursue*

January 22, 1982

Rabbi Alexander M. Schindler  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, New York 10021

Dear Rabbi Schindler;

As you probably are aware, the Senate Judiciary <sup>Committee</sup> will soon vote on S.J. Res. 110, Hatch's anti-abortion amendment. I have been working closely with Rabbi Saperstein and Annette Daum on S.J. Res. 110, and we all agree that the U.A.H.C. should write to every member of the Senate Judiciary Committee opposing S.J. Res. 110. We also feel that a letter signed by you would be most effective. Because we know how busy you are, we have taken the liberty of drafting a model letter for this purpose. Of course, please feel free to revise the letter in any and all ways you wish. Annette Daum would be happy to help you in any way she can.

As soon as you are done with your revision, please call Rabbi Saperstein at the R.A.C. to make arrangements for sending the letter to the appropriate senators. Since the Senate Judiciary Committee may vote on S.J. Res. 110 as early as the beginning of February, we would appreciate hearing from you very soon.

Thank you for your assistance and looking forward to hearing from you soon,

Sincerely,

*Ellen Kotler*

Ellen Kotler  
Intern, Religious Action Center

I am Rabbi Alexander Schindler, President of the Union of American Hebrew Congregations, an organization of over one million Jews in over seven hundred congregations throughout the United States. On behalf of the U.A.H.C., I strongly urge you to oppose S.J. Res. 110, and all other efforts to overturn the Supreme Court's decision in Roe v. Wade.

In its official resolutions, the membership of the U.A.H.C. has consistently endorsed the position of the Supreme Court that the question of when life begins is a matter of religious belief and not of medical or legal fact. We view S.J. Res. 110 as a serious threat to the religious liberties guaranteed us by the First Amendment. The separation of church and state guarantees that intensely personal, religious decisions are to be made not by the state, but rather by individuals following the dictates of their consciences and religious beliefs. To allow the federal government or the states to enact one religious perspective on abortion into law would compromise the religious liberties of those denominations which do not share that belief, and which believe that abortion may be a moral alternative to a problem pregnancy.

According to Jewish law, the fetus does not become a full person until after birth; abortion, therefore, is not equated with murder. Any anti-abortion legislation arising as a result of S.J. Res. 110 would thus prevent Jews from the free exercise of their religion. In recent testimony before the Senate Subcommittee on the Separation of Powers, I provided examples of just how such legislation would infringe on our religious liberty:

Rabbis are sometimes called upon for counseling in cases where it has been determined that the fetus will be born suffering from Tay-Sachs, a Jewish genetic disease which cannot be detected until the second trimester. There is no known cure. Such children die

(2)

an agonizing death by the time they are five years of age. Rabbis would be prevented from counseling such women in their anguish, for to counsel abortion, which would be permissible under Jewish Law, would place the Rabbi in jeopardy of being considered an accessory to murder. The woman would be prevented from exercising her religious convictions for she would be open to the charge of murder. It would be illegal for both to follow their religious consciences under the proposed legislation. Or a woman suffering from a neurological disease, like muscular dystrophy, on becoming pregnant is told by her doctor that she could become paralyzed if she carries the fetus to term, causing her irreparable physical and mental harm. If, in her pain, she turns to a rabbi for advice, both would be prevented from acting according to the principles of Jewish Law which consider that the health and welfare of the woman take precedence over the potential life of the fetus.

We cannot overlook what the consequences of S.J. Res.110 or other anti-abortion legislation might be. Without legal abortion, over one million women a year might be forced to carry an unwanted pregnancy to term or seek an illegal, unsafe abortion, risking their health and possible prosecution for manslaughter or even murder. Included would be the victims of rape and incest; the over 30,000 children per year under the age of 15 who face problem pregnancies; the women suffering from heart disease, diabetes, cancer, and other ailments who would face grave injury if forced to carry the pregnancy to term. It is also possible that two of the most effective contraceptives in use today, the birth control pill and the intra-uterine device, would be made illegal since they affect biological processes after conception.

S.J. Res.110 is not merely bad policy, it is dangerous policy. It is dangerous to the lives of millions of women, and dangerous to our precious tradition of religious liberty. We urge you to oppose this measure and all other legislation which would threaten a woman's right to choose a safe, legal abortion.

*Boiler*  
STEPHEN FUCHS, RABBI

TEMPLE ISAIAH

December 10, 1981

*Answered by Al*  
5885 ROBERT OLIVER PLACE  
COLUMBIA, MARYLAND 21045  
(301) 730-8277

Rabbi Alexander Schindler, President  
Union of American Hebrew Congregations  
838 5th Avenue  
New York City, New York 10021

Dear Alex:

You noted at the Boston Pops concert that I had lost my voice while "thundering into the microphone" during the debate over the abortion resolution. I may have lost my voice, Alex, but in passing the resolution we did, our union has lost its conscience.

Manny Rose proposed the mildest imaginable amendment suggesting only that abortion was a matter requiring deep and serious thought. Even that was too much for our body. Someone said the amendment might imply a "negative judgement" against abortion. Is it our wish to suggest that abortion is somehow a positive act for a healthy, married Jewish woman of child-bearing age? I am appalled!

Then, there were the two speakers who said that Rose's amendment might be seized by those who would make abortion illegal as ground on which to base their campaigns. Are we capable of no more than a knee-jerk reaction to the Moral Majority and other voices of the radical religious right? Can we do no more than reflex "yes" when they say "no"?

We had a marvelous opportunity to fashion a thoughtful statement which would have affirmed the right of women to abortions and decried attempts to diminish that right, but which, at the same time, showed the importance of allowing Jewish children to be born. Our movement could have broken new ground in the abortion debate, but instead we passed a resolution which in this post-Holocaust era barely pays lip service to the value of human life. I cannot help but believe that history will judge our action harshly.

On another subject - since I took the liberty of quoting you, I am sending you a copy of the December 3 Op. Ed. page from the Baltimore Sun. I welcome any response you may have.

Sincerely,

*Stephen*

Rabbi Stephen Fuchs

cc: Albert Vorspan



December 15, 1981

Rabbi Stephen Fuchs  
5885 Robert Oliver Place  
Columbia, Maryland 21045

Dear Steve:

Alex has asked me to reply to your letter of December 10.

There was a long and serious discussion within the Resolutions Committee on Manny Rose's proposal and the Resolutions Committee ended up making the same judgment that the General Assembly finally did.

That decision may have been good or bad, but you should forgive me if I think it is melodramatic for you to say the Union lost its conscience because it didn't agree with you on a particular amendment. There have been several issues on which you and I have disagreed, but I think it would be wrong for either one of us to attribute to the other a lack of conscience because of a difference of opinion on an issue in which reasonable people can differ.

Thanks for sending Alex the excellent essay on anti-Semitism.

Warmest regards.

Cordially,

Albert Vorspan

AV:rh

bcc: Rabbi Alex Schindler



November 24, 1981

Ms. Patricia A. Gavett  
Executive Director  
Religious Coalition for Abortion Rights  
100 Maryland Avenue, N.E.  
Washington, D.C. 20002

Dear Ms. Gavett:

It had been my hope to be able to participate in the special service on January 22, 1982 to commemorate the 9th anniversary of the Supreme Court decision legalizing abortion. Much to my regret, I now find that my travel schedule precludes my being in Washington for this important event. I am truly sorry that it is not possible for me to be with you and other leaders of the Religious Coalition for Abortion Rights for the service.

The Union of American Hebrew Congregations should, of course, be among the organizations represented. May I suggest that you consider inviting Albert Vorse, UAHC Vice President and Director of our Commission on Social Action, or Rabbi David Saperstein, director of our Religious Action Center in Washington.

With regrets and with every good wish for a meaningful and memorable gathering, I am

Sincerely,

Alexander M. Schindler

av  
DS



## Religious Coalition for Abortion Rights

100 Maryland Avenue, N. E.  
Washington, D. C. 20002  
(202) 543-7032

Helen R. Parolla  
Chairperson

Patricia A. Gavett  
Executive Director

### MEMBERS:

National Ministries  
American Baptist Churches  
American Ethical Union  
National Women's Conference  
American Ethical Union  
American Humanist Association  
American Jewish Congress  
Women's Division  
American Jewish Congress  
B'nai B'rith Women  
Catholics for a Free Choice  
Division of Homeland Ministries  
Christian Church (Disciples of Christ)  
Episcopal Women's Caucus  
National Council of Jewish Women  
National Federation of Temple Sisterhoods  
General Assembly Mission Board  
Presbyterian Church in the US  
Committee on Women's Concerns  
Presbyterian Church in the US  
Union of American Hebrew Congregations  
Unitarian Universalist Association  
Unitarian Universalist Women's Federation  
Board of Homeland Ministries  
United Church of Christ  
Office for Church in Society  
United Church of Christ  
Board of Church and Society  
United Methodist Church  
Women's Division  
Board of Global Ministries  
United Methodist Church  
The Program Agency  
United Presbyterian Church, USA  
Council on Women and the Church  
United Presbyterian Church, USA  
United Synagogue of America  
Women's League for Conservative Judaism  
Young Women's Christian Association

October 9, 1981

Rabbi Alexander Schindler  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, NY 10020

Dear Rabbi Schindler:

January 22, 1982 will be the ninth anniversary of the Supreme Court decision legalizing abortion. Already the anti-abortion organization, March For Life, is well into planning their annual march to Capitol Hill to harass and harangue Members of Congress.

The other pro-choice groups have requested that the Religious Coalition for Abortion Rights repeat and make a tradition of the memorable church service that was held so successfully last year. We have just received funding for this project and are therefore planning another religious service at noon on Friday, January 22, 1982 in the New York Avenue Presbyterian Church in Washington, DC. The program would follow a format similar to last year.

We will renew our request to meet with President Reagan and, if refused again, we will hold a brief press conference to announce that fact. We will also, as we did last year, arrange meetings with Senate leaders.

We would be honored to have you participate in the activities of January 22nd. Your presence in the nation's capital, along with other denominational leaders, will once again demonstrate the importance of the abortion issue and freedom of choice. This will be a critical time to show support as, shortly thereafter, the Senate will be voting on a Constitutional amendment which will enable them to ban all abortions.

The coordinator for the special event is Mary Ann Kelley. She can be reached in the office on Mondays and Fridays. The other days she can be reached at home by calling (301)422-3507.

*Wanda Decker*  
*WAC*  
*before*  
*response*

*I guess so*  
*overheard*  
*Heard BB to*  
*spoke for WAC*  
*AP*

*Friday*

*V*

*1/24 - Florida*

*+ now request for 1/20 La*

Rabbi Alexander Schindler  
October 9, 1981  
Page 2

Your participation will help make this yet another memorable event. Since the time grows near, we would appreciate a response at your earliest convenience.

Sincerely,

  
Patricia A. Gavett  
Executive Director

PAG/crw

*Rel. Chait  
Chait*

November 19, 1981

TO: Brenda Bregman, RCAR Staff

FROM: Edith J. Miller, Assistant to the President, UAHC

RE: UAHC PUBLICATIONS

In response to your memo of November 16, following is the information requested:

- 1/ REFORM JUDAISM, newspaper sent to every member-family of every Reform Congregation, 1,200,000. Published 8 times a year.
- 2/ Aron Hirt-Manheimer, Editor, 838 Fifth Avenue, New York, N.Y. 10021  
212-249-0100
- 3/ Contacts: Rabbi Richard S. Sternberg - 202-232-4242  
Rabbi David Saperstein - 202-387-2800  
2027 Massachusetts Avenue, N.W.  
Washington, D.C. 20036

Rabbi Sternberger is Director of the UAHC Mid-Atlantic Council

Rabbi Saperstein is Director of the Religious Action Center



## Religious Coalition for Abortion Rights

100 Maryland Avenue, N. E.  
Washington, D. C. 20002  
(202) 543-7032

November 16, 1981

TO: RCAR Board of Directors  
RCAR Member Organizations

FROM: Brenda Bregman, RCAR Staff

RE: Organizational Publications

The national RCAR office is in the process of collecting information on newsletters and magazines published and distributed to your constituencies. The purpose of this is to identify potential networks for dissemination of information about the recent abortion-related developments in Congress.

As you know, Senator Orrin Hatch's Subcommittee on the Constitution is currently holding hearings on proposals to outlaw abortion through a constitutional amendment. In addition, the "Human Life Statute", which declares human life to exist from conception and would outlaw abortion by a simple Congressional majority, is scheduled for Senate floor debate in mid-December. These two developments have heightened the need for public awareness of the threats posed to abortion rights by the right-wing in Congress.

We are attempting to contact the appropriate person or office within our member groups which is in charge of writing and publishing newsletters or magazines to a national constituency. We hope to gain access to member publications for brief articles and alerts about the current threats to abortion rights.

In order to begin alerting the religious and lay community as soon as possible, we are hoping to receive and correlate the requested information by December 3. It would be most helpful if you would forward the following information to us at your earliest convenience:

\*Name of your organizations/denominations major publication, frequency of publication, and numbers of people who receive it;

\*Name, address, and phone number of publications editor;

\*Name, address, and phone number of denominational/organizational president or a contact person within the organization who can make policy decisions.

If you are not able to send the requested information to us by December 3, please bring it with you to the Board of Directors meeting on that day.



# DISPATCH



## Religious Coalition for Abortion Rights

100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-7032

November 20, 1981

97-2

### HUMAN LIFE BILL (HLB, S. 158/S. 1741) Floor Action in December

**BACKGROUND:** In January of this year Sen. Helms (R-NC) introduced S. 158, the Human Life Bill, which defines the term "person" in the 14th Amendment to the Constitution to include the fetus from the moment of conception. The bill was designed to reverse the 1973 Supreme Court decision decriminalizing abortion. Sen. John East (R-NC) began extensive hearings on S. 158 in the Subcommittee on Separation of Powers, which he chairs, in April. He had hoped that testimony from a hand-picked group of scientists and legal scholars would support the two basic premises of the bill: 1) that "actual human life begins at conception." and 2) that Congress has the authority to define the terms of the Constitution under the enforcement clauses of the 5th and 14th Amendments. The plan was to rush the bill quickly through subcommittee and committee - both of which have an anti-choice majority - and onto the floor for a vote before the pro-choice groups could mobilize against it.

However, a tremendous outcry from the public and his Senate colleagues forced Sen. East to expand the hearings and to guarantee a balanced slate of witnesses. With Sen. Baucus and his staff holding East to his commitment of fairness, the hearings demonstrated conclusively that the vast majority of scholarly opinion rejects both of the bill's tenets. Nevertheless, the bill was reported out of the subcommittee by a vote of 3-2 in July. The subcommittee recommended, however, that the full Judiciary Committee postpone considering S. 158 until the Constitution Subcommittee could hold hearings and report a constitutional amendment on abortion. (Sen. Hatch began holding hearings on an abortion constitutional amendment in October and expects to report out an amendment late this year or early next. An alert will be issued in the near future on a new version of constitutional amendment sponsored by Hatch and endorsed by the U.S. Catholic Conference.)

Meanwhile, Sen. Helms, not satisfied with the slower committee process, has reintroduced the HLB, this time as S. 1741, and managed by parliamentary maneuvering to by-pass the committee and have the bill placed directly on the Senate calendar. Sen. Howard Baker (R-TN), as current Majority Leader, has indicated that he will not stand in the way of S. 1741, and in fact has promised Helms that the "social issues", including abortion, will be permitted on the floor for debate and possibly for a vote sometime in December. Although Sen. Helms may choose not to bring the HLB up at that time, anti-abortion groups that support the bill are embarked on an all-out campaign to pressure the Senators into passing it.

It is at least possible that at some point the administration will get into the act and press for passage of the HLB. President Reagan has already endorsed the concept and the Attorney General, William French Smith, has said that the Justice Department is prepared to pursue legislation to limit the ability of federal courts to protect "implied" constitutional rights, like the right to privacy, which is the basis for the Roe decision.

**RECOMMENDED ACTION:** Constituent pressure is the only way to ensure that S. 158/S. 1741 will not become law. If the Senate passes S. 1741, then we can expect a discharge petition to bring the HLB to the floor in the House as well.

Senators must be urged to oppose S. 1741 and any other bill which would reverse the Roe v. Wade decision. If your Senators are pro-choice encourage them to speak out on the floor and to their colleagues in private against this legislation. House Members should be discouraged from signing any discharge petitions. Every message should include a statement of support for the 1973 Supreme Court decision in Roe, or else Senators may feel that if S. 1741 is defeated they must then support some form of Human Life Amendment or even a "compromise" constitutional amendment later on.

1. Letters should be sent to: The Honorable \_\_\_\_\_, U.S. Senate, Washington, D.C. 20510 and The Honorable \_\_\_\_\_, U.S. House of Representatives, Washington, D.C. 20515. If possible, send a carbon to President Reagan, or write him directly expressing opposition to efforts to limit the ability of the federal courts to protect constitutional rights.
2. Make appointments to visit your Senators while they are in the state, or meet with Senate staff.
3. Write letters to the editor - Members of Congress pay special attention to these. If pro-choice editorials or letters appear in your local paper, clip and send them to your Senators.
4. Pass this Dispatch along to your friends, and relatives, your ministers, your doctor, etc., and encourage them to contact their elected officials.
5. Remember, there may be as little as one month to generate the groundswell of public opposition necessary to counter the anti-abortion momentum on S. 1741.



IMPACT OF THE BILL: If S. 1741 were to pass, it would:

1. Precipitate a constitutional crisis by directly challenging the court's role as final arbiter of the Constitution and as guarantor of constitutional rights. In 1973, the Supreme Court determined in Roe v. Wade, that "the word 'person' as used in the 14th Amendment does not include the unborn." Nevertheless, supporters of the HLB believe that Congress' right to enforce the 14th Amendment also permits them to further define the terms, including the word "person", through legislative fact-finding. This assumption jeopardizes the delicate system of checks and balances which has been so important to the protection of American rights. S. 1741 would also remove laws enforcing this definition of person from the jurisdiction of the lower federal courts.
2. Set a dangerous precedent. "Congressional power to rescue an otherwise unconstitutional law by the expedient of redefining the terms of the 14th Amendment would have dizzying implications well beyond the abortion controversy....Reducing the Constitution to whatever those in power want it to mean is an awfully high price to pay for making Roe disappear." (Profs. John Hart Ely and Laurence Tribe, Harvard Law School).
3. Require states to pass legislation to implement and enforce fetal personhood
  - \*\*S. 1741 would prohibit states from using public funds or facilities for abortions, even if a woman's life is at stake, if she is a victim of rape or incest, or if the fetus she carries is found to be severely deformed. Currently, states are free to fund Medicaid abortions with state revenues despite the severe limitations on Federal funds.
  - \*\*S. 1741 would virtually eliminate amniocentesis and second trimester abortions, since nearly all are performed in hospitals which receive public funds.
  - \*\*S. 1741 permits states to outlaw all abortions, by providing a "compelling state interest in the life of the fetus as a person entitled to equal protection.
  - \*\*S. 1741 allows states to prohibit the IUD and some forms of the pill which prevent implantation of the fertilized ovum.
  - \*\*This statute does not require state action in order to take effect. Even if states that do not pass anti-abortion legislation on the basis of this statute, any interested party - organization or individual - may initiate court action on behalf of a fetus to enforce equal protection under the Constitution.
4. Impinge on existing constitutional rights
  - \*\*The rights of the pregnant woman would be subordinate to the rights of the fetus, and she may be challenged legally for any activity which jeopardizes the fetus.
  - \*\*By enacting one definition of personhood into law, direct and indirect sanctions would be placed against the teachings of those religious denominations which do not share that belief, and which believe that abortion may be a moral alternative to a problem pregnancy.
  - \*\*Any enforcement provisions would necessarily violate a woman's right to privacy, and the decision on whether to carry a pregnancy to term could no longer be an individual decision.
  - \*\* S. 1741 opens the way for differing constitutional standards for the separate states.
5. Adversely affect the lives of millions of American women
  - \*\*As many as, or more than, 1 million women every year may be forced to (a) carry unwanted or dangerous pregnancies to term, regardless of risks to their own health or the well-being of their families, or (b) seek unsafe, illegal abortions, with risks to life and health, and of prosecution for a crime.
  - \*\*Close to 1 million teenagers had unintended pregnancies in 1978; 30,000 of these were children under 15, and a vast majority were unmarried. One third of the teenage pregnancies ended in abortion. This option would no longer exist in states which choose to outlaw abortion on the basis of fetal personhood.
  - \*\*Women who are victims of rape or incest will be forced to carry the pregnancy to term or put themselves outside the protection of the law by seeking an illegal abortion.
6. Create chaos for state and local governments by changing innumerable existing laws in the areas of tort, inheritance, social services, etc., affecting "persons".

ARGUMENTS: 1. There is no consensus in our society about the personhood of the fetus prior to birth. To enact one particular definition of fetal personhood into law is to advance one theological belief not held by all, and to jeopardize the freedom of religion. In our pluralistic society we have an obligation to protect the right of individuals to follow the teachings of their own faith in matters of moral conscience.

2. Congress is given the power to enforce the 14th Amendment, not to redefine its terms. It ill behoves our highest governing body to use what even an opponent of Roe calls a "cute" legislative maneuver to bypass a Supreme Court decision simply because the support to overturn it by constitutional amendment does not exist.

3. S. 1741 sets a frightening precedent for setting aside constitutionally protected rights by simple majority vote, for undermining the role of the judiciary in protecting those rights, and for violating the Separation of Powers.

Remarks by Rabbi Alexander M. Schindler  
Freedom of Choice in Abortion  
Religious Coalition for Abortion Rights  
Washington, D.C.  
January 22, 1981

I am glad to add my voice to those of my colleagues--men and women of divergent theologies but also of many common convictions--who are here to celebrate the past and to secure the future- to mark the anniversary of the 'freedom of choice' decision, and to marshall our resources against those who seek to erode and to reverse it.

I speak for the preponderant majority of America's Jews, who join you in this coalition gladly. We do so out of our perception of present-day human need, no less than in response to the mandates of our faith.

Judaism makes therapeutic abortion a viable option. Rabbinic law assigns the fetus no juridicial personality; it does not regard it a 'nefesh,' a living soul until it leaves the womb. Therefore Jewish law sanctions and at times even requires abortion when the life and well being of the mother commend such a step.

Those who oppose us in our efforts claim that they are pro-life and we are not. This is manifestly a malignity. We too affirm life. Judaism makes it the summum bonum, a bright and shining star in the firmament of its commandments. We are commanded to choose life and to live it fully.

We join you in this coalition precisely for this reason. It is because we affirm life that we insist that parents be free to determine precisely how many children they can properly feed and educate and love. It is because we affirm life that we insist all women be free to choose just when and under what conditions they bring life into this world.

It is precisely because we value life that we are opposed to accidental and indiscriminate reproduction in a world which is already overpopulated and underfed. The cries of emerging life are a delight. But we must also hear the silent crying of parents who see the bloated bellies of their starving infants and are helpless to give them surcease.

There is another charge against us, not infrequently made of late, which requires a refuting. The self-styled pro-lifers say that we engineer a state slaughter of innocents which is reminiscent of the Holocaust.

What 'chutzpah' this, what gall, what a perversion of the truth!

Our program is permissive, is it not? It serves the cause of a meaningful life. No one is compelled to perform an abortion. No one is required to undergo it. Everyone is free to choose life as he desires.

Was the Holocaust all this? Did it serve the cause of life? Were those who stumbled out of the box-cars in Auschwitz free to turn to the right or to the left? Could those who entered those infamous showers choose oxygen instead of cyanide?

Analogous to the Holocaust indeed! The Holocaust is sui generis, unprecedented in its evil. There is a yawning gorge of blood which separates this from all other cataclysms engulfing modern man. The Holocaust defies all analogy.

Our opponents are raising the shrillness-level of their argumentation. They have also grown in strength. Religious and political extremists have joined forces and they are determined to impose their particular brand of politics and morality on the laws of this land. The two become indistinguishable. It is almost as if the Almighty had given Moses on Sinai not the Ten Commandments, but the lexicon of the radical right.

The means of our opponents are manifestly a threat to the democratic process. And their goal of narrow theological and political conformity is discordantly alien to the principle of diversity which has guided our nation since its founding.

The focus of our concerns must widen, therefore. It is no longer just the single issue of free choice in abortion which is before us- the issue is rather political safety in a pluralistic community.

What has begun, in effect, is a struggle for the character and for the soul of America. It will endure for many years transcending the immediacies of politics and of elections. It is a struggle, therefore, which none of us need fight alone. It must be waged by the entire American community, by interfaith and intergroup coalitions of decency speaking out together against bigotry and hatred of every kind.

Let us, then, worship and work together and thereby find that strength which flows only from the companionship of kindred and aspiring souls.



*Interreligious*

STATEMENT BY ANNETTE DAUM  
COORDINATOR, DEPARTMENT OF AFFAIRS

at Press Conference, sponsored by Religious Coalition for Abortion Rights  
8/20/80

Judaism has revered the sanctity of human life for thousands of years. We have a long tradition of concern for the family and the well being of the woman within that relationship. While abortion is a serious moral question, the fetus is regarded as potential human life, not considered a person until the moment of birth. Its claims are secondary to those of the human person who already exists - the woman. In normative Judaism, abortion is morally permissible, for the life and health of the woman take precedence over that of the fetus. Attempts to depict abortion, the termination of pregnancy, as analogous to the Holocaust, denigrates the full personhood of all those who died as a result of the Nazi determination to murder an entire people - the Jews. Nazi policy was never permissive regarding abortion, which was forbidden for Germans but mandatory for Jews.

The Jewish community overwhelmingly supports the 1973 Supreme Court decision regarding abortion, which is permissive, granting all women freedom of choice based on their own moral and religious conscience. Having suffered as a people the consequences of living in repressive societies, having been denied for centuries the right to live in religious freedom, we treasure our American heritage of religious pluralism. We have a particular interest in preserving the rights of all individuals to the free exercise of their religious beliefs.

We believe that the Hyde Amendment prohibits poor women from the exercise of their religious rights regarding abortion and must express our disappointment that the Supreme Court did not consider this vital question in ruling this Amendment constitutional. By protecting the potential life of the fetus, even when such protection damages the health of the woman, the Supreme Court now appears to undermine the 1973 decision. The new, unjust ruling creates second class citizenship for poor, pregnant women. Only they may now be denied Medicaid funding for the medically necessary treatment of their choice based on their own moral conscience. The Government is making an offer women can refuse only by   
→ resorting to suicide. The practical effect is forced motherhood for the poor no matter the cost to a woman's physical and mental health. Encouraging birth under these conditions cannot enhance family stability.

We need to mobilize the pro-choice majority to express our sense of outrage at this decision which has given new life to those who would deny all women the right to reproductive freedom based on their own moral and religious conscience.



### Abortion in the U.S., 1980

Because of the delay involved in collecting and processing data, the most recent figures available on abortion in the U.S. are for 1977, four years after it was legalized by the Supreme Court decisions in *Roe v. Wade*. Those rulings were based on the constitutional right of individual privacy, and held that in the first trimester of pregnancy the state could not interfere with a woman's decision on whether or not to have an abortion. In the second trimester, states could regulate abortion only in the interest of protecting the health of the woman, but in the third trimester, when the fetus may be viable, the state may prohibit abortion except when the woman's life or health is in danger.

The following facts and statistics are from the Abortion Surveillance Report of the Center for Disease Control, U.S.-DHEW, and Family Planning Perspectives published by the Alan Guttmacher Institute.

- . 1,079,430 abortions were performed in the U.S. in 1977.
- . 92% of all abortions took place in the first trimester of pregnancy; 59% took place in the first 8 weeks.
- . 8% of all abortions took place between 12 and 21 weeks of gestation. Three major factors account for second trimester abortions:
  1. genetic diseases such as Tay-Sachs or Downs syndrome which cannot be detected until after the 12th week of pregnancy;
  2. irregular menstrual periods or ignorance of reproduction which delays diagnosis of pregnancy, especially in the very young;
  3. lack of adequate funds to pay for an abortion or of access to abortion services.
- . Physicians do not knowingly perform abortions after 21 weeks. If diseases such as renal failure or eclampsia present an immediate danger to the woman's life, premature delivery is induced, and every effort is made to sustain the life of a viable infant.
- . From 1973 to 1977 there were 3,433,000 pregnancies among unmarried teenagers. 49% were carried to term; 37% were aborted; 14% ended in miscarriage.
- . 31% of all abortions in 1977 were obtained by teenagers; 77% by unmarried women.
- . 60% of all pregnancies in white women age 15 - 19, and 90% in black women of the same age, occurred outside of wedlock.
- . About one in every eight U.S. women of reproductive age has had an abortion.
- . Given an average contraceptive failure rate of 5%, if every American woman of childbearing age used one of the available contraceptives, there would still be 2 million unplanned pregnancies every year.



## Religious Coalition for Abortion Rights

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Helen R. Parolla  
Chairperson

Patricia A. Gavett  
National Director

### MEMBERS:

National Ministries  
American Baptist Churches  
American Ethical Union  
National Women's Conference  
American Ethical Union  
American Humanist Association  
American Jewish Congress  
Women's Division  
American Jewish Congress  
B'nai B'rith Women  
Catholics for a Free Choice  
Division of Homeland Ministries  
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National Council of Jewish Women  
National Federation of Temple Sisterhoods  
General Assembly Mission Board  
Presbyterian Church in the US  
Committee on Women's Concerns  
Presbyterian Church in the US  
Union of American Hebrew Congregations  
Unitarian Universalist Association  
Unitarian Universalist Women's Federation  
Board of Homeland Ministries  
United Church of Christ  
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United Church of Christ  
Board of Church and Society  
United Methodist Church  
Women's Division  
Board of Global Ministries  
United Methodist Church  
The Program Agency  
United Presbyterian Church, USA  
Council on Women and the Church  
United Presbyterian Church, USA  
United Synagogue of America  
Women's League for Conservative Judaism  
Young Women's Christian Association

January 6, 1981

Rabbi Alexander Schindler  
President, UAHC  
838 Fifth Avenue  
New York, New York 10021

Dear Rabbi Schindler:

January 22 is rapidly approaching and the final plans for our worship service and press conference are at last falling into place. As you can see from the enclosed leaflet, we have had a marvelous response from our religious leaders, and we are very grateful to each of you for giving so generously of your time and efforts.

As for your specific role in the day's program, we would like to ask you to give a five minute sermonette during the service. You may wish to touch briefly on the Jewish perspective on abortion and perhaps comment on the current attempts to imprint a particular brand of Christian theology and morality on the laws of our land. However, you are certainly free to address whatever aspect of the issue you choose.

The schedule for the day is as follows:

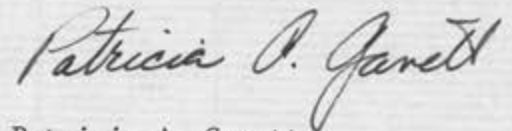
10:30 - 11:15: Participants will assemble in the Lincoln Parlor of the New York Avenue Presbyterian Church, 1313 New York Ave., NW.

11:30 Processional and Service. Press conference participants, as well as those conducting the service, will be a part of the processional. To highlight the religious nature of the program, we ask that all clergy wear appropriate vestments.

- 1:00 Press Conference, Radcliffe Room, New York  
Avenue Presbyterian Church.
- 2:00 Luncheon, New York Avenue Presbyterian Church.
- 2:45 Depart by chartered bus for Capitol Hill.
- 3:00 - 5:00: Conferences with Congressional leaders.

If you have any questions or if we can be of assistance to you in any way, please let us know. We look forward to sharing this special day with all of you.

Sincerely,

A handwritten signature in cursive script, reading "Patricia A. Gavett". The signature is written in dark ink and is positioned above the printed name and title.

Patricia A. Gavett  
Executive Director

# *Faith Triumphant Over Fear*

## *The Religious Coalition for Abortion Rights*

*Urges You*

*To Join Us In An Inter-Faith Service  
Commemorating the 8th Anniversary  
of the Supreme Court Decision  
Allowing Freedom of Choice*

**DATE:** Thursday, January 22, 1981

**TIME:** 11:30 a.m.

**PLACE:** The New York Avenue Presbyterian Church  
"The Church of the Presidents"  
1313 New York Avenue, N.W.  
Washington, D.C. (1 1/2 blocks from Metro Center)

### **Participants**

William P. Thompson, Stated Clerk  
United Presbyterian Church, USA  
Rabbi Alexander Schindler, President  
Union of American Hebrew Congregations  
Rev. Dr. Kenneth Teegarden, President  
Christian Church (Disciples of Christ)  
Rt. Rev. Walter D. Dennis  
Episcopal Diocese of New York  
Rev. Dr. Wyatt Tee Walker  
Canaan Baptist Church  
Ruth Daugherty, President  
Women's Division, Board of Global Ministries  
United Methodist Church  
Eleanor Gregory, President  
United Presbyterian Women  
Lillian Maltzer, President  
National Federation of Temple Sisterhoods  
Chiae Herzig, Co-President  
Women's Division, American Jewish Congress  
Marilyn Breitling  
United Church of Christ

Rev. Avery D. Post, President  
United Church of Christ  
Rev. Eugene Pickett, President  
Unitarian Universalist Association  
Rev. Frederick D. Wertz  
Bishop of Washington, United Methodist Church  
Rev. Patricia McClurg  
General Assembly Mission Board  
Presbyterian Church in the U.S.  
Rev. Pat Merchant Park, Chair  
Episcopal Women's Caucus  
Rev. Joseph O'Rourke  
Catholics for a Free Choice  
Goldie Kweller, President  
Women's League for Conservative Judaism  
Natalie Gulbrandsen, President  
Unitarian Universalist Women's Federation  
Rev. S. Garry Oniki  
United Church of Christ  
Blair Stambaugh, Vice President  
Young Women's Christian Association

*For Further Information, Please Call 202-543-7032*



# **JUDAISM AND ABORTION**

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**Testimony presented by  
Rabbi Balfour Brickner**

Statement of the  
Religious Coalition for Abortion Rights  
before the  
Subcommittee on Civil and Constitutional Rights  
of the  
Committee on the Judiciary  
U.S. House of Representatives  
March 24, 1976

I am Rabbi Balfour Brickner, a national sponsor of the Religious Coalition for Abortion Rights. I serve as the national director of the Department of Inter-Religious Affairs for the Union of American Hebrew Congregations, central congregational body of Reform Judaism in the United States. My organization embraces over 1 million constituents in over 750 congregations throughout this country. While we do not always agree on all matters of policy, I am pleased to say that there is an overwhelming consensus on this subject of the constitutional right of a woman to be free to choose to have a legal abortion. As recently as November, 1975, our national movement, gathered in a national general assembly of nearly 2,000 delegates, overwhelmingly endorsed a resolution on the subject of abortion which reads in part:

The Supreme Court held that the question of when life begins is a matter of religious belief and not medical or legal fact. While recognizing the right of religious groups whose beliefs differ from ours to follow the dictates of their faith in this matter, we vigorously oppose the attempts to legislate the particular beliefs of those groups into the law which governs us all. This is a clear violation of the First Amendment . . .

We oppose those riders and amendments to other bills aimed at halting medicaid, legal counselling and family services in abortion-related activities. These restrictions severely discriminate against and penalize the poor, who rely on governmental assistance to obtain the proper medical care to which they are legally entitled, including abortion.

We are opposed to attempts to restrict the right to abortion through constitutional amendments. To establish in the Constitution the view of certain religious groups on the beginning of life has legal implications far beyond the question of abortion. Such amendments would undermine constitutional liberties which protect all Americans.

One would have hoped that three years after the United States Supreme Court's historic decisions of January 22nd, 1973, it would no longer be necessary to justify whether the freedom to choose a legal abortion should be available to women in this country, especially during the early weeks of pregnancy. I am saddened that again one has to defend against those who, by one legislative tactic or another, would seek to overturn the judicial decision of the highest court of our land in a matter which in our judgment ought to remain a matter of individual conscience.

I do not question the right of any individual or group to seek such a reversal; that is indeed inherent in our democratic process. But it does sadden me to realize that once again the forums of government are burdened with a matter where competing religious groups so strongly disagree. It is probably quite correct to suggest, as some have, that opposition to the civil right of a woman to obtain a legal abortion can be

traced to the activity of organized religious groups. The American Law Institute was undoubtedly correct when it determined that objections to abortion reform are not primarily grounded on legal considerations but rather on some religious beliefs which deem abortion sinful because it is considered murder.

If it is true, as I believe it is, that theology has played an inordinately important role in determining our value judgments on the subject of abortion, then how much the more should the view of Justice Oliver Wendell Holmes be heeded when he said that "moral predilections must not be allowed to influence our minds in settling legal distinctions" (*The Common Law*). The coercive powers of the state must not be employed in the service of sectarian moral views. To do so would be to violate the establishment clause of the First Amendment: "Congress shall make no law respecting an establishment of religion . . ."

The preservation of that right of individual conscience was essentially what the Supreme Court of the United States sought to support in its historic decision. Just as the state must never say (and has not said) that a person not wishing an abortion must have one, so too the state must never be allowed to legislate so as to prevent a woman wishing an abortion from having one. *The right of individual conscience must be maintained.* That right is being challenged again, and the agencies of the state are being asked to arbitrate and decide between conflicting theological beliefs. That places the agencies of civil government in an unfair and untenable position.

There are those who believe that a fetus is a full human being from the moment of conception. But there are also those, and I number myself among them, who seriously question that conviction. Certainly we in the Reform Jewish movement would hold that such a definition is subject to so much question that it should be impossible for any legislative body to deal with this matter definitively. Determining when life begins is a medical and theological matter—not a legal one.

I do not wish to enter into a debate on the subject of when life begins. That is a matter of personal belief and individual conscience. I respect another's differing view. This difference of perception is so important that one individual's or one group's view must not be imposed on another. Neither can the right to hold a differing view be denied nor an action taken as a result of such a variant perception be circumscribed or prevented.

Roman Catholics, Methodists, Orthodox and Reform Jews, humanists, and atheists can and do differ on the crucial issue of when life begins and thus over whether an abortion is or is not murder. Some maintain that life begins at the moment of conception, others with "quickening," still others at birth. It is not a new controversy. In ancient Greece, Aristotle held that life begins for males 40 days after conception and for females 80 days after conception. Under Roman law 40 days was the determining point for both sexes. An abortion before that time was not considered murder. The thirteenth century Roman Catholic theologian St. Thomas Aquinas held that the beginning of life and soul occurred at the moment a fetus first moved in the womb. It was not until 1869 that the Roman Catholic Church under Pope Pius IX proclaimed the doctrine of "immediate animation." Until that time the Roman Catholic Church seemed to accede to some more ancient law.

Neither is there total agreement on this issue in the world of science. Does life begin when sperm reaches egg, or when sperm penetrates egg? Is it when the chromosomes inside the egg and sperm pair or when fertilized egg begins to split for the first time? Or, is it when the egg becomes attached to the wall of the womb or even at some later stage? There is no way of presently deciding this old argument.

**Judaism has its view too.** In Judaism, a fetus is not considered a full human being and for this reason has no "juridical personality" of its own. In Judaism, the fetus in the womb is not a person (*lav nefesh hu*) until it is born (Rashi, *Yad Ramah*, and *Me'iri*, all to *Sanhedrin* 72b). According to Jewish law, a child is considered a "person" only when it is "come into the world." Thus, there is no capital liability for foeticide. By this reckoning, abortion cannot be considered murder. The basis for this decision is scriptural. The Biblical text states:

If men strive, and wound a pregnant woman so that her fruit be expelled, but no harm befall her, then shall he be fined

as her husband shall assess, and the matter placed before the judges. But if harm befall her, then thou shalt give life for life. (Exodus 21:22)

Talmudic commentators made the teaching of this Biblical passage quite explicit. They said that only momentary compensation is exacted of him who causes a woman to miscarry. No prohibition is evident from this scriptural passage against destroying the unborn fetus. Clearly, and here the major rabbinic commentators on the Bible agree, the one who was responsible is not culpable for murder, *since the unborn fetus is not considered a person.* This concept is reiterated in many different instances and in many different places in rabbinic writing.

The classic source for this Jewish attitude toward the status of a fetus and thus toward abortion may be found in the Mishnah, a preliminary code of Jewish law that dates back to the second century of the common era and forms the basis of the Talmud, the most definitive statement of Jewish law available in our tradition. Here it states: "A woman who is having difficulty in giving birth, it is permitted to cut up the child inside her womb and take it out limb by limb because her life takes precedent. However, if the greater part of the child has come out, it must not be touched, because one life must not be taken to save another" (Mishnah *Ohalot* 7.6). Rashi, the pre-eminent commentator on the Bible and the Talmud, explains the talmudic passage as follows: "As long as the child did not come out into the world, it is not called a living being and it is therefore permissible to take its life in order to save the life of its mother. Once the head of the child has come out, the child may not be harmed because it is considered as fully born, and one life may not be taken to save another."

There are, to be sure, laws relating to fetuses more than 40 days old. Laws of ritual uncleanness must be observed for fetuses older than 40 days (see the Mishnah *Niddah* 3.5), suggesting that the unborn fetus, though not considered a living person (*nefesh*), still has some status. However, nowhere does it state that destroying this fetus by premature artificial termination of pregnancy is prohibited.

It is clear that Jewish law does not equate abortion with murder. Moreover, it totally disagrees with those who consider a fetus "a person." In this, Jewish law agrees with the majority opinion of those on the Supreme Court, who stated:

The Constitution does not define 'person' in so many words. The use of the word is such that it has application only postnatally . . .

The unborn have never been recognized in the law as persons in the whole sense.

Despite this plethora of evidence from Judaism recognizing the legality of abortion, Orthodox Jewish authorities have taken and continue to hold a negative view toward abortion. Indeed, most Orthodox rabbis prohibit this act, except in such special instances as when a woman is impregnated through rape or incest or when it is clear that continuation of the pregnancy to birth would constitute a clear danger to the life and/or health of the mother.

The reasons traditional Judaism generally prohibits abortion despite the rabbinic literature permitting therapeutic abortion are complex and diverse. Some Orthodox rabbis are more lenient in this area than are others. Conservative and Reform Judaism drawing from this long tradition take the more liberal stance.

While Jewish law teaches a reverent and responsible atti-



tude to the question of life and thus views abortion with great concern, reasons affecting basic life and health may sanction or even require therapeutic abortion. Were the beliefs of another religion concerning abortion to be enacted into law, our right to follow our religious convictions as we understand them would be abrogated. This is a most serious matter since Jewish women are particularly subject to Tay-Sachs disease—a genetic disease fatal to infants. No Tay-Sachs child has ever lived beyond 5 years of age and they die an agonizing death. Tay-Sachs disease cannot be detected until the second trimester and thus no therapeutic action can be taken until that time.

**The differences in religious belief** regarding abortion should be quite obvious to any and all. Yet hard as it may be, in the absence of any theological, religious or scientific agreement, the agencies of society have an obligation to seek a path through conflicting theology and belief so as to protect the rights of all.

What should be their yardstick?

In our judgment the criteria that ought to be applied should be a civil one: that is, one which interferes least with individual conscience. Or, to put it positively, that which guarantees most the individual freedom of every member of society in the free exercise of that member's religious, unreligious or even a-religious commitment.

A second criterion that ought also to be applied is that which considers the legitimate and compelling interests of the state (the government, be it federal, state or local). That is what the Supreme Court considered in *Roe v. Wade*.

In considering the state's interest in maternal health, the Court took into account the fact that modern medical techniques have greatly reduced the risks in abortion. In the first trimester of pregnancy (roughly the first 12 weeks or three months), a properly performed abortion presents no more, and apparently even less, of a threat to a woman's life than childbirth. Therefore, the Court said, during this period the state may not interfere with the decision to terminate a pregnancy except to require that the abortion be done by a physician . . .

As for the state's interest in protecting the fetus, the Court held that legally the word 'person' as used in the Constitution applies only after birth and that therefore the Fourteenth Amendment's provision that no person shall be deprived of 'life, liberty, or property, without due process of law' does not apply to the unborn. Thus the Court concluded that the fetus is not a 'person' with constitutional rights. In the light of the sharp disputes among physicians, theologians, philosophers, and others as to when life begins, the Court further concluded that neither courts nor legislatures could, by adopting a single theory on when life begins, override a woman's constitutional right to choose abortion. (*Abortion: public issue, private decision* by Harriet F. Pilpel, Ruth Jane Zuckerman and Elizabeth Ogg. Public Affairs Pamphlet No. 527, 381 Park Avenue South, New York, N.Y. 10016)

As a religionist and as a civil libertarian I find that posture acceptable. It is basic, it is fundamental, it is just. It ought to be sufficient. It is a position which neither compels nor restricts the right of an individual's conscience and it guarantees every woman that right freely to choose. This right to conscience is a freedom which I as a religious person believe is worth fighting for even against every effort to restrict, curtail or deny that right.

If the polls are correct it would seem that the majority

of Americans (Roman Catholics included) share that belief. In February, 1976, 1,117 men and women were polled nationally by the Knight-Ridder Newspaper Poll. That poll put the following statement to those it interviewed: "If a woman wants to have an abortion, that is a matter for her and her doctor to decide and the government should have nothing to do with it." Ninety-eight percent of the Jews polled agreed, 82 percent of the Protestants polled agreed, and 76 percent of the Catholics polled agreed; 81 percent of the total group polled expressed agreement.

**One final word.** My religious tradition is one which has revered and sanctified human life for nearly four thousand years. During the time when "religious men" were marching heedlessly across the face of the world in wanton destruction of the family of man, in the name of Christ or Allah, we, the Jewish people, were teaching our children that the home was a "mikdash m'at," a miniature sanctuary where parents and children ministered in the house as priests before an altar of God. We have always sought to preserve a sensitive regard for the sanctity of human life. It is precisely because of our regard for that sanctity that we see as most desirable the right of any couple to be free to produce only that number of children whom they felt they could feed and clothe and educate properly; only that number to whom they could devote themselves as real parents, as creative partners, with God.

It is precisely this traditional Jewish respect for the sanctity of human life that moves us now to support legislation which would help all women to be free to choose when and under what conditions they would elect to bring life into the world. It is that regard for the sanctity of human life which prompts us to support legislation enabling women to be free from the whims of biological roulette and free mostly from the oppressive, crushing weight of ideologies and theologies which, for reasons that escape my ken, continue to insist that in a world already groaning to death with overpopulation, with hate and with poverty, there is still some noble merit or purpose to indiscriminate reproduction. Let those who cry so for the unborn express the same kind of active concern for the already born and the too frequently dying.

I am well aware that the issue of abortion is one that is emotionally charged. I am well aware that there are some citizens of this country who hold deep religious convictions which cause them to consider abortion morally wrong. I do not quarrel with their view. But I cannot believe that the state has the right to foist through legislation the religious conviction of any one group upon all the citizens of the country. To do so would discriminate against large segments of our population, and would foster the return to illegality and the continuation of deception in the matter of abortion. It would particularly negatively affect the poor and the indigent among us.

If the Supreme Court's ruling on abortion were to be overturned or if legal barriers to block the effects of the decision are imposed, the disastrous and well-known consequences that accompanied the former restrictive abortion laws could once again reach alarming proportions. That would be truly hurtful to our society, already overburdened with more social problems than it can resolve. I urge you to leave the situation as it presently stands.


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of the United Methodist Church

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# **HOW WE STAND**

**Published by the**

**Religious Coalition  
for  
Abortion Rights**



**the positions on  
abortion  
of 27 national religious organizations**

Published by the Religious Coalition for Abortion Rights, 1979



Religious denominations have widely differing positions concerning abortion. Most of the major Protestant and Jewish organizations have determined, however, that the abortion decision is ultimately a matter of individual conscience—consistent with sound medical practice—and that the state should not interfere with an individual's rights of conscience and privacy. These organizations believe that this is the only viable position in a pluralistic society of many faiths, for it allows each faith freely to teach and practice its beliefs without state interference.

*How We Stand* sets forth the position of those national religious organizations which have joined together in a coalition to protect the option of legal abortion. It also includes the purpose and rationale of the Religious Coalition for Abortion Rights. National sponsors of the Coalition are listed on the last page.

A number of Protestant, Jewish and other national religious organizations which support legal abortion have joined the Coalition at the local rather than national level. Excerpts from the positions of ALL national religious organizations affirming abortion rights are contained in the publication *We Affirm*, available from the national RCAR office or from any RCAR state affiliate.



# **Religious Coalition for Abortion Rights**

## **Statement of Purpose**

The Religious Coalition for Abortion Rights is an organization of national religious bodies which, on the basis of faith and moral conviction and in the light of constitutional guarantees of privacy and religious freedom, seeks to encourage and coordinate support for safeguarding the legal option of abortion; for ensuring the right of individuals to make decisions concerning abortion in accordance with their consciences and responsible medical practice; and for opposing efforts to deny these rights through constitutional amendment, or federal and state legislation.

## **Rationale**

Many religious organizations representing diverse denominations have adopted the position that decisions concerning abortion should be made according to individual conscience, consistent with responsible medical practice, free from the threat of criminal penalty.

The 1973 Supreme Court decision of *Roe v. Wade* made abortion a legal medical procedure. The Court ruled that abortion during the first trimester of pregnancy may be determined by the woman and her physician; abortion during the second trimester may be regulated by the state in order to protect the woman's life and health; and abortion during the third trimester may be prohibited by the state, except when necessary to preserve the life or health of the woman. National polls taken on the issue of abortion indicate that the majority of Americans support this decision.

However, a vocal minority would deny the option of legal abortion to all. Their personal belief that human life exists from the moment of conception has prompted their efforts to nullify the Supreme Court decision through a Constitutional amendment which would prohibit legal abortion altogether, and through federal, state and local legislation which would restrict access to abortion. One theological view would thus become law, binding on Americans of all faiths.

It is vital to increase public awareness of this danger. Enactment of such legislation would violate the religious freedom of every citizen by circumventing the First Amendment guarantee of church-state separation. All concerned with religious liberty must join in opposing this attempt to return us to the era of criminal abortion.

Religious organizations have a unique responsibility to contribute to this effort.

Recognizing that each denomination has its own perspective on when abortion is morally justified, the Religious Coalition for Abortion Rights maximizes the effectiveness of its members by coordinating their efforts to maintain the option of legal abortion. RCAR also cooperates with other national and community organizations which share its goals.

The Coalition is directed by an inter-religious policy committee and served by a full-time staff. In addition to a Washington office, it includes state affiliates throughout the country, and is thus active on the national, state and local levels.

## **MEMBERS OF THE RELIGIOUS COALITION FOR ABORTION RIGHTS**

National Ministries  
American Baptist Churches

American Ethical Union

National Women's Conference  
American Ethical Union

American Humanist Association

American Jewish Congress

Women's Division  
American Jewish Congress

B'nai B'rith Women

Catholics for a Free Choice

Division of Homeland Ministries  
Christian Church (Disciples of Christ)

Episcopal Women's Caucus

National Council of Jewish Women

National Federation of Temple Sisterhoods

General Assembly Mission Board  
Presbyterian Church in the U.S.

Committee on Women's Concerns  
Presbyterian Church in the U.S.

Union of American Hebrew Congregations

Unitarian Universalist Association

Unitarian Universalist Women's Federation

Board of Homeland Ministries  
United Church of Christ

Office for Church in Society  
United Church of Christ

Board of Church and Society  
United Methodist Church

Women's Division,  
Board of Global Ministries  
United Methodist Church

Church and Society Unit  
United Presbyterian Church in the U.S.A.

Washington Office  
United Presbyterian Church in the U.S.A.

Women's Program Unit  
United Presbyterian Church in the U.S.A.

United Synagogue of America

Women's League for Conservative Judaism

Young Women's Christian Association

## AMERICAN BAPTIST CHURCHES

Because Christ calls us to affirm the freedom of persons and the sanctity of life, we recognize that abortion should be a matter of responsible personal decision. To this end we as American Baptists urge that legislation be enacted to provide:

1. That the termination of a pregnancy prior to the end of the 12th week (first trimester) be at the request of the individual(s) concerned and be regarded as an elective medical procedure governed by the laws regulating medical practice and licensure.
2. After that period the termination of a pregnancy shall be performed only by a duly licensed physician at the request of the individual(s) concerned, in a regularly licensed hospital, for one of the following reasons as suggested by the Model Penal Code of the American Law Institute:
  - a. When documented evidence exists that this is a danger to the physical or mental health of the woman;
  - b. When there is documented evidence that the conceptus has a physical or mental defect;
  - c. When there is documented evidence that the pregnancy was the result of rape, incest or other felonious acts.

Further we encourage our churches to provide sympathetic and realistic counseling on family planning and abortion.

We recommend study, research and development of understanding on the part of the populace led by the people of our churches toward an enlightened view of this provocative problem.

## **AMERICAN ETHICAL UNION**

The American Ethical Union, a federation of ethical-humanist societies, disapproves of efforts to amend or circumvent the United States Constitution to nullify or impede the decision of the United States Supreme Court regarding abortion.

Abridgement of individual civil and human liberties as guaranteed by the United States Constitution is a danger to all. Among those liberties that must continue free of threat is the right of every woman to self-determination insofar as continued pregnancy is concerned.

## **NATIONAL WOMEN'S CONFERENCE AMERICAN ETHICAL UNION**

The National Women's Conference of the American Ethical Union, an ethical-humanist religious organization, believes in the right of each individual to exercise his or her conscience; every woman has a civil and human right to determine whether or not to continue her pregnancy. We support the decision of the United States Supreme Court of January 22, 1973 regarding abortion.

We believe that no religious belief should be legislated into the legal structure of our country; the state must be neutral in all matters related to religious concepts.

We believe that the First Article of the Bill of Rights guaranteeing separation of church and state should be rigorously observed so that religious freedom will be ensured to all.

Furthermore, we believe all attempts to amend the Constitution which would dilute that freedom in any manner will undermine other fundamental rights in the U.S. Constitution.

## **AMERICAN HUMANIST ASSOCIATION**

The American Humanist Association reaffirms the ethical and moral responsibilities of all humanist parents to avoid bringing into this world children who are not wanted; to avoid bringing children into an environment of neglect and abuse; to assure that children are well-born; and to provide an affectionate, loving and healthy environment for all children that they may enjoy an equal opportunity to realize the fullness and uniqueness of their own humanity.

We affirm the moral right of women to become pregnant by choice and to become mothers by choice. We affirm the moral right of women to freely choose a termination of unwanted pregnancies. We oppose actions by individuals, organizations and governmental bodies that attempt to restrict and limit the woman's moral right and obligation of responsible parenthood.

We also affirm the right and moral responsibility of parents and future parents to be free from ignorance on matters of human sexuality and to have access to contraceptive methods in order to prevent unwanted pregnancies and abortions; and to avoid the spread of venereal disease.

We hold these moral rights of responsible parenthood as part of our humanistic religious heritage and consider infringements upon these moral rights as an infringement upon the free exercise of our humanistic religious principles as guaranteed by the First Amendment to the Constitution of the United States.



## **AMERICAN JEWISH CONGRESS**

The American Jewish Congress expresses its total support for the decisions of the United States Supreme Court of January 1973 interpreting the Bill of Rights as restricting legislation limiting the right of a woman to choose whether to bear a child. We oppose efforts to nullify those decisions, through the adoption of constitutional amendments or through the enactment of legislative riders barring the use of government funds for the performances of abortions which a woman and her doctor believe should be performed.

We respect the religious and conscientious scruples of those who reject the practice of abortion. However, to the extent that they would embody those scruples in law binding on all, we oppose them.

There is now a powerful drive to discredit the Supreme Court decisions. The answer must be equally powerful. Accordingly, we pledge ourselves to effective educational efforts to ensure that Americans understand how the drive for anti-abortion laws would impair the basic rights of religious freedom, privacy and equality.

## **B'NAI B'RITH WOMEN**

Although we recognize there is a great diversity of opinion on the issue of abortion, we also underscore the fact that every woman should have the legal choice with respect to abortion consistent with sound medical practice and in accordance with her conscience.

We wholeheartedly support the concepts of individual freedom of conscience and choice in the matter of abortion. Any constitutional amendment prohibiting abortion would deny to the population at large their basic rights to follow their own teachings and attitudes on this subject which would threaten First Amendment rights. Additionally, legislation designed to ban federal funding for health facilities for abortions is discriminatory, since it would affect disadvantaged women, who have no access to expensive private institutions.

Since our earlier resolution regarding a woman's right to an abortion was approved before the historic Supreme Court decision of 1973 (*Roe v. Wade*) which guaranteed this option, we herewith declare our staunch support of said decision.

We continue to urge our membership at every level to join community and organizational efforts to oppose all legislation and constitutional amendments which would seek to overturn or nullify the 1973 Supreme Court decision.

## **CATHOLICS FOR A FREE CHOICE**

Catholics for a Free Choice is a national organization of Catholics dedicated to the principle that women have the right and duty to follow their conscience regarding decisions on contraception and termination of pregnancy; and that the law has a corresponding right and duty to make it possible for them to implement those choices under medically safe conditions.

We affirm the religious liberty of Catholic women and men and those of other religions to make decisions regarding their own fertility free from church or governmental interventions in accordance with their own individual conscience.

## **CHRISTIAN CHURCH (DISCIPLES OF CHRIST)**

WHEREAS, the Christian Church (Disciples of Christ) has proclaimed that in Christ, God affirms freedom and responsibility for individuals, and

WHEREAS, legislation is being introduced in the U.S. Congress which would embody in law one particular opinion concerning the morality of abortion which would limit each individual's freedom and responsibility in such matters,

THEREFORE BE IT RESOLVED, that the General Assembly of the Christian Church (Disciples of Christ) meeting at San Antonio, Texas, August 15-20, 1975.

1. Affirm the principle of individual liberty, freedom of individual conscience, and sacredness of life for all persons.
2. Respect differences in religious beliefs concerning abortion and oppose, in accord with the principle of religious liberty, any attempt to legislate a specific religious opinion or belief concerning abortion upon all Americans,
3. Provide through ministry of the local congregation, pastoral concern, and nurture of persons faced with the responsibility and trauma surrounding undesired pregnancy.

## **EPISCOPAL WOMEN'S CAUCUS**

WHEREAS, we are deeply disturbed over the increasingly bitter and divisive battle being waged in legislative bodies to force continuance of unwanted pregnancies and to limit an American woman's right to abortion; and

WHEREAS, we believe that all should be free to exercise their own consciences on this matter and that where widely differing views are held by substantial sections of the American religious community, the particular belief of one religious body should not be forced on those who believe otherwise; and

WHEREAS, to prohibit or severely limit the use of public funds to pay for abortions abridges and denies the right to an abortion and discriminates especially against low income, young and minority women; therefore be it

RESOLVED, that the Episcopal Women's Caucus affirms the position of the 1976 General Convention of the Episcopal Church in expressing its "unequivocal opposition to any legislation on the part of national or state governments which would abridge or deny the right of individuals to reach informed decisions on this matter and to act upon them."; and be it further

RESOLVED, that the Episcopal Women's Caucus urges its members to actively work to assure the continuance of federal, state and local funds for abortion.



## **NATIONAL COUNCIL OF JEWISH WOMEN**

The National Council of Jewish Women believes that the freedom, dignity and security of the individual are basic to American democracy, that individual liberty and rights guaranteed by the Constitution are keystones of a free society, and that any erosion of these liberties or discrimination against any person undermines that society.

It is resolved . . . To promote public understanding that abortion is an individual right and to work to eliminate any obstacles that limit this right.

## **NATIONAL FEDERATION OF TEMPLE SISTERHOODS**

The National Federation of Temple Sisterhoods affirms our previously adopted strong support for the right of a woman to obtain a legal abortion, under conditions now outlined in the 1973 decision of the United States Supreme Court. The Court's position established that during the first two trimesters, the private and personal decision of whether or not to continue to term an unwanted pregnancy should remain a matter of choice for the woman; she alone can exercise her ethical and religious judgment in this decision. Only by vigorously supporting this individual right to choose can we also ensure that every woman may act according to the religious and ethical tenets to which she adheres.

We oppose laws which would remove abortion from the category of medical assistance, as well as any discriminatory laws which would effectively prevent women from making the choice which is their right, by denying them access to proper medical care.

NFTS reaffirms our commitment to "Taharat Hamishpachah"—the purity of the family—and supports the dissemination of birth control information, as well as other education for family planning as a contribution to responsible family life. Such education and parallel efforts to eradicate ignorance and poverty would substantially reduce the need to make the choice for abortion.

## **PRESBYTERIAN CHURCH IN THE U.S.**

1) Induced abortion is the willful destruction of the fetus. Therefore, the decision to terminate a pregnancy should never be made lightly or in haste.

2) The willful termination of pregnancy by medical means on the considered decision of a pregnant woman may on occasion be morally justifiable. Possible justifying circumstances would include medical indications of physical or mental deformity, conception as a result of rape or incest, conditions under which the physical or mental health of either mother or child would be gravely threatened, or the socio-economic condition of the family. The procedure should be performed only by licensed physicians under optimal conditions, and with appropriate medical consultation and ministerial counseling, preferably with her own minister.

3) Laws concerning abortion should reflect principles set forth in this paper.

4) Medical intervention should be made available to all who desire and qualify for it, not just to those who can afford preferential treatment.

5) The church should develop a greater pastoral concern and sensitivity to the needs of persons involved in "problem pregnancies." Such persons should be aided in securing professional counseling about the various alternatives open to them in order that they may act responsibly in the light of their moral commitments, their understanding of the meaning of life, and their capacities as parents.

## **UNION OF AMERICAN HEBREW CONGREGATIONS**

The UAHC reaffirms its strong support for the right of a woman to obtain a legal abortion on the constitutional grounds enunciated by the Supreme Court in its 1973 decision in *Roe v. Wade*, 410 U.S. 113 and *Doe v. Bolton*, 410 U.S. 179 which prohibit all governmental interference in abortion during the first trimester and permits only those regulations which safeguard the health of the woman during the second trimester. This rule is a sound and enlightened position on this sensitive and difficult issue, and we express our confidence in the ability of the woman to exercise her ethical and religious judgment in making her decision.

The Supreme Court held that the question of when life begins is a matter of religious belief and not medical or legal fact. While recognizing the right of religious groups whose beliefs differ from ours to follow the dictates of their faith in this matter, we vigorously oppose the attempts to legislate the particular beliefs of those groups into the law which governs us all. This is a clear violation of the First Amendment. Furthermore, it may undermine the development of interfaith activities. Mutual respect and tolerance must remain the foundation of interreligious relations.

We oppose those riders and amendments to other bills aimed at halting medicaid, legal counselling and family services in abortion-related activities. These restrictions severely discriminate against and penalize the poor who rely on governmental assistance to obtain the proper medical care to which they are legally entitled, including abortion.

We are opposed to attempts to restrict the right to abortion through constitutional amendments. To establish in the Constitution the view of certain religious groups on the beginning of life has legal implications far beyond the question of abortion. Such amendments would undermine constitutional liberties which protect all Americans.

In keeping with the spirit of this resolution and to actualize its aims, we join with the Central Conference of American Rabbis in urging Reform Jews and their national and local institutions to cooperate fully with the Religious Coalition for Abortion Rights.

# **UNITARIAN UNIVERSALIST ASSOCIATION**

## **UNITARIAN UNIVERSALIST WOMEN'S FEDERATION**

WHEREAS, attempts are now being made to deny Medicaid funds for abortion and to enact Constitutional amendments that would limit abortions to life-endangering situations and thus remove this decision from the individual and her physician; and

WHEREAS, such legislation is an infringement of the principle of the separation of church and state as it tries to enact a position of private morality into public law; and

WHEREAS, such anti-abortion legislation would cause the revival of illegal abortion and result in the criminal exploitation of women who are without money or influence forcing them to resort to unsafe procedures; and

WHEREAS, we affirm the right of each woman to make the decisions concerning her own body and future and we stress the responsibilities and long-term commitment involved in the choice of parenthood,

WHEREAS, the majority of the Supreme Court has ruled on June 20, 1977 that the states are not obligated to expend Medicaid funds for elective abortions, and has also ruled that public hospitals are not obligated to perform abortions,

WHEREAS, there is a strong national movement to have 2/3 of the state legislatures request Congress to convene a constitutional convention for the purpose of proposing a constitutional amendment to prohibit abortion,

THEREFORE, BE IT RESOLVED: That the 1977 General Assembly of the Unitarian Universalist Association expresses its dismay and regret at the June 20, 1977 decision of the Supreme Court as seriously jeopardizing the right of legal abortion won in the Supreme Court decisions of January 1973, opposes the denial of Medicaid funds for abortions and any constitutional amendment prohibiting abortion, and urges members of the societies of the Unitarian Universalist Association to write or wire their Representatives and Senators in Congress and State legislatures to inform them of our position on these issues.

THEREFORE, BE IT RESOLVED: that the 1977 General Assembly of the Unitarian Universalist Association goes on record as opposing the calling of a national constitutional convention for the purpose of amending the Constitution to prohibit abortion.

BE IT FURTHER RESOLVED, That the 1977 General Assembly positively admits its respect for the responsibilities and joys of parenthood, and the member societies of the Unitarian Universalist Association are encouraged to develop workshops and other programs on parenthood and parenting.

BE IT FURTHER RESOLVED, that the 1977 General Assembly urges that federal funds be invested in research to find more effective and safer methods of birth control.



## UNITED CHURCH OF CHRIST

The theological and scientific views on when human life begins are so numerous and varied that one particular view should not be forced on society through its legal system.

Present laws prohibiting abortion are neither just nor enforceable. They compel women either to bear unwanted children or to seek illegal abortions regardless of the medical hazards and suffering involved. By severely limiting access to safe abortions, these laws have the effect of discriminating against the poor.

The mere liberalization of the laws have not proven to be a viable solution to the problem of illegal abortions. The liberalized laws tend to cause more rigidity and narrowness of interpretation, and, in any case, cannot cover all circumstances in which an abortion may be appropriate.

For these reasons, the Eighth General Synod of the United Church of Christ calls for the repeal of all legal prohibitions of physician-performed abortions. This would take abortion out of the realm of penal law and make voluntary and medically safe abortions legally available to all women. Simultaneously we ask that adequate protection be given to "conscientious objectors" against abortion, including physicians, nurses, and prospective mothers . . .

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(The 11th General Synod) . . . Deplores the June 20, 1977 decision of the U.S. Supreme Court and recent actions of the U.S. Congress that effectually deprive the poor of their Constitutional rights of choice to end or complete a pregnancy, while leaving the well-to-do in the full enjoyment of such rights.

# **UNITED METHODIST CHURCH**

## **Resolution on Responsible Parenthood**

We affirm the principle of responsible parenthood . . . the decision whether or not to give birth to children must include acceptance of the responsibility to provide for their mental, physical, and spiritual growth, as well as consideration of the possible effect on quality of life for family and society.

When, through contraceptive or human failure, an unacceptable pregnancy occurs, we believe that a profound regard for unborn human life must be weighed alongside an equally profound regard for fully developed personhood, particularly when the physical, mental, and emotional health of the pregnant woman and her family show reason to be seriously threatened by the new life just forming. We reject the simplistic answers to the problem of abortion, which on the one hand regard all abortions as murders, or on the other hand, regard abortions as medical procedures without moral significance.

When an unacceptable pregnancy occurs, a family, and most of all the pregnant woman is confronted with the need to make a difficult decision. We believe that continuance of a pregnancy which endangers the life or health of the mother, or poses other serious problems concerning the life, health, or mental capability of the child to be, is not a moral necessity. In such a case, we believe the path of mature Christian judgment may indicate the advisability of abortion. We support the legal right to abortion as established by the 1973 Supreme Court decisions. We encourage women in counsel with husbands, doctors, and pastors to make their own responsible decisions concerning the personal or moral questions surrounding the issue of abortion.

We therefore encourage our churches and common society to:

7. Safeguard the legal option of abortion under standards of sound medical practice, and make abortions available to women without regard to economic status.

## **Statement of Social Principles**

The beginning of life and the ending of life are the God-given boundaries of human existence. While individuals have always had some degree of control over when they would die, they now have the awesome power to determine when and even whether new individuals will be born. Our belief in the sanctity of unborn human life makes us reluctant to approve abortion. But we are equally bound to respect the sacredness of the life and well-being of the mother, for whom devastating damage may result from an unacceptable pregnancy. In continuity with past Christian teaching, we recognize tragic conflicts of life with life that may justify abortion. We call all Christians to a searching and prayerful inquiry into the sorts of conditions that may warrant abortion. We support the legal option of abortion under proper medical procedures . . .

# **WOMEN'S DIVISION BOARD OF GLOBAL MINISTRIES UNITED METHODIST CHURCH**

As members of the Women's Division of the Board of Global Ministries, we are deeply disturbed over the increasingly bitter and divisive battle being waged to place an amendment in the U.S. Constitution to ban abortion.

We believe deeply that all should be free to express and practice their own moral judgment on the matter of abortion. We also believe that on this matter, where there is no ethical or theological consensus, and where widely differing views are held by substantial sections of the religious community, the Constitution should not be used to enforce one particular religious belief on those who believe otherwise.

In 1969 the Women's Division first took the step of calling for the removal of abortion from the criminal code, putting its regulation instead under standard codes of medical practice. In 1970 this position was adopted by the General Conference and in 1972 it was reaffirmed in the Social Principles of our denomination, which states that "in continuity with past Christian teachings, we recognize tragic conflicts of life with life that may justify abortion." This position is in accord with that of many other major Protestant denominations and Jewish faith communities.

When the Supreme Court decision of January 1973 made possible the legal option of abortion in all states, we hoped that all those concerned with this problem could turn their attention to seeking to remove conditions in our society which might create a need for abortion, such as faulty contraceptives, lack of education on responsible sexuality, lack of access to family-planning services, tragedies such as rape, incest and genetic defects.

Now we find, instead that vast amounts of energy, money and time are going to the attempt to use national legislation and even the Constitution to force continuation of pregnancies, no matter what the human or social cost. Various kinds of legal and social pressures are being used to intimidate doctors and hospitals who are involved in abortion.

Amendments which prohibit or restrict abortion rights are being proposed for a number of health related bills. If such legislation is approved the most direct effect would be against the poor who cannot afford to travel to the places where safe legal abortions are available. These women then become targets for exploitation by unskilled abortionists working in unsanitary and illegal facilities.

We affirm our belief in freedom of conscience on this matter. We are concerned about those who have been bitterly attacked for seeking to deal openly with this issue in a spirit of compassion. Although we respect the right of other religious individuals and groups to disagree on the matter of abortion, we earnestly make the appeal that our differences be embued with a spirit of ecumenical relationships.

## *Conclusion*

The struggle raging over abortion centers largely on religious and philosophical differences rather than on the types of social factors which normally fall within the purview of government. We, therefore, affirm once more our belief that where there is no religious or moral consensus in our society, the attempt to embody one particular moral viewpoint in the United States Constitution does serious injury to our cherished freedom of religious belief and conscience.

Adopted by the Spring Meeting of the Women's Division of the Board of Global Ministries, United Methodist Church, April, 1975.

## UNITED PRESBYTERIAN CHURCH, USA

WHEREAS, God has given persons the responsibility of caring for creation as well as the ability to share in it, and has shown his concern for the quality and value of human life; and

WHEREAS, sometimes when the natural ability to create life and the moral and spiritual ability to sustain it are not in harmony, the decisions to be made must be understood as moral and ethical ones and not simply legal; and

WHEREAS, society now provides minimal care for unwanted children and inadequate support systems for women with children; and

WHEREAS, most present abortion laws are inadequate and morally and ethically unjustifiable because: (a) the laws do not deal with the problem of the bodily rights of women nor affirm their life and health; (b) the laws do not grant women the right not to bear unwanted children; (c) the laws do not deal with the emotional, social, or economic welfare of other members of a family into which an unwanted child may be born; (d) the laws fail to solve the problem of illegal abortions but leave the problem to be handled by criminals, quack practitioners, and a small number of reputable physicians willing to risk their practice and reputation by performing abortion; (e) the laws do not relieve the burden which the present structure places on the poor and on those who are unsophisticated about the ways of medicine and the law; and (f) the laws do not insure the right of all children to be born as wanted children;

THEREFORE, in support of the concern for the value of human life and human wholeness and for the freedom of choice advocated in the report, "Sexuality and the Human Community," received for study by the 182nd General Assembly (1970), in support of the call to repeal inadequate abortion laws approved by that General Assembly (see *Minutes*, 1970, Part I, p. 891), and in support of the resolution passed by United Presbyterian Women (1970), the 184th General Assembly (1972):

- a. Urges the development, support, and expansion of agencies where women with problem pregnancies have assistance and counseling on options such as keeping the child, adoption alternatives, and abortion, with future access to birth control methods. As part of the counseling process, it urges consideration of the feelings of the father and the family.
- b. Declares that women should have full freedom of personal choice concerning the completion or termination of their pregnancies and that the artificial or induced termination of pregnancy, therefore, should not be restricted by law, except that it be performed under the direction and control of a properly licensed physician.
- c. Continues to support the establishment of medically sound, easily available and low-cost abortion services.
- d. Urges the church to demonstrate its concern for women with small children by encouraging (1) the support of prenatal care for all pregnant women, (2) the principle that all children are legitimate at birth, (3) the establishment of support groups for single women who elect to keep their children, and (4) the formation of high quality child development centers.
- e. Supports legislation to repeal abortion laws not in harmony with this statement and encourages responsible groups working for such repeal.

- f. Urges the development and dissemination of Biblical and theological materials on the issue of abortion in order to facilitate responsible dialogue.
- g. Directs the Stated Clerk of the General Assembly to urge synods and presbyteries to study and take appropriate action on the issue of abortion in line with sections a through f above, including training opportunities for pastors and laypersons in counseling on problem pregnancies.
- h. Directs the Stated Clerk of the General Assembly to request seminaries to include appropriate consideration of the issue of abortion in courses in pastoral counseling and social ethics as well as in continuing education programs offered to clergy, and to request church-related colleges to consider the issue of abortion in appropriate courses, programs, or counseling services.



## UNITED SYNAGOGUE OF AMERICA

In 1967 the Metropolitan Region of the United Synagogue of America presented testimony in favor of abortion law reform before a committee of the New York State Legislature. In this testimony, reflecting the views of the Law Committee of the Rabbinical Assembly as well, the United Synagogue said:

"Rabbinic law holds that 'the mother has theoretical power over the foetus as part of herself.' She must, however, have valid and sufficient warrant for depriving it of potential life. The Talmud and subsequent rabbinic responsa throughout the centuries have ruled on what is or is not adequate warrant.

"In all cases 'the mother's life takes precedence over that of the foetus' up to the minute of its birth. This is to us an unequivocal principle. A threat to her basic health is moreover equated with a threat of her life. To go a step further, a classical responsum places danger to one's psychological health, when well established, on an equal footing with a threat to one's physical health. Although the definition and determination of the seriousness of these threats are subject to detailed and specific discussion, the principle is none the less clear."

The United Synagogue of America reaffirmed this position in a later statement issued by the presidents and executive vice-presidents of the United Synagogue of America and the Rabbinical Assembly emphasizing that abortions, "though serious even in the early stages of conception, are not to be equated with murder, hardly more than is the decision not to become pregnant."

Since then the United States Supreme Court prohibited all governmental interference in abortion during the first trimester and permitted those regulations which safeguard the health of the woman during the second trimester. The court held that whether or not to terminate an unwanted pregnancy during the first two trimester remains a matter of choice for the woman.

The United Synagogue affirms once again its position that "abortions involve very serious psychological, religious, and moral problems, but the welfare of the mother must always be our primary concern" and urges its congregations to oppose any legislative attempts to weaken the force of the Supreme Court's decisions through constitutional amendments or through the deprivation of medicaid, family services and other current welfare services in cases relating to abortion.

## **WOMEN'S LEAGUE FOR CONSERVATIVE JUDAISM**

National Women's League believes that freedom of choice as to birth control and abortion is inherent in the civil rights of women.

We believe that all laws infringing on these rights should be repealed, and we urge our Sisterhoods to work for the implementation of this goal.

## **YOUNG WOMEN'S CHRISTIAN ASSOCIATION, U.S.A.**

In the 24th National Convention of the YWCA of the U.S.A. in Boston, Mass., April, 1967, the delegates voted to work to liberalize the abortion laws, and in the following three year period many YWCAs studied the issues, attended hearings in their State Capitals, and kept in touch with the results of liberalization. Across the country, members became convinced that repeal of abortion laws was the answer because laws with specifications can discriminate against the poor who cannot afford to travel to places where legal, safe abortions are available. These women are at the mercy of unskilled abortionists working under unsanitary facilities.

The decision to give emphasis to the repeal of all laws restricting or prohibiting abortions performed by a duly licensed physician was voted in the 25th National Convention of the YWCA of the U.S.A. in Houston, Texas, in April, 1970. Delegates representing 48 states were selected by their local Associations, and voting delegates were empowered to cast their votes, keeping in mind the best interests of the total YWCA. The decision to support repeal of restrictive abortion laws was passed unanimously.

In the 26th National Convention in San Diego in March, 1973, delegates voted to "support efforts to provide safe, low-cost abortions to all women who desire them."

In line with our Christian Purpose, we, in the YWCA, affirm that a highly ethical stance is one that has concern for the quality of life of the living as well as for the potential for life. We believe that a woman also has a fundamental, constitutional right to determine, along with her personal physician, the number and spacing of her children. Our decision does not mean that we advocate abortion as the most desirable solution to the problem, but rather that a woman should have the right to make the decision. Along with the YWCA, many religious, social work and medical groups have endorsed repeal of abortion laws because this makes it possible for a woman to have access to safe medical service if this seems the solution that she and her physician decide upon. This point of view is taken by many women who themselves would not seek an abortion.

Because the YWCA voted as its overall imperative to work to eliminate racism wherever it occurs in institutions, it has a concern that no woman should be deprived of services that others can have, but it also is concerned that no woman be pressured into decisions which are not in their best personal interest.

# National RCAR Sponsors

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Hebrew Union College - Jewish Institute of Religion

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Princeton Theological Seminary

Robert Nelson West  
Past President, Unitarian Universalist Association

Bishop Melvin E. Wheatley, Jr.  
United Methodist Church, Colorado

Bishop Joseph H. Yeakel  
President, Board of Church and Society, United Methodist Church

Religious Coalition-for Abortion Rights  
100 Maryland Avenue, N.E.  
Washington, D.C. 20002  
(202) 543-7032



# ABORTION

RELIGIOUS COALITION FOR ABORTION RIGHTS  
URGES YOU

TO JOIN US IN AN INTER-FAITH SERVICE

COMMEMORATING THE 8TH ANNIVERSARY OF THE SUPREME COURT DECISION

ALLOWING FREEDOM OF CHOICE

DATE .....Thursday, February 22, 1981

TIME .....11:30 a. m.

PLACE ..... The New York Avenue Presbyterian Church  
"The Church of Presidents"  
1313 New York Avenue, N. W.  
Washington, D. C. (1½ blocks from Metro Center)

Rabbi Alexander Schindler, President, Union of American  
Hebrew Congregations will be  
participating.

Other participants will be Lillian Maltzer, President, National  
Federation of Temple Sisterhoods; Rev. Dr. Kenneth Teegarden,  
President, Christian Church (Disciples of Christ); William B.  
Thompson, Stated Clerk, United Presbyterian Church, USA;  
Rt. Rev. Walter D. Dennis, Episcopal Diocese of New York;  
Rev. Dr. Wyatt Tee Walker, Canaan Baptist Church, and repre-  
sentatives of United Presbyterian Women; United Church of  
Christ; Unitarian Universalist Association; United Methodist  
Church; Episcopal Women's Caucus; Catholics for a Free Choice;  
Women's League for Conservative Judaism; Young Women's Christian  
Association; and Women's Division, American Jewish Congress.

A briefing session for members of Jewish organizations attending this  
event will be sponsored by the Commission on Social Action of Reform  
Judaism. This session will be held prior to the service.

For Further information, call Annette Daum, 212-249-0100.

# Upcoming Event

The NEW YORK FEDERATION OF REFORM SYNAGOGUES  
invites

Worship, Adult Education and Religious School Chairpeople  
to a

CONFERENCE ON THE DEVELOPMENT OF FAITH (EMUNAH) IN SYNAGOGUE LIFE

SUNDAY  
JANUARY 25, 1981  
10 a.m. - 3 p.m.

LARCHMONT TEMPLE  
75 Larchmont Avenue  
Larchmont

If there were a God, what would it mean in our lives?

If we believed in God, how would we relate to our husbands, wives, children,  
family and friends?

What are the implications for our congregational programs?

Scholar and Teacher

*Professor Leonard Kravitz*  
Hebrew Union College-Jewish Institute of Religion

Registration fee: \$9.00

Bring your own Brown Bag lunch. We will provide dessert, coffee and tea.

-----  
Return to: Rabbi Bernard M. Zlotowitz  
NYFRS  
838 Fifth Avenue, NY 10021

NAME(S): \_\_\_\_\_

TEMPLE AFFILIATION: \_\_\_\_\_

TEMPLE POSITION: \_\_\_\_\_

Enclosed is my check for \$9.00 made payable to U.A.H.C.



איחוד  
ליהדות  
מתקדמת  
באמריקה

# Union of American Hebrew Congregations

PATRON OF HEBREW UNION COLLEGE—JEWISH INSTITUTE OF RELIGION  
2027 MASSACHUSETTS AVENUE N.W., WASHINGTON, D.C. 20036 (202) 232-4242

MID-ATLANTIC COUNCIL

Rabbi Richard S. Sternberger  
Director

September 8, 1980

Rabbi Alexander Schindler  
UAHC  
838 Fifth Avenue  
New York, New York 10021

Dear Alex,

On January 22nd, 1981 the Religious Coalition for Abortion Rights is holding a major service to commemorate the 1973 Supreme Court decision on Freedom of Choice. It will be held at the New York Avenue Presbyterian Church in Washington. The reason being that this was the Church of Lincoln and will be tied in with the whole idea of emancipation. We expect a congregation of 1500 people. The heads of the major denominations will participate including William Thompson, Avery Post and Joseph O'Rourke, as well as many others. In past years I know you have been able to attend, but please make a special effort this year.

I don't have to spell out for you the importance that this issue has attained, as it has become the rallying point of the political and evangelical right wing.

With best wishes to you and Rea and the family for a good and healthy New Year, I am,

Sincerely,

Rabbi Richard S. Sternberger

P.S. Looking forward to being with you in October.

cc your  
letter 9/5  
to Rea

January 12, 1981

Rabbi Richard S. Sternberger  
UAHC Mid-Atlantic Council  
Washington, D.C. 20036

Dear Dick:

I have your letter of January 7 and want to advise that I do plan to be in Washington for the January 22 convocation on abortion rights. Although, I must say that I am a little bit hurt by your underscoring the importance of this session, as if you have to plead for me to participate. The fact of the matter, as you well know, is that when I originally accepted I indicated that I might have to be in Israel. I was told that my conditional acceptance was agreeable.

I am going to Israel but will cut my visit short - in half as a matter of fact - in order to be in Washington. This isn't good for my health but I recognize the importance of this program and will do what I can.

By now you know that I will need a robe and an atarah/tallit and I'm counting on you to provide them for me. I will be grateful to you.

With warmest regards, I am

Sincerely,

Alexander M. Schindler



# Union of American Hebrew Congregations

PATRON OF HEBREW UNION COLLEGE—JEWISH INSTITUTE OF RELIGION  
2027 MASSACHUSETTS AVENUE N.W., WASHINGTON, D.C. 20036 (202) 232-4242

MID-ATLANTIC COUNCIL  
Rabbi Richard S. Sternberger  
Director

January 7, 1980

Rabbi Alexander Schindler  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, New York 10021

Dear Alex,

The word has gotten around very quickly that there is a possibility that you will not be able to participate in our big convocation in Washington on January 22nd. Needless to say a great many people are very upset including me. I have to say quite frankly that many Christians feel that the leadership of the Jewish Community is simply not concerned with many of the critical issues concerning them. In fact, a very close friend in one of the offices said to me very frankly that so many of his colleagues feel that the only thing we really care about is Israel and Soviet Jewry. Honestly Alex, how can we expect them to be troubled about things we Jews agonize about when we give so little evidence of caring deeply about matters about which they agonize. There is no question about it, you are the leader of the Jewish community in America and there is simply no substitute. The top Religious leaders in the Country will be there, including Kenneth Teegarden, Avery Post, John Conner etc. This will be a tremendous opportunity for the American Jewish Community vis-a-vis the American Protestant Community. Finally, many of our colleagues in Reform Judaism are coming because you will be there. I know how belligerent by all kinds of requests and demands but I believe this is of utmost importance.

It was good being with you with in Ocean City and of course your presence and your words really made the occasion a most important one. I am still getting most positive reports about the program, and I must say I am very pleased.

I am getting ready to move to Boston and am most excited. I have found a place to live in Brookline. Please give my regards to Rhea.

Devotedly,

Rabbi Richard S. Sternberger





*Put in Israel  
free.*

## Religious Coalition for Abortion Rights

100 Maryland Avenue, N. E.  
Washington, D. C. 20002  
(202) 543-7032

Helen R. Parolla  
Chairperson

Patricia A. Gavett  
National Director

### MEMBERS:

National Ministries  
American Baptist Churches  
American Ethical Union  
National Women's Conference  
American Ethical Union  
American Humanist Association  
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Women's Division  
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Catholics for a Free Choice  
Division of Homeland Ministries  
Christian Church (Disciples of Christ)  
Episcopal Women's Caucus  
National Council of Jewish Women  
National Federation of Temple Sisterhoods  
General Assembly Mission Board  
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Union of American Hebrew Congregations  
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Unitarian Universalist Women's Federation  
Board of Homeland Ministries  
United Church of Christ  
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United Church of Christ  
Board of Church and Society  
United Methodist Church  
Women's Division  
Board of Global Ministries  
United Methodist Church  
The Program Agency  
United Presbyterian Church, USA  
Council on Women and the Church  
United Presbyterian Church, USA  
United Synagogue of America  
Women's League for Conservative Judaism  
Young Women's Christian Association

January 9, 1981

Dear Friend:

We are doing our best to secure appointments for the participants in the service and press conference with top Congressional leadership and with President-Elect Reagan. This packet of information is designed to supply you with some very basic information - you may already be familiar and conversant with much of it - that you will need for those discussions. Please read through the material before January 22, and feel free to call if you have any questions or if further information would be helpful.

Unfortunately, there will be no opportunity on the 22nd for us to brief you on the legislative issues before the 97th Congress. Most of the bills that were targets for anti-abortion riders listed in the 1980 Legislative Wrap-Up will continue to be targets in 1981, and you should be familiar with their current status. However, we suggest that in discussions with Members of Congress you focus on anti-abortion constitutional amendments and, secondarily, the use of public funds in general, rather than on specific bills. The articles by Harriet Pilpel and Edd Doerr should be useful there.

The packet also includes some statistical information about abortion which is often ignored or distorted by those who seek to make abortion illegal. The brochure produced by NARAL describes the immediate impact of the 1973 Supreme Court decision. The most significant effect was that, with no increase in the estimated number of abortions performed annually, there was a dramatic decrease in the number of deaths related to abortion. Although figures have changed somewhat since 1974, the trends described have all remained the same. Finally, you will find brief summaries of the 1973 Roe v. Wade and the recent McRae decisions of the Supreme Court, the most pertinent guidelines to interpretation of the Constitution regarding abortion.



We ask you one final favor. If you are acquainted with any of the following Members of Congress or if they are a member of your denomination, it would be most helpful if you could place a personal call to them, urging that they join us for the service and meet with you later in the day, arrangements for the latter to be made through this office.

Thomas P. O'Neill, Jr., Speaker of the House (Roman Catholic)  
(202) 225-5111

Jim Wright, House Majority Leader (Presbyterian)  
(202) 225-5071

Robert H. Michel, House Republican Leader (Apostolic Christian)  
(202) 225-6201

Howard J. Baker, Jr., Senate Majority Leader (Presbyterian)  
(202) 224-4944

Ted Stevens, Senate Majority Whip (Episcopalizm)  
(202) 224-3004

Robert C. Byrd, Senate Minority Leader (Baptist)  
(202) 224-3954

Alan Cranston, Senate Minority Whip (Protestant)  
(202) 224-3553

We are looking forward to meeting you on the 22nd, and we anticipate a most meaningful and successful event.

Happy reading!

Sincerely,

A handwritten signature in cursive script, appearing to read "Pam Barnett".

Reverend Pamela Barnett  
Legislative Coordinator

September 5, 1980

Ms. Patricia A. Gavett, Director  
Religious Coalition for Abortion Rights  
100 Maryland Avenue, N.E.  
Washington, D.C. 20002

Dear Ms. Gavett:

Please forgive the long delay in responding to your gracious letter of July 18. My summer travel schedule has been quite heavy and this is my first opportunity to reply.

It is my hope that it will be possible for me to participate in the service and press conference on January 22, 1981. I do have a problem in terms of a possible trip overseas which will keep me out-of-the-country beyond January 22. I will not know definitely for some time but I will give you advance notice if there is indeed a conflict. For the time being, I plan on being with you in January.

If I find that it is not possible for me to be in Washington, may I send a substitute to represent me and the UAHC? The program of the Religious Coalition for Abortion Rights is important and we do want to have UAHC participation on January 22.

With every good wish and warmest regards, I am

Sincerely,

Alexander M. Schindler

cc: Rabbi David Saperstein



*all - Please advise  
Could do it with  
some signing*

## Religious Coalition for Abortion Rights

100 Maryland Avenue, N. E.  
Washington, D. C. 20002  
(202) 543-7032

Mary Jane Patterson  
Chairperson

Patricia A. Gavett  
National Director

July 18, 1980

### MEMBERS:

National Ministries  
American Baptist Churches  
American Ethical Union  
National Women's Conference  
American Ethical Union  
American Humanist Association  
American Jewish Congress  
Women's Division  
American Jewish Congress  
B'nai B'rith Women  
Catholics for a Free Choice  
Division of Homeland Ministries  
Christian Church (Disciples of Christ)  
Episcopal Women's Caucus  
National Council of Jewish Women  
National Federation of Temple Sisterhoods  
General Assembly Mission Board  
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United Methodist Church  
Church and Society Unit  
United Presbyterian Church, USA  
Washington Office  
United Presbyterian Church, USA  
Women's Program Unit  
United Presbyterian Church, USA  
United Synagogue of America  
Women's League for Conservative Judaism  
Young Women's Christian Association

Rabbi Alexander Schindler, President  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, New York 10021

Dear Rabbi Schindler:

The Religious Coalition for Abortion Rights is hoping to gather together national religious leaders in a worship service to commemorate and celebrate the eighth anniversary of the Supreme Court decision legalizing abortion throughout the nation. The service is scheduled for January 22, 1981, at 12:00 noon in the New York Avenue Presbyterian Church in Washington, D.C. Additionally, after the service, we are planning a press conference in order to reissue "A Religious Statement on Abortion: A Call to Commitment" (enclosed). Since it was first released in October, 1979, the statement has been signed by a thousand or more religious leaders and judicatories. We are especially pleased that so many Reform Jewish leaders, as well as yourself were among the original signators. Signatures will be received until the end of 1980.

We would be honored to have you participate in the activities of January 22. Your presence in the nation's capital, along with other denominational leaders, would be a strong and necessary witness to a compassionate religious perspective regarding a woman's freedom to choose abortion and a reminder to our nation of its commitment to true religious freedom.

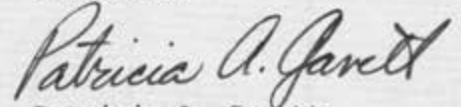
We expect that many thousands of antichoice demonstrators will descend upon this city in their annual "March for Life" on that day, and thus, considerable time and space will be devoted to this issue by the press. Part of that coverage will undoubtedly include pro-choice activities. We can assure you that decorum will be maintained in the service, even though there may be attendant publicity.

*WJC  
Israel  
1123 McCal*

Rabbi Schindler  
July 18, 1980  
Page Two

We are most appreciative of your consideration of our invitation. We would be grateful for a response at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, reading "Patricia A. Gavett". The signature is written in dark ink and is positioned above the printed name and title.

Patricia A. Gavett  
National Director

PAG:ar



*Crossed  
in mail  
with your  
reply*

*No further  
letter*



## Religious Coalition for Abortion Rights

100 Maryland Avenue, N. E.  
Washington, D. C. 20002  
(202) 543-7032

Mary Jane Patterson  
Chairperson

Patricia A. Gavett  
National Director

### MEMBERS:

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American Baptist Churches  
American Ethical Union  
National Women's Conference  
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Women's Division  
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Washington Office  
United Presbyterian Church, USA  
Women's Program Unit  
United Presbyterian Church, USA  
United Synagogue of America  
Women's League for Conservative Judaism  
Young Women's Christian Association

September 8, 1980

Rabbi Alexander Schindler  
President  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, New York 10021

Dear Rabbi Schindler:

We know that summertime is vacationtime and that unopened mail often accumulates on desks during this period. When we sent you our July letter inviting you to the Religious Coalition for Abortion Rights sponsored Ecumenical Service/Press Conference for January 22, 1981, in Washington, D.C., we understood that your response might be delayed due to your summer schedule. Nevertheless, we are happy to inform you that several distinguished religious leaders have already responded affirmatively and will be participants in that day's events. Among them are:

Mr. William Thompson--Stated Clerk, United Presbyterian Church, USA

Reverend Avery Post--President, United Church of Christ

Reverend Kenneth Teegarden--General Minister and President, Christian Church (Disciples of Christ)

Bishop D. Frederick Wertz--Methodist Bishop of Washington

Ms. Eleanor Gregory--President, United Presbyterian Women

Ms. Goldie Kweller--President, Women's League for Conservative Judaism

Reverend Joseph O'Rourke--Past President, Catholics for a Free Choice

Rabbi Schindler  
September 8, 1980  
Page Two

We are quite pleased with so many favorable responses so far, and with the religious diversity of these participants. We are quite certain that this event will have a significant impact on the struggle to preserve our religious liberties. We are most hopeful that you, too, will be a participant with us and look forward to your reply.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Gavett". The signature is written in dark ink and is positioned above the typed name and title.

Patricia A. Gavett  
National Director

PAG:ar





## Religious Coalition for Abortion Rights

100 Maryland Avenue, N. E.  
Washington, D. C. 20002  
(202) 543-7032

Helen R. Parolla  
Chairperson

Patricia A. Gavett  
National Director

September 26, 1980

### MEMBERS:

National Ministries  
American Baptist Churches  
American Ethical Union  
National Women's Conference  
American Ethical Union  
American Humanist Association  
American Jewish Congress  
Women's Division  
American Jewish Congress  
B'nai B'rith Women  
Catholics for a Free Choice  
Division of Homeland Ministries  
Christian Church (Disciples of Christ)  
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Unitarian Universalist Women's Federation  
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Council on Women and the Church  
United Presbyterian Church, USA  
United Synagogue of America  
Women's League for Conservative Judaism  
Young Women's Christian Association

Rabbi Alexander Schindler  
President  
Union of American Hebrew  
Congregations  
838 Fifth Avenue  
New York, New York 10021

Dear Friend:

We are most pleased that you will be a participant in our January 22, 1981, Ecumenical Service/Press Conference in Washington, D.C. Your presence, along with our other distinguished guests, will bring much needed recognition of the commitment by the pro-choice religious community to abortion rights. At the present time, our list of participants includes:

William P. Thompson, Stated Clerk, United Presbyterian Church, USA

Reverend Avery D. Post, President, United Church of Christ

Rabbi Alexander Schindler, President, Union of American Hebrew Congregations

Bishop D. Frederick Wertz, Methodist Bishop of Washington

Reverend Dr. Kenneth Teegarden, President, Christian Church (Disciples of Christ)

Reverend Eugene Pickett, President, Unitarian Universalist Association

The Right Reverend Walter D. Dennis, Suffragan Bishop, Episcopal Diocese of New York

Eleanor Gregory, President, United Presbyterian Women

Goldie Kweller, President, Women's League of Conservative Judaism

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S. Garry Oniki, Executive Director, Office for  
Church in Society, United Church of Christ

Reverend Joseph O'Rourke, Catholics for a Free Choice

Natalie Gulbrandsen, President, Unitarian Universalist  
Women's Federation

Patricia Mc Clurg, Administrative Director, General  
Assembly Mission Board, Presbyterian Church in the US

Marilyn Breitling, Coordinator, Coordinating Center  
for Women, United Church of Christ

As we receive more responses to our invitations in the next few weeks, we will begin to develop more detailed plans for the structure of the Service and the Press Conference. We will notify you by December of the specifics of the event and your exact participation in them. We can tell you now, however, there will be a luncheon for the participants immediately following the Press Conference at approximately 2:00 p.m.

As it looks now, the day is shaping up to be a memorable event. Your participation will do much to make it so. If you have any questions or comments concerning the day, please do get in touch with us.

Sincerely,

*Patricia A. Gavett*  
Patricia A. Gavett  
National Director

PAG:ar

FYI

January 7, 1981

The Honorable Ted Stevens  
United States Senate  
Washington, D.C. 20510

Dear Senator Stevens:

On January 22, 1981, distinguished leaders of the religious denominations and faith groups which compose the Religious Coalition for Abortion Rights will be in Washington, D.C. to participate in an inter-faith service affirming the constitutional protection of freedom of choice in abortion. This will be an historic occasion, as at that time we intend, jointly and publicly, to express our alarm over the threat to personal liberty and progressive social programs posed by right-wing, religio-political coalitions. We shall proclaim our resolve to respond by engaging our denominations in programs of systematic religious education and advocacy training in support of the values embodied in their pro-choice positions.

I write on behalf of these leaders to request an appointment with you on the afternoon of January 22, sometime between 3:00 and 5:00 p.m. Specifically, we hope to discuss with you the outlook for civil and human rights and social programs in the 97th Congress and the new administration. The effort to promote and pass an abortion prohibition amendment to the U.S. Constitution is a matter of special concern.

The importance of a politically active religious constituency was amply demonstrated in the elections last November. We believe that meeting with House and Senate leaders is an important step in engaging our members in political action, and in challenging the monopoly on morality claimed by the religious right wing.

We look forward to your reply, and to working with you in the 97th Congress.

With warm regards,

Patricia A. Gavett  
Executive Director

# A Religious Statement on Abortion: A Call to Commitment

In 1973, the Supreme Court determined that abortion in the first two trimesters was a constitutional right and that the state could not interfere except to protect the health of the woman.

We have since witnessed the development of a massive campaign to overturn the decision by constitutional amendment. Efforts to restrict access to abortion have increased sharply at the local and state levels. Through denial of funding, poor women have been the particular victims of these efforts.

Today, a raging conflict surrounds the abortion issue, arousing intense emotions and polarizing the citizens of this country. Abortion has become a major issue in the political process; it has seriously affected interreligious relationships and is posing a threat to the basic principles of the United States Constitution.

We hold in high respect the value of potential human life; we do not take the question of abortion lightly. There are many denominations and faith groups represented among us, and we hold varying viewpoints as to when abortion is morally justified. But it is exactly this plurality of beliefs which leads us to the conviction that the abortion decision must remain with the individual, to be made on the basis of conscience and personal religious principles, and free from governmental interference.

We respect the right of those who differ from us—those who hold the absolutist position that abortion is never permissible—to seek to persuade others to subscribe to that point of view. But we are unalterably opposed to the enactment of laws which would impose on all Americans a particular religious doctrine.

The critical nature of the abortion controversy and our grave concern for the preservation of religious liberty lead us to propose the following actions:

- 1. A strong educational effort throughout our churches and synagogues.** We know that many people today are confused about the issue of abortion. They are uncertain of the position of their own denominations, and uninformed about the theological and ethical values which underlie the position of those who advocate the right to choose. It is a proper role of religion to provide leadership and guidance on social and moral issues, and we believe our organizations must now begin to deal with abortion in a more positive and thorough fashion. Too often we have avoided the issue in the vain hope that it would resolve itself. We now commit ourselves to the establishment of strong educational programs, including development of new educational materials, to bring the religious perspective on abortion rights to the members of our congregations. We shall use every available means to understand and interpret the critical nature of the current struggle in which we must be involved.
- 2. A strengthened counselling program.** We believe that the abortion decision should be made on the basis of thoughtful, serious consideration. We will encourage clergy to make themselves available for counselling. Further, we will seek to establish programs within our religious institutions to provide training for such counselling, by both clergy and other concerned people.
- 3. The integration of the abortion rights issue into our total social action advocacy.** We recognize that the issue of abortion cannot be dealt with in isolation from other current social and political realities. We will help the members of our congregations to be fully informed of the relationship of the abortion issue to other issues of equity and justice. We will urge them to learn the positions of elected representatives on legal abortion and public funding for abortion services. Legislators who oppose abortion rights often oppose other measures whose goal is greater social justice.
- 4. Escalation of the campaign to oppose a constitutional amendment, in order to preserve the separation of church and state.** We view the effort of the anti-abortionists to amend the Constitution to prohibit all abortions as a serious threat to the First Amendment which protects the free exercise of religion. The position that a fetus is a human being with full human rights from the moment of conception is a particular theological position. Other theologies take other positions. If, therefore, those opposing abortion are successful in incorporating their particular religious doctrine into the supreme law of the land, our religious liberties will have been seriously eroded. Moreover, if the first article of the Bill of Rights should prove susceptible to impairment in this way, other rights, guaranteed in succeeding articles, are in grave jeopardy. We therefore call for an intensified effort to prevent placing this restrictive theological doctrine into the Constitution.



**5. Strong affirmation of the principle of ecumenism must allow for respectful dialogue on issues of disagreement.** We are aware of charges that the efforts of the pro-choice community to preserve the legal option of abortion have damaged ecumenical relationships. We believe that ecumenism is a two-way street, and that there must be room in inter-religious relationships for disagreement on matters of substance even as we work together in areas of mutual agreement. The positions of our denominations on the matter of abortion are firmly rooted in our theological viewpoints and we shall not relinquish them to appease those who disagree with us.

Our grave concern for our precious freedom of religion impels us to ask our organizations to consider abortion rights an issue of major concern, and to work vigorously to protect the option of legal abortion for all women. We pledge that in our positions of leadership we will make every effort to promote the pro-choice point of view, in line with the stands taken by our religious bodies.

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Institutional affiliation for purposes of identification only.

"A Religious Statement on Abortion: A Call to Commitment" was drafted by a committee of religious leaders representing 19 national organizations. It has been circulated for endorsement by the Religious Coalition for Abortion Rights.

Particular emphasis was placed on seeking endorsement from national and regional officers and agencies who could influence the policies and programs of their organizations. Because the procedures for endorsement differ from group to group, and because RCAR resources prohibited mass individual mailings, the 200 signatories hereon represent only the first phase in the implementation of this project. Therefore, the number of endorsements from each organization does not fully reflect the extent of support of that organization for the principles outlined in the statement.

The "Call to Commitment" represents a unique approach in social action efforts on the part of religious groups, for it represents an agreement of many diverse faiths on a unified plan of action for dealing with this issue. It represents, also, the widespread religious and ethical support in this country for the legal option of abortion, and the strong commitment to preserving that option.

For further information, or to endorse the "Call to Commitment", contact:

**The Religious Coalition for Abortion Rights**

100 Maryland Avenue, N.E.

Washington, D.C. 20002

(202) 543-7032

*J. Philip Wogaman*

# Abortion as a Theological Issue

In an article on "The Humanity of the Unborn" (The Post, July 25), Rep. Henry J. Hyde (R-Ill.) gave us a bit of the rationale behind his sponsorship of legislation to withhold federal funds for abortions for poor people. Hyde's article is of more than passing interest to theologians and students of ethics because he has based his whole case on an extreme theological doctrine and because he has pursued a legislative course that is at odds with the thinking of many of America's most prominent religious groups.

To be sure, he does not believe he is making religious judgments. He argues that it is "a biological fact, not a theological one" that the fetus is human life. We know this, he asserts, because "medical science tells us the unborn is human life." And he believes this refers to the fetus at every stage of development because of "the scientific fact which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death." In other words, we are asked to believe as a matter of simple scientific truth that the fetus is fully human from the very moment of conception.

If all he means by this is that the fetus is physically human in the sense that any part of a human being is fully human, then there is no argument. But if he means "human" in the sense in which we speak of the human *person*, he has clearly made a statement that goes beyond the bounds of science. Science can describe factual data and physical processes, but it cannot tell us where to draw the line in determining ultimate questions of value. Nobel-prize-winning geneticist Joshua Lederberg had something like this in mind when he remarked that the theologians and philosophers would first have to tell him what they meant by "human" before he could tell them at what point in the development of life a human being could be said to exist.

Hyde and the absolutists of the right-to-life movement try to short-circuit

the question by a simple declaration that human personhood begins at conception. They cannot escape the fact that this is only one particular theological and philosophical viewpoint (certainly not a "scientific fact") and that they are involved in a campaign to impose that viewpoint upon other honest people who disagree.

Indeed, their extreme viewpoint of the origin of personhood has very disturbing theological and philosophical

*The writer is dean and professor of Christian Social Ethics, Wesley Theological Seminary, and past president of The American Society of Christian Ethics.*

implications, quite apart from the abortion question. It tells us that the "human" is fundamentally biological in nature, while the profounder conclusion of civilized thought has rather been that the human has something to do with the capacity for awareness and feeling transcending the biological. Martin Buber's theological treatise "I and Thou" speaks to the point. Buber finds our essential humanity in our capacity to experience ourselves and others as subjects and not merely as material objects. Ultimately, it is because God relates to us as "I and thou" that we are fully human.

Applied to the developmental process, this would seem to mean that it is in the dawning of personal awareness that human personhood begins (just as it is in the irrevocable extinction of personal awareness that death has occurred). When does the dawning of personal awareness occur? Here, in fact, scientific evidence concerning fetal responsiveness and prenatal memory may help us to locate this within the period of pregnancy—possibly somewhere around the fifth month. But while it begins in pregnancy it could hardly be said to exist right after conception nor during the first two or three months, when most abortions occur.

There are still good theological and

social reasons for treating the fetus with respect because of its normal potentialities. Most ethically sensitive people would readily agree with the right-to-lifers about that.

But the real problem comes when our respect for potential human personhood collides with the needs and values of actual persons.

If I may put this theologically, what are we to do when the continuation of a pregnancy will obstruct God's loving intentions for existing human beings? What about the 12- or 13-year-old child who becomes pregnant? What about the woman whose health may be placed in jeopardy by the continuation of a pregnancy? What about the cases of rape and incest? What about the fluke pregnancy of a person of advanced years? What about pregnancy in a family that already has too many children for proper care? Should our concern for the potentialities of a fetus (prior to the dawning of its awareness and personhood) override the claims of love in these and similar human circumstances? As a matter of fact, what are the implications of the extreme view for the forms of contraception (such as the IUD) that function by preventing the implantation of the embryo *after* conception has already occurred?

The abortion question has not been an easy one for the theologians and church groups who have wrestled with it. But I believe the United Presbyterians, United Methodists, American Lutherans, Unitarian-Universalists, American Baptists, Jewish bodies and other denominational groups have been wise and compassionate in their judgment that the abortion decision should be available to the people, in the freedom of their own conscience. It follows from this that the Congress and President should not adopt laws or policies like the Hyde amendment that imply that the judgment of these thoughtful religious groups is somehow immoral.



## The Collateral Legal Consequences of Adopting A Constitutional Amendment on Abortion

By Harriet F. Pilpel

On April 28, the Senate rejected a constitutional amendment proposed by Sen. Jesse A. Helms (R-N.C.) which would guarantee that every human being from the "moment of fertilization" is a person entitled to a "right to life." The 47 to 40 vote to table the amendment followed the Judiciary Committee's Subcommittee on Constitutional Amendments' rejection last September of all the proposed constitutional amendments on abortion pending before it, including the Helms amendment. The subcommittee's action came after 16 months of hearings.

The Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, meanwhile, has held its own hearings on proposed amendments. Those hearings ended in April, but the subcommittee has not scheduled a vote on the various proposals.

Among those testifying before the House subcommittee on the legal, medical and religious implications of a constitutional amendment on abortion was Harriet F. Pilpel, who analyzed the collateral legal consequences which would accompany the adoption of a constitutional amendment. Mrs. Pilpel also appeared before the Senate subcommittee, which relied heavily on her testimony in its report. The article below is adapted from Mrs. Pilpel's testimony before the House subcommittee.

The constitutional amendments dealing with abortion which have been considered recently by Congress fall into two principal groups: the so-called "right to life" amendments guaranteeing to the fetus a "right to

life" or equivalent constitutional protection and the so-called "states' rights" amendments which purport to give the states absolute discretion in the matter of abortion.

The "right to life" amendments would create an enormous new category of constitutional rights with which this nation is not prepared to cope psychologically or economically at this time. Equally disruptive would be the amendments which would make government responsible for protecting the constitutional rights of any person—or just of fetuses—against the act of any person instead of as now only against the act of a governmental body (to which I shall refer as the amendments giving constitutional protection against nongovernmental action). The "states' rights" amendments would make basic human rights of Americans dependent on geography. (See box.)

I will discuss the amendments generally in terms of the collateral effects they could have on our constitutional system, if adopted, and then in terms of their probable effect on a variety of legal fields apart from constitutional law.

### The 'Right to Life' Amendments

Nowhere in our Constitution or in any amendment adopted to date is there any reference to, or guarantee of, a "right to life" for anyone, born or unborn. All that the Constitution does in this context is to forbid the government—federal, state and local—from depriving anyone of life without due process of law. This is accomplished by the Fifth and Fourteenth Amendments. Neither amendment confers any "right to life."

Perhaps we should seriously consider amending the Constitution so

that it would guarantee a "right to life" for all those "persons" within the jurisdiction of the United States. Such a "right" would at least mean that government would assume, as a matter of constitutional law, the obligation of maintaining the physical lives of all of us. Everyone would be assured by the government of that minimum of food, clothing, shelter and medical care which is necessary to keep us alive. At the present time, there is no such constitutional obligation on the part of government.

Since "man does not live by bread alone," it might also be argued that a "right to life" must mean more than a right to just the physical necessities of continued existence; that it would also entail a government obligation with respect to the quality of life which is constitutionally mandated. Would not the "right to life" be violated, for example, when persons already born are compelled by our economic system to live in life-threatening, substandard housing? What about "battered babies"? The government would certainly have to step in and assure them the minimum conditions for continued existence.

Could the federal government still draft men and send them off to war, where at least some of them would certainly be killed and thus deprived of the "right to life"? Would not capital punishment become unconstitutional in all circumstances? What would happen to the established self-defense exception to virtually all our laws against homicide?

In order to protect the "right to life" of all "persons," Congress and the states would be called upon to enact far-reaching legislation providing for the support and maintenance of every individual—not only, as in some Socialist countries, "from the cradle to the grave," but indeed, "from womb to tomb."

Some of the "right to life" amendments give no guidance to Congress and the states as to how the "right to life" of the woman is to be balanced against the "right to life" of the fetus where those rights are in conflict. If it is necessary to destroy the fetus in order to save the life of the mother, whose constitutional right prevails? That choice is apparently left to Congress and the states, and presumably nothing would prevent

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them from placing the life of the fetus ahead of the life of the mother. What would happen if Congress and the states disagree as to whose "right to life" should prevail?

Surely any consideration of a proposal to protect a "right to life" must take into account all the ramifications of such a right and not limit it only to the rights of unborn "persons," since they would be but a small minority of those affected.

### Amendments Giving Constitutional Protection to Fetuses Against Nongovernmental Action

The proposed amendments which provide that "no unborn person shall be deprived of life by any person" (with some exceptions) would have additional serious collateral and detrimental effects on our entire constitutional law system. [emphasis added] Inclusion of a guarantee against the action "of any person" in the United States Constitution would involve a totally new and uncharted application of the Fifth and Fourteenth Amendments, which generally apply only against action of the government. By according a new and special protection against the action of "any person" to "unborn persons," an amendment of this sort would give unborn persons far greater constitutional protection than is now or has ever been given to any born human being. As a result of this provision, private individuals as well as government would be subject to the constitutional restraints of the Fifth and Fourteenth Amendments, but only with respect to the unborn.

This type of amendment would create a whole new area of congressional control, namely the protection of unborn "persons" against injury by any "person," even a person not acting under color of any government authorization. Presumably this change to constitutional protection for fetuses against the act of private individuals as well as the government would call for a federal law of "crimes against the fetus," including abortion, which would have to be enforced by the FBI and other federal agencies. Any attempt to enforce the "right to life" of the fetus "person" would involve not only a wholesale invasion of the right of privacy of all women of childbearing age, but

would necessitate a federal law enforcement apparatus which would threaten the privacy of all of us. Thus, we would not only be giving the unborn protection far beyond any accorded to those of us who have already been born, but we would have taken a long step toward creating an all powerful federal bureaucracy and impairing the essential right of privacy of all born persons, which would be permanently and irrevocably in jeopardy.

Proposed amendments which would make every zygote, fetus and embryo from the "moment of conception" (a moment which no one and no instrument can ascertain) a "human being" in the eyes of the law, i.e., a person entitled to due process of the law and the equal protection of the laws, would also create numerous legal problems. Would not our census-taking have to be totally reorganized? Would not the very basis of representation in our Congress and other representative bodies have to be drastically changed? How would this apply to voting? Would such an amendment affect the "one man-one vote" principle? Would the inclusion of fertilized ova have an impact on revenue sharing as well as other kinds of federal grants to states, such as formula grants, which are based on population?

### The 'States' Rights' Amendments

The "states' rights" amendments would be largely ineffective in accomplishing what appears to be the main purpose of their sponsors—prohibiting abortion. Rather, since these amendments typically provide that a state may not be barred from "allowing, regulating, or prohibiting" abortion, they would return us to a chaotic situation of varying state laws, where the rich, who could afford to travel, could easily obtain abortions, but the poor could not. Moreover, there is a real question as to the extent to which a "states' rights" amendment would supersede *Roe v. Wade*<sup>1</sup> and *Doe v. Bolton*,<sup>2</sup> if at all.

### Effects on Criminal Law

Would some of the proposed amendments make abortion homicide? The answer to this question depends to

## Constitutional Amendments Introduced in Congress

### Typical 'Right to Life' Amendments

With respect to the right to life guaranteed in this Constitution, every human being, subject to the jurisdiction of the United States, or of any State, shall be deemed, from the moment of fertilization, to be a person and entitled to the right of life.

Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

H.J. Res. 246, sponsored by  
M. Gene Snyder (R-Ky.)

\* \* \*

Neither the United States nor any State shall deprive any human being, from conception, of life without due process of law; nor deny to any human being, from conception, within its jurisdiction, the equal protection of the law.

Neither the United States nor any State shall deprive any human being of life on account of age, illness, or incapacity.

Congress and the several States shall have power to enforce this article by appropriate legislation.

H.J. Res. 99, sponsored by  
John N. Erlenborn (R-Ill.)

### An Amendment Giving Fetuses Constitutional Protection Against 'Any Person'

With respect to the right to life, the word person as used in this article and in the fifth and fourteenth Articles of Amendment to the Constitution of the United States applies to all human beings irrespective of age, health, function or condition of dependency, including their unborn offspring at every stage of their biological development.

No unborn person shall be deprived of life by any person: *Provided, however,* That nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

The Congress and the several States shall have power to enforce this article by appropriate legislation.

H.J. Res. 132, sponsored by  
James L. Oberstar (D-Minn.)

### A 'States' Rights' Amendment

Nothing in this Constitution shall bar any State or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion.

H.J. Res. 96, sponsored by  
G. William Whitehurst (R-Va.)



some extent on the type of amendment, although none of the proposed amendments is entirely self-implementing, and all depend to some degree on legislation to carry them out and to prescribe penalties for their violation. Whether it is intended by any of them that the penalties for abortion be the same as for homicide is unclear.

### Who Could Be Prosecuted?

If the fetus is a "person" or a "human being," anyone committing a lesser crime which incidentally results in the miscarriage of a woman would apparently, *ipso facto*, be guilty of murder under the so-called "felony-murder rule," which classifies as murder the killing of a person in the course of a lesser crime. Yet at no time in the history of Anglo-American law has abortion been the equivalent of murder.<sup>3</sup> Similarly, anyone charged with criminal recklessness, or indeed negligence which resulted in a miscarriage, would be guilty at least of the crime of manslaughter.

Some of the proposed amendments are worded so broadly that they might well authorize Congress and the state legislatures to make it a crime to sell alcohol or cigarettes to a pregnant woman. Other questions with serious implications for our entire legal system arise. Would, for example, prosecutors be under a duty to investigate every miscarriage to see if it resulted from fetus abuse, carelessness or recklessness? It is estimated that approximately 30 percent of all conceptions result in a spontaneous miscarriage. Would the women who spontaneously miscarried automatically be under suspicion of fetus murder? Could every fertile female in the United States be required to have a pregnancy test every month to ascertain if she is harboring a "person" within her?

What about the conduct of the pregnant woman herself? If she took a medicine which caused the expulsion of the fetus, would she be violating a constitutional amendment and be guilty of murder? Would the answer to that question depend on proof of intent? Would she be equally guilty if she didn't intend any such result but should have known it would follow (under the well-known axiom that a person is deemed to

have "intended" the natural consequences of his act)?

One thing is clear. If the fetus were a person entitled to due process and equal protection from the moment of conception, every pregnant woman and all people dealing with her would constantly be acting at their peril.

### Effects on the Medical Profession

Some of the proposed amendments contain special provisions permitting abortion which is necessary to prevent the death of the mother. Experience under the old restrictive abortion laws, however, demonstrated that this criterion is so imprecise that doctors would be acting at their peril in guessing its meaning in any particular case. Other proposed amendments have no exceptions for saving the pregnant woman's life. In any event, there would undoubtedly be a great deal of litigation in which the pregnant woman's countervailing "right to life" would have to be weighed, first by physicians and then by courts, against the "right to life" of the fetus.

### Federalizing Portions of Our Legal System Now Governed By the States

Those amendments which would give to Congress and the states power of enforcement by appropriate legislation would, as pointed out above, presumably call for a federal law of crimes against the fetus to be enforced by the FBI and other federal agencies.

The authorization of power to Congress is not unusual; in fact such authorization is contained in a number of amendments, including the Thirteenth and Fourteenth. But the authorization of concurrent power to Congress and the states is unprecedented. While the Prohibition Amendment did authorize the states to enforce its provisions, the substantive rule of law, that is the outright prohibition of the manufacture, sale or transportation of intoxicating liquors, was contained within the amendment itself. The power delegated to the states was therefore limited to the power to prosecute and punish infringements of that federal enactment. But because most of the proposed abortion

amendments are not self-executing, the enforcement authorization contained in these amendments would permit both the federal government and the states to enact substantive laws to protect the "right to life." The enactment of numerous inconsistent, and possibly conflicting, laws governing not only abortion, but any area of law involving the "right to life," would therefore be likely. How could a doctor, faced with conflicting federal and state laws which, for example, variously permitted abortion to protect the "life," "health" or "safety" of the mother, decide whether performing an abortion would subject him to criminal penalties of the federal government, the state government or both?

### Problems Regarding Contraceptives

As the United States Commission on Civil Rights pointed out in its April 1973 report on "Constitutional Aspects of the Right to Limit Childbearing," the proposed amendments would raise substantial problems regarding the applicable law with reference to a number of contraceptives.

The Supreme Court noted in *Roe v. Wade* that recent embryological data indicates that conception is "a 'process' over time, rather than an event."<sup>4</sup> There is no way today in which the "moment" of conception or fertilization can be ascertained. Moreover, the exact way in which certain contraceptives, notably the IUD, the morning-after pill and the mini-pill (progestin-only), operate is also not known. Some may prevent fertilization; others may prevent implantation which takes place after fertilization; some may act in other ways. Thus amendments which would protect human beings "from conception" or guarantee a "right to life" "from the moment of fertilization," if enacted, could make doctors who prescribe the IUD, the morning-after pill and the mini-pill, as well as the women who use them, guilty of homicide. Furthermore, since the date of conception or fertilization cannot be determined exactly, such amendments would create a great penumbra of vagueness in this context around our laws with respect to murder, manslaughter, wrongful death, negligent death and

all other laws relating to the continuation of "life." Such vagueness until now has been rightly denounced by the courts as unconstitutional, particularly in connection with the criminal law.

Many of the proposed amendments, however, do not define so specifically when personhood begins. They refer instead to "all human beings, including their unborn offspring at every stage of their biological development." Does this mean from the time of fertilization? Or from the time of implantation? Or if not either of these, when?

### Effects on Negligence Law

The effect of the proposed constitutional amendments upon the law of negligence would also be great. As that law now stands, recovery for injury to the fetus is generally permitted, if at all, only if the alleged injury occurs at a time when the fetus is viable. In many states, there can be no recovery for injury even to a viable fetus unless a live child is born.<sup>5</sup> Apparently, many of the proposed amendments would alter this rule, and the courts and legislatures would be required to recognize the "personhood" or "right to life" of a fetus in negligence litigation from "the moment of fertilization" or "implantation."

The human and legal considerations that have influenced courts and legislatures in deciding whether a civil action can be maintained by the representatives of a deceased fetus for the death of that fetus resulting from the wrongful act or negligence of a third party are completely different from those related to abortion. In the negligence situation, the dominant consideration is and has been whether the parents of the deceased fetus should be allowed to recover damages for the loss of the future society, companionship, love and services of the fetus from someone whose wrongful conduct caused the death of the fetus.

It is understandable then that many state courts have granted the parents the right to recover for the loss of a viable unborn child. The chief consideration militating against allowing such recovery is the tremendous difficulty of proving causation and damages where the fetus is

never born alive. As pointed out by the Pennsylvania Supreme Court, the fact that the injured child "is born alive tends to effectively permit a just result, and reduces materially the inherent complex problems incident to causation and the pecuniary loss suffered. . . . On the other hand, if the fetus is stillborn, speculation as to causation and particularly loss suffered is unreasonably increased."<sup>6</sup> The force of this argument is clear when we consider the added difficulties of proof when viability rather than live birth is the criterion for recovery.

In the abortion situation, the considerations are altogether different, for it is the mother herself who, in consultation with her physician, chooses to terminate her pregnancy. Yet many of the proposed amendments would in effect compel the states to adopt a single standard for determining the legality of abortion and the rights of a deceased fetus to collect damages for its wrongful death.

If a deceased fetus can sue for wrongful death, there would be an unending succession of new legal inquiries which would have to be answered by the courts. For example, under the automobile guest statutes, what are the rights of a fetus in the womb of a guest in an automobile which is dislodged by careless driving? What if the driver has no knowledge that the woman is pregnant? Could the estate of a fetus sue an airline on the ground that its miscarriage was caused by an especially turbulent flight which could have been avoided by the choice of another route or that the airline should have turned away its pregnant mother? Would that depend on whether the airline officials knew or should have known that the woman was pregnant?

And what of intra-family immunities? This area of law is opening up today, so that when children who have been born alive are injured by a negligent act of their parents, they can sue the parents for the injury. Would the proposed amendments allow the fetus also to sue the pregnant woman? What if the woman negligently contracts German measles or takes a drug that has harmful effects on the child? A whole new group of negligence lawyers would

no doubt come into being, specializing in the bringing of suits on behalf of the fetus.

All of these issues might well lead in the direction of "federalizing" the law of negligence—which again would enormously complicate the law and add greatly to the already overburdened docket of the federal courts.

### Effects on Medical Malpractice Law

The mounting and now almost prohibitive cost of malpractice insurance (\$15,000 a year minimum for physicians in New York City) has become a problem of wide public concern. If every fetus had a constitutionally guaranteed "right to life," it is likely that there would soon develop a new variety of malpractice actions against doctors in connection with pregnancies. In addition to claims on behalf of the woman, there would also inevitably be claims on behalf of dead or injured fetuses. In a situation where a life-saving medical procedure for the woman had the possible ancillary effect of causing a miscarriage, the doctor would always be at risk of a charge of violation of the constitutional rights of the fetus. Thus his medical judgment with respect to the medical steps he thought necessary to protect the woman might be restrained to the point where he would not feel free to prescribe the treatment he considered appropriate for the woman. The "chilling effect" on medically mandated treatment of the woman is incalculable, as is the inevitable increase in the already staggering cost of malpractice insurance which would follow.

### Effects on Property and Inheritance Law

Until now, unborn children have been recognized in the law as entitled to rights or interests by way of inheritance or transfer of property only if born alive. It is not clear from the language of the various proposed amendments to what extent they would change present law in this area.

If an unborn fetus has property rights, should the property, in the event of fetal death, go to the heirs of that fetus as specified in the intestacy laws or as provided in a will?



What if the will specified male heirs or female heirs and the fetus ceased to be before its sex could be determined? In any event, the many questions that would arise would seem to call for registration of all pregnancies and miscarriages.

In probate proceedings, a special guardian probably would have to be appointed to represent the interests of any fetuses in being at the time of the death of the person making the will. The same would be true in intestacy proceedings, since in the absence of a will, one's children are always specified as heirs in intestacy laws. The need for fetus guardians would, of course, add to the ever increasing high costs of probate and intestacy proceedings.

## Conclusion

We as a society have not yet fully assimilated the broadened right of privacy established by the Supreme Court in *Roe v. Wade* and *Doe v. Bolton*. As pointed out by Professor Paul Bender of the University of Pennsylvania Law School in his testimony before the House subcommittee on February 5, "an amendment overruling *Wade* would create the danger of chopping off the development of this new right, while it is still in the process of early evolution, and of thus frustrating—and even terminating—a basic constitutional principle that rings true to the vast majority of the people." And the consequences of the proposed amendments would entail a drastic upheaval in our established law and legal traditions, to no one's benefit. □

## References

- <sup>1</sup> 410 U.S. 113 (1973).
- <sup>2</sup> 410 U.S. 179 (1973).
- <sup>3</sup> Compare *Keeler v. Superior Court*, 1 Cal. 3d 619 (1970) and *State v. Dickinson*, 23 Ohio App. 2d 259, 275 N.E. 2d 599 (1970). See also Means, Cyril, "The Phoenix of Abortion Freedom," XVII N.Y. Law Forum 355 (1971).
- <sup>4</sup> 410 U.S. 113, 161 and n. 62.
- <sup>5</sup> Annotation, 15 ALR 3d 992 (1967).
- <sup>6</sup> *Carroll v. Skloff*, 415 Pa. 47 at 49 (1964).

## United States

### Government Claims States May Limit Medicaid Coverage To 'Therapeutic' Abortions

The Departments of Justice and Health, Education and Welfare have

submitted a friend of the court brief to the U.S. Supreme Court arguing that neither the Social Security Act nor the equal protection clause of the Fourteenth Amendment requires that state Medicaid programs reimburse the cost of abortion services. The Court, which has been asked to review a ruling by the U.S. Court of Appeals for the Third Circuit that Pennsylvania's refusal to provide Medicaid reimbursement for abortions unless they were "medically necessary" violated the Social Security Act,<sup>1</sup> requested the Administration's views.

After reviewing the provisions of the Social Security Act's Medical Assistance Program, the brief concludes, "[W]e consider it reasonable for a state to insist that the decision to have an abortion be informed by expert medical judgment . . . and to limit funding to those abortions determined by a physician to be medically indicated." In a footnote, the brief advises, "We use the term 'medically indicated' to refer to medical treatments determined by the attending physician to be 'necessary for the preservation of the patient's health.'"

In considering the plaintiff's argument that when a state has under-

taken to offer prenatal and maternity care to low-income citizens limitations on abortion coverage invidiously discriminate between women deciding to carry a pregnancy to term and those choosing to terminate a pregnancy by abortion, the brief says that distinguishing between the two groups "merely reflects the fact that whereas medical treatment at childbirth is generally considered to be necessary, in some circumstances a physician might determine that an abortion would not be an appropriate medical treatment."

Although the courts have split on the question of whether the Social Security Act requires reimbursement for abortion, in all cases in which the courts have considered constitutional arguments, they have held that the states must grant Medicaid reimbursement for abortion, regardless of whether it is "medically necessary" or "elective."<sup>2</sup>

The Supreme Court has not yet decided whether it will hear arguments in this case, but should announce its decision soon.

<sup>1</sup> *Beal, et al v. Doe, et al*, U.S. Supreme Court No. 75-554; 523 F. 2d 611 (3rd Cir. 1975) [see FP/PR, 4:88, 1975].

<sup>2</sup> See FP/PR, 3:100, 1974; 4:10, 88, 1975; 5:1, 30, 1976.

## CASES REPORTED

*A.L. v. G.R.H.*, U.S. Supreme Court No. 75-1202; 44 U.S.L.W. 3588, April 19, 1976, p. 38.

*Baird and Extrom v. La Follette, et al*, Wisconsin Supreme Court, August Term, 1975, No. St. 224 (1974), March 18, 1976, p. 38.

*Beal, et al v. Doe, et al*, U.S. Supreme Court No. 75-554; 523 F. 2d 611 (3rd Cir. 1975), friend of the court brief filed, p. 48.

*Berger v. Klein, et al*, 44 U.S.L.W. 3607, April 26, 1976, p. 38.

*Citizens for Parental Rights v. San Mateo County Board of Education*, U.S. Supreme Court No. 75-1024; 44 U.S.L.W. 3359, April 5, 1976, p. 38.

*Doe, et al v. Temple, et al*, USDC, E.V., Richmond Div., Civil Action No. 76-0006-R, February 17, 1976, p. 43.

*Drew Municipal Separate School District v. Andrews*, U.S. Supreme Court No. 74-

1318; CA 5, No. 73-3177, May 3, 1976, p. 38.

*General Electric Company v. Gilbert*, U.S. Supreme Court No. 74-1589; 44 U.S.L.W. 3669, May 23, 1976, p. 37.

*Hoe, et al v. Brown, et al*, USDC, Nohio, Eastern Div., Civil Action No. C76-185, March 11, 1976, p. 41.

*Jones, et al v. T.H., et al*, U.S. Supreme Court No. 75-624; 44 U.S.L.W. 3669, May 24, 1976, p. 37.

*M.S., et al v. Wermers, et al*, USDC, S.D., Civil No. 75-5015, March 5, 1976, p. 43.

*Maley, et al v. Planned Parenthood, et al*, Minnesota District Court, Third Judicial Dist., Olmstead County, Civil Case No. 37767, December 30, 1975, p. 43.

*Minor, et al v. Ferguson, et al*, USDC, Conn., Civil No. H-76-8, January 12, 1976, p. 41.

state conventions, whichever method Congress would choose. Theoretically, a proposed new U.S. Constitution, with the Bill of Rights practically destroyed, could be ratified by legislatures or conventions in the 38 smallest states. Even if a large majority of Americans opposed the new charter, it could be ratified and there would be nothing anyone could do about it.

Admittedly this is a worst case scenario. It might be possible to prevent a runaway Con-Con. It might be possible to elect Con-Con delegates who would not tamper with our basic liberties. It might be possible for state legislatures or conventions to defeat proposed amendments or a new constitution that would threaten our liberties.

The worst a new Con-Con could do is wreck our Constitution and Bill of Rights, extinguishing the beacon of liberty that has made our country the envy of the world. The least a Con-Con could do is waste a great deal of time and distract the nation's attention from its real problems.

A Con-Con is a little like Russian Roulette. In that deadly game, a player places a single bullet in the chamber, puts the gun to his head, and pulls the trigger. His chance of killing himself is one in six. We do not know what the odds are that our Constitution and Bill of Rights could survive the Russian Roulette of a Constitutional Convention, but the wisest course is to avoid taking a chance on blasting a hole in the foundation document of our liberties.

Any change in our Constitution really favored by a large majority of Americans can be made by the time tested method of Congressional proposal, following careful hearings and deliberation, and state ratification. Our Constitution and our liberties are too valuable to risk the throw of a pair of loaded dice.

### Madison on Con-Con

"An article V national convention would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partisans of both sides; it would probably consist of the most heterogeneous characters; would be the very focus of that flame which has already too much heated men of all parties; would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundation of the fabric. Under all these circumstances it seems scarcely to be presumable that the deliberation of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under very propitious circumstances, I should tremble for the result of a second."

James Madison  
Chief Drafter  
U.S. Constitution  
and Bill of Rights

*Edd Doerr is editor of Church & State magazine and educational relations director for Americans United.*



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# CONSTITUTIONAL CONVENTION: Threat to Religious Liberty

by Edd Doerr

## Constitutional Convention: Threat to Religious Liberty

"The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which . . . shall be valid . . . as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. . ."

Article V  
U.S. Constitution

By mid-1980 two separate political movements were well on their way to getting Congress to call a national Constitutional Convention, or Con-Con. One movement has gotten 30 state legislatures, of the 34 needed, to pass resolutions calling for a Con-Con to amend the Constitution to require a balanced federal budget. The other movement has induced 19 legislatures to pass resolutions for a Con-Con to outlaw abortion.

Although calling a new Convention for the first time since 1787 is a very serious matter, many

legislatures which passed Con-Con resolutions did not hold full committee hearings or allow public witnesses to testify. Several legislatures did not even record the votes on the resolutions to rewrite our Constitution!

Since our Constitution was adopted nearly two centuries ago, we have seen fit to amend it several times — to add the Bill of Rights, to outlaw slavery, to allow women to vote, and to make other needed changes. In each case, the amendments were proposed by two thirds votes in each house of Congress and ratified by three fourths of the state legislatures. This method of constitutional revision has served the country well and has allowed for careful deliberation in the drafting of amendments.

The other method of constitutional change, the calling of a Convention at the request of state legislatures, while authorized in Article V of the Constitution as an ultimate check on possible congressional tyranny, is potentially so radical, so revolutionary, so fraught with danger that it has not been used since our Constitution was adopted. The Con-Con method is being used by special interest groups because a majority of members of Congress view the proposed amendments as simplistic, in the case of the balanced budget proposal, or opposed by the vast majority of Americans, in the case of the proposed amendment to outlaw all abortions.

Constitutional experts warn that once called into being, a Constitutional Convention could not be confined to considering only the single issue, be it balanced budget or abortion, for which it was ostensibly brought together. The Constitution is silent on the subject and experts doubt that Congress could control or limit the deliberations of a Con-Con. Our only experience with a Con-Con was in 1787. That, our only Convention, was called to amend and strengthen the Articles of Confederation, our original constitution from 1781 to 1789. Instead of merely amend-

ing the Articles, however, the Convention scrapped them and drafted a whole new constitution. Fortunately, it was and is a remarkably good charter which has undergirded freedom better than any other constitution ever adopted.

If our 1787 Con-Con could ignore its mandate and produce a radically different constitution, then if a new Con-Con is called, we can be certain that many special interest groups, sectarian and otherwise, will try to control the delegate selection process and then the Convention itself.

In addition to groups seeking to outlaw all freedom of choice on abortion, movements already seeking tax support for parochial schools, government sponsored prayer and religious teaching in public schools, Sunday blue laws, permission to kidnap and "deprogram" members of "new religions", and other government "establishments of religion" and interferences with free exercise

would try to dominate the Convention. Other special interests, having nothing to do with religious liberty issues, would seek to change or weaken other constitutional rights or to alter other important features of our Constitution.

Is this scenario a case of "crying wolf"? Hardly. In our then largest state, New York, voters decided by a small margin in 1965 to hold a state Con-Con in 1967. Pressure groups seeking tax aid for parochial schools, though clearly a minority in the state, used tight organization and "bullet voting" to control the election of Con-Con delegates. Their single issue minority vote bloc was able to elect two thirds of the Con-Con's delegates. The New York Con-Con, controlled by one sectarian pressure group, then proceeded to draft a new state constitution without the old constitution's strong section against parochial aid. Fortunately, New York's voters had a chance to ratify or reject the proposed new charter with its seriously weakened church-state provision. They voted it down 72.5% to 27.5%.

A proposed new national Constitution, however, would not be subject to ratification by the people, but only by state legislatures or special

### States Requesting a Con-Con on Balanced Budget

Alabama	Nevada
Arizona	New Hampshire
Arkansas	New Mexico
Colorado	North Carolina
Delaware	North Dakota
Florida	Oklahoma
Georgia	Oregon
Idaho	Pennsylvania
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Louisiana	Texas
Maryland	Utah
Mississippi	Virginia
Nebraska	Wyoming

### States Requesting a Con-Con on to Outlaw Abortion

Alabama	Nebraska
Arkansas	Nevada
Delaware	New Jersey
Idaho	Oklahoma
Indiana	Pennsylvania
Kentucky	Rhode Island
Louisiana	South Dakota
Massachusetts	Tennessee
Mississippi	Utah
Missouri	



## Help us protect a woman's right to decent medical care.

Women have always sought abortion and always will when they are faced with an unwanted pregnancy. NARAL believes that all women, not just the rich, are entitled to safe care for this procedure. We need your help to preserve this right:

- write to your Members of Congress and State legislators; tell them you support keeping abortion legal and available to all women
- join NARAL; we need your help to continue this fight. As a member you will be kept up to date on this struggle through our newsletter.

Please mail the form below today.

Yes, I wish to join the fight for legal abortion.  
Enclosed is my NARAL membership:

Sponsor	\$100.00 and up
Sustaining	\$ 25.00
Family	\$ 15.00
Regular	\$ 10.00
Limited Income	\$ 5.00
Additional Contribution	_____

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Mail to NARAL  
706 Seventh Street S.E.  
Washington, D.C. 20003

Documentation provided  
upon request  
Photos by Paul Kennedy  
017650M



**NATIONAL ABORTION RIGHTS ACTION LEAGUE**

## 900,000 women received legal, medically safe abortions in 1974.

### NARAL



**900,000 women  
received back alley  
abortions each year  
prior to the  
legalization of  
abortion in 1973.**



**The issue is not  
whether abortions  
will be performed,  
but how they  
will be performed.**

Prior to the 1973 Supreme Court decisions legalizing abortion in every state:

- illegal abortion was the leading cause of maternal death
- thousands of women suffered severe complications including perforation of the uterus and sterility; those permanently sterile no longer have the choice to bear children they want, a choice NARAL insists be available.

Since the 1973 Supreme Court decisions:

- abortion related deaths dropped from 79 in 1972 to 47 in 1973
- medical complications from illegal abortion have almost disappeared
- an increasing percentage of legal abortions are performed during the first trimester (first 12 weeks)
- the death rate from legal early abortion is 1.7 per 100,000 abortions, while pregnancy mortality is 18 per 100,000 live births.

NARAL, National Abortion Rights Action League, is an organization dedicated to preserving the 1973 Supreme Court decisions guaranteeing the Constitutional right to medically safe abortions. NARAL is fighting against a return to the days when many women died from back alley or self-induced abortions.

NARAL supports counseling.



**NARAL advocates:**

- continued availability of the option to bear children or to seek legal abortion
- expanded family planning services
- the highest standards of pre-natal care for women who choose to carry a pregnancy to term
- the highest quality medical care for women who choose abortion.

## **Help us close the information gap.**

Many women still are unable to get adequate family planning information and therefore are confronted with unplanned and unwanted pregnancies. Although such information is available, it is denied to those who most need it through the actions of major anti-abortion organizations.

Teenagers now account for 53% of all out-of-wedlock pregnancies each year. Unmarried teenage births increase at a rate of 8% each year. Yet anti-abortion groups oppose both sex education and birth control services for teenagers. All women of childbearing age lacking this information are unable to plan their pregnancies.

**NARAL encourages wider dissemination of information on reproductive health care through expanded use of mass media.**

Anti-abortion groups also oppose contraceptive methods which may have an abortifacient effect, including the IUD, low dose oral contraceptives, and the morning after pill. Even well-informed, highly motivated women using these effective methods experience a certain rate of contraceptive failure.

**NARAL believes that abortion must be available as a backup for contraceptive failure.**

## **Adoption is not always an alternative.**

Adoption often is referred to as the alternative to abortion, and certainly it is one option that should



"We never would have had the courage to try to have a family after enduring the pain of losing Joann from Tay-Sachs disease when she was four years old. Pre-natal diagnosis and the legal option of abortion have given couples like us the joy of having longed-for normal children."

remain available; but for many women the anguish of carrying a pregnancy to term only to give up the child is unbearable.

Many people deplore the fact that healthy infants no longer are readily available for adoption. They fail to recognize that:

- adoption originally was intended to provide care for children, not to provide children for infertile couples
- 100,000-120,000 handicapped, older, and sibling children, still unplaced, would benefit from adoption
- more and more unmarried mothers are keeping their children. Before 1970, 80% of unmarried mothers gave up their children; now an estimated 80% are keeping them.

**NARAL supports legislation to assist unmarried mothers and provide medical subsidies to families willing to assume the care of hard to place and handicapped children.**



Too important not to be loved and wanted.

## Late abortions— when are they needed?

Although 84% of all abortions are performed during the first trimester, three groups of women continue to seek late abortions:

- the very young who often do not know or will not admit they are pregnant until after the first trimester
- those to whom medical service generally is not available, including the poor and those in rural areas
- those who suspect they may be carrying a deformed fetus and undergo amniocentesis, a test possible only in the second trimester. Recent data shows that 97.2% of pregnancies in which amniocentesis is performed end with the birth of a healthy infant.

NARAL supports ongoing research on all abortion methods, further education on the benefits of early abortion, and expansion of genetic counseling.

## Help us open doors.

In the first quarter of 1974 only 15% of publicly financed hospitals, which traditionally serve the poor, provided abortion services. The courts consistently have held the denial of service discriminatory. It is a particular hardship in one-hospital communities where many women cannot afford to travel.

NARAL is working to insure that all hospitals provide abortion services by ascertaining which hospitals refuse to comply with the law; by aiding state groups in establishing constructive dialogues with local hospital administrators; and, where necessary, by bringing lawsuits against those facilities which continue to deny services.

## Threats to legal abortion.

Although abortion is legal, opponents are using a variety of tactics to avoid compliance with and, indeed, to modify the substance of the Court's decisions:

- pressuring state and federal legislators to pass restrictive abortion laws
- directing organized pressure, increasingly under the auspices of the Catholic Church, against legislators who support freedom of choice
- increasingly demanded that executive branch agencies issue restrictive guidelines for administration of health and family planning programs.

Congress has enacted into law an "institutional conscience" clause which allows hospitals to refuse to perform abortions while receiving federal funds, a ban on funds for abortions overseas, and a denial of legal aid to poor women seeking abortions.

NARAL is committed to educating Congress to reevaluate and eventually rescind those ill-considered measures that already are law, and to opposing passage of further restrictive laws at the state and national level.

# PROTESTANTISM AND ABORTION

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**Testimony presented by  
Theressa Hoover**

Statement of the  
Religious Coalition for Abortion Rights  
before the  
Subcommittee on Civil and Constitutional Rights  
of the  
Committee on the Judiciary  
U.S. House of Representatives  
March 24, 1976

I am Theressa Hoover, Associate General Secretary of the Women's Division, Board of Global Ministries of the United Methodist Church. I am also Chairperson of the Racial Justice Commission of the Young Women's Christian Association, and a national sponsor of the Religious Coalition for Abortion Rights. I welcome this opportunity to address your Subcommittee on this most important subject of amending the Constitution to prohibit abortion rights.

The Coalition was founded two-and-a-half years ago, when it became evident that there would be continuing efforts by a vocal and determined minority to overturn the Supreme Court decisions of January 22, 1973. The membership of the Coalition has grown to 23 national Protestant, Jewish, Catholic and other religious organizations—all with different positions on abortion and widely differing perspectives and views on when abortion is morally justifiable. This diverse membership gives the Coalition a unique character, the very nature of which explains our presence here today in opposition to any constitutional amendments which would limit abortion rights.

Let me begin by explaining this diversity. Within our Coalition, some organizations believe that abortion is justified only in cases of rape, incest, or when the life of the woman is threatened by pregnancy. Others believe, with equal conviction, that only a woman and her doctor should decide when abortion might be advisable. But despite our differences on the issue of abortion, we are agreed that every woman should have the legal choice with respect to abortion, consistent with sound medical practice and in accordance with her conscience and religious beliefs. None of our member groups would wish to impose its teachings concerning abortion on other individuals or religious groups, and we do not wish to have the teachings of another religion on this matter imposed on us through law. We believe this to be essential for the preservation of the principles of the First Amendment—that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

There has been a tendency to simplify and distort the

position of those who believe that enactment of a constitutional amendment outlawing abortion would abrogate the right of religious groups who support abortion rights to follow their own teachings concerning abortion. We do not seek to force those who disagree with us or those who would not themselves ever undergo an abortion to do so. But we are committed to safeguarding the right of each faith group to support or oppose abortion according to its own doctrines, a right upheld by the Supreme Court decisions of 1973. We would oppose any efforts towards forced abortion equally as vehemently as we oppose efforts to deny the option of abortion.

**It must be emphasized** that our opposition to the proposed constitutional amendments stems from the recognition that the question most basic to the abortion debate is the question of when life begins. We believe this to be above all a theological question on which each denomination or faith group must be permitted to establish and follow its own teachings, but *must not* be allowed to impose them through law on society at large.

Judaism and Christianity have differing interpretations on the beginnings of life, and within Christianity there are also divergent beliefs on this point. While some Christian denominations hold that life begins at conception, others believe that life cannot be considered to be present until the point of viability, i.e., when the child in the womb is capable of existing independently of its mother. This latter theory must be considered to have considerable validity even by those who believe life begins at conception, for even they do not baptize



or hold funerals for the products of a spontaneously aborted, pre-viable fetus. Some Christians believe that starting at conception, human life becomes increasingly important as the fetus develops, and at viability fetal life is considered to hold equal value with that of the mother. Still another theory favored by many modern theologians is that life is a developing continuum in which conception and viability are points along the way. Implicit in this concept is the belief that rationality and relationality—the ability to make moral decisions and to be aware of self—are major determinants of human personhood. Judaism has still other beliefs on the beginnings of life.

Clearly, these examples illustrate just how diverse is the religious opinion on the question of when life begins. It is not for any of us to evaluate these theories of life, nor to judge which is most credible or valid. To do so in any debate would be to insult those of us who hold any of these beliefs. And yet enactment of a constitutional amendment embodying one theory of life would be far more than an insult: it would constitute the denial of one of our most basic freedoms—the right to practice our religions freely. As the U.S. Commission on Civil Rights stated in its 1975 report, *Constitutional Aspects of the Right to Limit Childbearing*,

... so long as the question of when life begins is a matter of religious controversy and no choice can be rationalized on a purely secular premise, the people, by outlawing abortion through the amending process, would be establishing one religious view and thus inhibiting the free exercise of religion of others.

In addition to the question of when life begins there are a number of other important religious principles and traditions held by many of our members upon which their positions on abortion rights are based and which must, therefore, be equally respected and protected.

● Many Protestant denominations have a strong tradition of advocating individual responsibility in matters concerning family, sexuality, and community. This derives from their belief that God, through Jesus, encourages the freedom of humans to exercise responsibility and make responsible personal decisions. For instance, one of our Coalition members, the American Baptist Convention, adopted a position in 1968 favoring abortion rights under certain conditions. It begins with this statement: "Because Christ calls us to affirm the freedom of persons and the sanctity of life, we recognize that abortion should be a matter of *responsible personal decision*." (Emphasis added.)

It should be noted, moreover, that for many religious groups, the right to privacy is intrinsic to this decision-making process. It is expected that a woman, guided by her religious beliefs and teachings and by her own conscience, will make a responsible decision concerning a problem pregnancy. But she has the right to make that decision in private consultation with her doctor, without the interference of other persons or the state. Were a constitutional amendment enacted, the American Baptists and the many other denominations which share this particular religious concept of choice and privacy would be prevented from exercising their convictions and only those forbidding abortion could follow their religious teachings.

● While reverence for life is an essential and fundamental principle of our Judeo-Christian heritage, religious organizations may differ in how each interprets and seeks to safeguard this tenet. Many Protestant organizations express their concern for living children and set forth other considerations

which should be taken into account. A statement entitled *Freedom of Choice Concerning Abortion* adopted by the General Synod of the United Church of Christ, June 29, 1971, says:

An ethical view does not require an undifferentiated concern for life. It places peculiar value upon personal life and upon the quality of life, both actual and potential... The implication is that factors other than its (the fetus) existence may appropriately be given equal or greater weight at this time—the welfare of the whole family, its economic condition, the age of the parents, their view of the optimum number of children consonant with their resources and the pressures of population, their vocational and social objectives, for example.

Still other concerns on the quality of life are reflected in the *Resolution on Responsible Parenthood* adopted by the 1972 General Conference of the United Methodist Church:

... Because human life is distorted when it is unwanted and unloved, parents seriously violate their responsibility when they bring into the world children for whom they cannot provide love... When, through contraceptive or human failure, an unacceptable pregnancy occurs, we believe that a profound regard for unborn human life must be weighed alongside an equally profound regard for fully formed personhood, particularly when the physical, mental and emotional health of the pregnant woman and her family show reason to be seriously threatened by the new life just forming.

● Another basis for the support of abortion rights among our member organizations is a concern for the health and welfare of women. They are recognized as creative, loved and loving human beings who have achieved full personhood. In the sight of most Protestant denominations, to equate personhood with an unborn fetus is to dehumanize the woman, to consider her a mere "thing" through which the fetus is passing. To deny this essential tenet of our beliefs—the concept of personhood—would constitute a gross violation of our Christian faith.

As concerned, responsible organizations, we cannot dismiss lightly the many possible health reasons which would lead a woman to choose abortion. A woman suffering from heart disease, diabetes, or cancer could suffer grave, if not fatal, risks if she continued a pregnancy to term. And a woman who is the carrier of a genetic disease, such as sickle cell anemia or Tay-Sachs, which may be transmitted to the fetus, should not be compelled to bear that fetus if she does not choose to after medical tests have confirmed that the fetus is affected. We cannot in good conscience force a woman who has been raped to carry the possibly resulting pregnancy to term. To do so would be to totally disregard the anguish women suffer in such circumstances.

One concern for women's welfare is not limited to physical health. We recognize that a woman rightfully has hopes and concerns in her life which do not and cannot include an unplanned pregnancy. While there are several alternatives which she may explore in the event such a pregnancy occurs, we believe that abortion should be one of the choices available to her. And should she choose abortion, safe, legal abortion services are her right.

● Our member organizations know that laws prohibiting abortion have never in the past and will not in the future stop abortions. Such laws merely make abortions extremely dangerous and/or expensive. Upper-income women will be able to travel to countries where abortion is safe, or will pay a doctor to perform a safe abortion in this country, disguising the operation under any number of acceptable euphemisms for abortion. Lower-income women, on the

other hand, unable to travel and lacking access to local facilities, will either bear an unwanted child or resort to paying exorbitant prices for the services of an unscrupulous abortionist under totally unsafe conditions.

Many of our member organizations specifically acknowledge the risk of such prohibitive laws in their positions affirming abortion rights. The statement on *Freedom of Personal Choice in Problem Pregnancies* adopted by the United Presbyterian Church, USA, in 1972 says,

Prohibitive and restrictive abortion laws have perpetuated inequality between those who can afford an abortion and those who cannot, leading to grave risks to the emotional and physical health of the woman, her family, and the community and aggravating already grave social problems.

**All these factors are cornerstones** upon which the convictions concerning abortion rights are founded. We believe they must be respected, and those who follow and practice them must be allowed to continue the exercise of these beliefs as guaranteed by our Constitution.

It should be made clear that none of our members advocates abortion or considers it an easy solution to a problem pregnancy. Certainly none considers it a desirable means of

knew, would perform safe, albeit illegal, abortions. In essence, the Clergy Consultation Service, as it came to be called, was a movement based on conscience which helped untold numbers of women in tragic circumstances.

Since the Supreme Court decisions, many of our member groups continue to provide caring, responsible and informed counseling to women who seek it. In this way, a woman can be advised of the full range of alternatives and she may be assured of support when she most needs it. The General Assembly of the Presbyterian Church in the United States in 1970 adopted a resolution which included a passage along these lines:

The Church should develop a greater pastoral concern and sensitivity to the needs of persons involved in "problem pregnancies." Such persons should be aided in securing professional counseling about the various alternatives open to them in order that they may act responsibly in the light of their moral commitments, their understanding of the meaning of life, and their capacities as parents.

It is important to stress at this point that statements such as the one just quoted are not arrived at lightly. Nor are they the beliefs of just the leadership of these organizations. The positions of each of our member organizations on abortion rights—as on any issue before them—are arrived at

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**Whatever its position on the abortion issue,  
each religious organization must respect the right of others to believe differently  
if we are to retain the freedoms of our democratic pluralistic society.**

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birth control. But each is aware that there are circumstances under which abortion may well be the most acceptable among a series of difficult alternatives, and each believes that women should have the full range of choices available to them—including safe, legal abortion.

Our member organizations are actively involved in seeking to insure that the need for abortion is reduced by advocating responsible family planning and working for the development of support services. These include improved health care for the poor and increased child care for those women who must work to support their families and those who choose to pursue careers while still having young children at home. Most of our members encourage their constituents to adopt and practice those values which are most conducive to achieving a society where abortions will not be necessary. As an example, the recent statement adopted by the Union of American Hebrew Congregations' Commission on Social Action states,

It is our responsibility to educate our people fully in the moral aspects of birth-control, and abortion decisions in accordance with the values of our Jewish tradition. Society must provide birth control information and services and guarantee their accessibility to all people in this country and must fully alleviate the social and economic conditions which often make abortion a necessity.

Long before the 1973 Supreme Court decisions, thousands of clergy recognized that women facing unwanted pregnancies would, if desperate enough, risk possible death at the hands of an illegal abortionist or as a result of their own attempts at self-induced abortion. Rather than condemn them to such harsh fates, these clergy counseled the troubled women and referred them to responsible doctors who, they

only after careful study and reflection, debate, and finally, approval by a majority of the delegates at a national representative assembly. This involvement of the laity in decisions is a strong tradition within Protestantism. Positions supporting abortion rights arrived at in this manner are held with just as much integrity and conviction as are the beliefs of those opposing abortion rights.

Because convictions on this issue are so strong, and because emotions around it run so high, we are concerned about the divisiveness that would be unleashed in this country should any constitutional amendment banning abortion pass the Congress and be submitted to the state legislatures for ratification. Certainly conflicts which would arise are apt to weaken the all too fragile ties now existing among religious groups in this country. Far better that our energies be devoted, in the spirit of ecumenism, toward removing the conditions which make abortion necessary, and that on this issue, we agree to disagree.

Whatever its position on the abortion issue, each religious organization must respect the right of others to believe differently if we are to retain the freedoms of our democratic pluralistic society. Mr. Chairman, I cannot believe that this Subcommittee, the Congress, or the American people wish to erode one of the most basic rights of this democracy—the right to the free exercise of religion—by enacting a constitutional amendment prohibiting abortion. The 1973 Supreme Court decisions permit each faith group to follow its own teachings and beliefs; no one is forced to do otherwise. We therefore strongly oppose any constitutional amendments which would deny our rights to practice the tenets which are so much a part of our religious beliefs, in this matter of abortion.

**Religious Coalition for Abortion Rights  
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Administered by the Board of Church and Society  
of the United Methodist Church

1976/1978

A-1006

On January 22, 1973, the U.S. Supreme Court declared unconstitutional the abortion laws of Texas and Georgia, in a decision which essentially invalidates the abortion laws of over 40 states. After reviewing legal and medical evidence, as well as amicus curiae briefs filed by a wide spectrum of religious and ethical organizations, the Court concluded "that the right of personal privacy includes the abortion decision, but that this right is not unqualified and must be considered against important state interests in regulation."

also against --

#### What the decision does:

In determining the relation between the qualified right to privacy and the state's interest in regulating abortion, the Court distinguished among three phases of pregnancy ruling in the Texas case as follows:

- a. For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.
- b. For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interests in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.
- c. For the stage subsequent to viability the State, in promoting its interests in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

In the Georgia decision the Court ruled on several explicit regulations contained in the contested state law. Among those specifically prohibited by the Court were requirements that 1) the abortion be performed in a hospital accredited by the Joint Committee on Accreditation of Hospitals; 2) more than one physician, or that a hospital committee approve the abortion; and 3) the woman involved be a resident of the state.

#### What the decision does NOT do:

The Court decision does not

- grant the right of abortion on demand,
- require any woman to have an abortion,
- require a doctor or other medical personnel to perform or assist in performing an abortion,
- prevent the state from passing and enforcing regulations designed to protect maternal health after the first trimester of pregnancy,
- prevent the state from requiring that persons performing abortions be properly licensed by the state,
- address the question of paternal rights in decisions regarding abortion.



## SUPREME COURT DECISION REGARDING MEDICALLY NECESSARY MEDICAID-FUNDED ABORTIONS

In McRae v. Harris on June 15, 1980, Judge John F. Dooling ruled it unconstitutional to deny funding for medically necessary Medicaid abortions. His decision was appealed to the Supreme Court by the U.S. Solicitor General. The Court heard oral arguments April 21 and ruled June 30.

The Supreme Court held that versions of the so-called "Hyde" Amendment which severely restrict the use of federal funds for Medicaid abortions do not violate the Constitution. In the 5-4 decision, Justice Stewart delivered the opinion of the Court, joined by Justices Burger, White, Powell and Rehnquist. Empassioned dissents were filed separately by Justices Marshall, Blackmun, Stevens and Brennan.

The Court held that Title XIX of the Social Security Act (Medicaid) does not require a participating state to pay for those medically necessary abortions for which federal reimbursement is denied under the Hyde Amendment. (The current Hyde Amendment allows federal reimbursement in cases of life endangerment, rape or incest).

Roe v. Wade, the 1973 landmark Supreme Court decision, established the freedom of a woman to decide whether to terminate a pregnancy as a constitutional right (part of the right to privacy). According to Justice Stewart, funding restrictions of the Hyde Amendment do not impinge on this right, because "a woman's freedom of choice does not carry with it an entitlement to the financial resources to avail herself of the full range of constitutionally protected choices." In his dissent, Justice Marshall strongly disagreed with this conclusion, stating that "denial of a Medicaid-funded abortion is equivalent to denial of legal abortion altogether." Justice Stewart went on to state that "although the government cannot place obstacles in the path of a woman's exercise of free choice, it has no duty to remove barriers not of its own creation," with indigency falling into this category.

The Court also found that funding restrictions do not violate the equal protection component of the Fifth Amendment. Since poverty is not regarded as a "suspect" class, the only requirement of equal protection is that the congressional action pertaining to the impoverished women be rationally related to a legitimate governmental interest. In this case, the Hyde Amendment satisfies the requirement because, according to the Court, encouraging childbirth except in the most urgent circumstances is rationally related to the legitimate governmental objective of protecting potential life--even when the protection of potential life damages the health of the woman.

The Court did not rule on the constitutional issue of whether it is a violation of a woman's religious freedom to be denied public payment for an abortion that she seeks for religious reasons. It was held that the appellees lacked standing to raise such a challenge. The Court did rule that the Hyde Amendment does not violate the Establishment Clause of the First Amendment, which disallows Congress from making any laws respecting establishment of religion. The fact that the restrictions coincide with the religious tenets of the Roman Catholic Church is not enough to constitute a violation of the Clause.

Justice Brennan, writing with Marshall and Blackmun in a combined dissent, said that denial of abortion funding for medically necessary abortions "interferes with the exercise of fundamental rights through the selective bestowal of governmental favors", impeding upon a constitutionally protected freedom of choice and in effect coercing poor pregnant women to bear children they would otherwise not have: "When viewed in the context of the Medicaid program to which it is appended, it is obvious that the Hyde Amendment is nothing less than an attempt by Congress to circumvent the dictates of the Constitution and achieve indirectly what Roe v. Wade said it could not do directly."

Marshall, in his dissent, said that the decision would mean an increase in the number of poor women who will die as a result of denial of abortion funding and reiterated his stand that "the state interest in protecting potential life cannot justify jeopardizing the life or health of the mother." He also asserted that "the decision today marks a retreat from Roe v. Wade."

Once a year the Court allows a dissent to be read aloud. On June 30, Justice Stevens read his dissent to the Harris v. McRae ruling. He stated that "exceptions" (the denial of funding for medically necessary abortions) cannot be created "for the sole purpose of furthering a governmental interest that is constitutionally subordinate to the individual interest." He also stated that "because a denial of benefits for medically necessary abortions inevitably causes serious harm to the excluded women, it is tantamount to severe punishment. In my judgment, that denial cannot be justified unless Government may, in effect, punish women who want abortions. But as the Court unequivocally held in Roe v. Wade, this the government may not do."



DISSENTS:

"There is another world 'out there', the existence of which the Court . . . either chooses to ignore or fears to recognize." (Justice Marshall quoting Justice Blackmun)

"The Court's opinion studiously avoids recognizing the undeniable fact that for women eligible for Medicaid -- poor women -- denial of a Medicaid-funded abortion is equivalent to denial of legal abortion altogether. If abortion is medically necessary and a funded abortion is unavailable, they must resort to back-alley butchers . . . . Because legal abortion is not a realistic option for such women, the predictable result of the Hyde Amendment will be a significant increase in the number of poor women who will die or suffer significant health damage because of an inability to procure necessary medical services." (Justice Marshall)

"When viewed in the context of the Medicaid program to which it is appended, it is obvious that the Hyde Amendment is nothing less than an attempt by Congress to circumvent the dictates of the Constitution and achieve indirectly what Roe v Wade said it could not do directly." (Justice Brennan)

". . . the discriminatory distribution of the benefits of governmental largesse can discourage the exercise of fundamental liberties just as effectively as can an outright denial of those rights through criminal and regulatory sanctions." (Justice Brennan)

"It would belabor the obvious to expound at any great length on the illegitimacy of a state policy that interferes with the exercise of fundamental rights through the selective bestowal of governmental favors. It suffices to note that we have heretofore never hesitated to invalidate any scheme of granting or withholding financial benefits that incidentally or intentionally burdens one manner of exercising a constitutionally protected choice." (Justice Brennan)

"It is no more sufficient an answer here than it was in Roe v Wade to say that 'the appropriate forum' for the resolution of sensitive policy choices is the legislature." (Justice Marshall)

"This case involves a special exclusion of women who, by definition, are confronted with a choice between two serious harms: serious health damage to themselves on the one hand and abortion on the other. The competing interests are the interest in maternal health and the interest in protecting potential human life. It is now part of our law Roe v Wade that the pregnant woman's decision as to which of these conflicting interests shall prevail is entitled to constitutional protection." (Justice Stevens)

". . . the premise underlying the Hyde Amendment was repudiated in Roe v Wade, where the Court made clear that the state interest in protecting fetal life cannot justify jeopardizing the life or health of the mother. The Court's decision today marks a retreat from Roe v Wade and represents a cruel blow to the most powerless members of our society." (Justice Marshall)

"The Court focuses exclusively on the 'legitimate interest in protecting the potential life of the fetus.' . . . it is misleading to speak of the Government's legitimate interest in the fetus without reference to the context in which that interest was held to be legitimate. For Roe v Wade squarely held that the States may not protect that interest when a conflict with the interest in a pregnant woman's health exists." (Justice Stevens)

"Having decided to alleviate some of the hardships of poverty by providing necessary medical care, the Government must use neutral criteria in distributing benefits. . . . it may not create exceptions for the sole purpose of furthering a governmental interest that is constitutionally subordinate to the individual interest that the entire program was designed to protect." (Justice Stevens)

1980

CONTINUING RESOLUTION - Because separate appropriations bills for certain government departments and agencies were never signed into law, several are being funded under a continuing resolution until June 5, 1981. These include the Departments of HHS, Treasury and Foreign Assistance which are discussed below.

LABOR/HHS APPROPRIATIONS - Currently funded under the continuing resolution, the Department of Health and Human Services (formerly Health, Education and Welfare), which funds the Medicaid program, contains abortion restrictions. Medicaid funded abortions are available only if: 1) the pregnant woman's life would be endangered if the pregnancy were carried to term; 2) the woman is a victim of rape (reported within 72 hours); or 3) the woman is a victim of incest. The bill also contains the Bauman Amendment which reads: "The states are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate." (Last year's language: abortion funding in cases of life endangerment and promptly reported rape and incest. There was no Bauman Amendment. "Promptly reported" was interpreted in federal regulations to be within 60 days.)

TREASURY/POSTAL SERVICE APPROPRIATIONS - While the original House-passed bill contained a restriction to prevent federal employee health insurance from providing any coverage for abortions (sponsored by Representative John Ashbrook (R-OH)), the Senate never acted on its bill, and thus the Treasury Department's FY 81 programs will be funded under the continuing resolution. The continuing resolution imposes no abortion restrictions on this department. (This is the first year that an attempt has been made to place a restriction on the Treasury bill.)

FOREIGN ASSISTANCE (Peace Corps) - The Foreign Assistance program is also funded under the continuing resolution. While there is no specific abortion language in the bill regarding the Peace Corps, the continuing resolution keeps the same restriction on the program as has been attached the past two years - a total prohibition on abortion funding for Peace Corps volunteers.

DEPARTMENT OF DEFENSE APPROPRIATIONS - Provides funded abortions for military personnel and their dependents in cases of life endangerment, rape (reported within 72 hours) and incest. The bill also includes the Bauman Amendment (described above). (Last year's language: life endangerment and promptly reported rape and incest.)

DISTRICT OF COLUMBIA APPROPRIATIONS - Restricts the use of federal funds for abortions to cases of life endangerment, and promptly reported rape and incest. (Last year's language was the same.)

INTERIOR APPROPRIATIONS/INDIAN HEALTH CARE IMPROVEMENT ACT - Despite the announced intentions of Representatives Robert Dornan (R-CA) and Henry Hyde (R-IL) to prevent the access of Native Americans to government funded abortions, no restrictions were added to either of these bills. (Abortion restrictions have not been attempted on these bills in previous years.)

CHILD HEALTH ASSURANCE PROGRAM (CHAP) - The House adopted language which would have permanently amended the Medicaid statute to prohibit funding of abortions except those necessary to save a woman's life. They also passed an amendment which eliminates any federal minimum standards concerning abortion (i.e. the Bauman Amendment which allows states the sole discretion in determining the extent of abortion coverage to be provided.) The bill was never brought to the Senate floor for action.

REVENUE SHARING - Despite a threatened restriction by Representative Glenn English (D-OK) which would have prevented revenue sharing funds from being used to perform any abortions a clean bill was reported from the House and no restriction was placed on the Senate bill (No previous attempts have been made to restrict this program.)

LEGAL SERVICES CORPORATION - Although the Senate passed a reauthorization bill with stricter abortion provisions, the House bill was never brought to the floor. Therefore the Corporation, whose authorization was due to lapse on September 30, was not reauthorized this year but will continue to exist and be funded under the continuing resolution. The restrictions on litigation by the corporation are the same as in FY 80: no litigation or legal proceedings may be undertaken to attempt to gain a non-therapeutic abortion, nor may any litigation be engaged in which would attempt to compel any institution or individual to perform an abortion contrary to their religious beliefs or moral convictions.

ABORTION

The UAHC reaffirms its strong support for the right of a woman to obtain a legal abortion on the constitutional grounds enunciated by the Supreme Court in its 1973 decision in Roe v. Wade, 410 U.S. 113 and Doe v. Boston, 410 U.S. 179, which prohibit all governmental interference in abortion during the first trimester and permits only those regulations which safeguard the health of the woman during the second trimester. This rule is a sound and enlightened position on this sensitive and difficult issue, and we express our confidence in the ability of the woman to exercise her ethical and religious judgment in making her decision.

The Supreme Court held that the question of when life begins is a matter of religious belief and not medical or legal fact. While recognizing the right of religious groups whose beliefs differ from ours to follow the dictates of their faith in this matter, we vigorously oppose the attempts to legislate the particular beliefs of those groups into the law which governs us all. This is a clear violation of the First Amendment. Furthermore, it may undermine the development of interfaith activities. Mutual respect and tolerance must remain the foundation of interreligious relations.

We oppose those riders and amendments to other bills aimed at halting medicaid, legal counselling and family services in abortion-related activities. These restrictions severely discriminate against and penalize the poor who rely on governmental assistance to obtain the proper medical care to which they are legally entitled, including abortion.

We are opposed to attempts to restrict the right to abortion through constitutional amendments. To establish in the Constitution the view of certain religious groups on the beginning of life has legal implications far beyond the question of abortion. Such amendments would undermine constitutional liberties which protect all Americans.

In keeping with the spirit of this resolution and to actualize its aims, we join with the CCAR in urging Reform Jews and their national and local institutions to cooperate fully with the Religious Coalition for Abortion Rights.



## ABORTION AS A THEOLOGICAL, WOMENS AND LEGISLATIVE ISSUE

New York State Religious Coalition  
For Abortion Rights

Syracuse, September 20, 1977

Today may be the 7th day of the month of Tishri, in the year 5738 on the Jewish calendar, or September 20, 1977 on the calendar in more general use in our society, but, in reality, we are approaching 1984 even more rapidly than predicted by George Orwell. Every day finds us moving further down the road toward a repressive society - a society where Big Brother will monitor the most private aspects of our lives - our sexuality; a society where even attempts at communication are controlled and corrupted by the deliberate misuse of language to deceive people as to the true nature of the problems confronting them.

As you may remember, in 1984, Oldspeak, or standard English, would be replaced by Newspeak, which was designed to confuse and cover up reality; to make all forbidden beliefs unthinkable by stripping words of their meaning. For instance the word "free" would continue to exist but only in the context of "This dog is free from lice." Freedom, as a concept, then would cease to exist. Orwell predicted that Newspeak would eventually persuade people that "ignorance is strength" and "war is peace". We do not have to wait for 1984. Newspeak is here, and in use by those who would deny us freedom, today.

The complex issue of abortion has been mislabeled as a battle between so-called "pro-life" and "pro-abortion" forces, in a deliberate attempt to confuse the issues. The pen, in this battle, is not mightier than the sword; it is the sword. The language of pro-repression people has been picked up by the media and their message transmitted and imposed upon us uncritically. The message suggests that only those who focus on the fetus are humane. In reality everyone involved in this controversy is concerned with the sanctity of life and no one would force anyone to have an abortion or to perform an abortion. The basic issue in this campaign is the maintenance of the legal right of a woman to freedom of choice regarding abortion, based on her own religious and moral conscience.

The inflammatory language obscures the real issues and exacerbates interreligious tension since the controversy surrounding abortion is based to a large extent on religious views of life.

A brief overview of the various positions will outline the dimensions of the problem.

Traditionally, Judaism has exhibited a reverence for the sanctity of human life for thousands of years. While Jewish Law considers abortion to be a serious moral question, it is not now and never has been regarded as murder. While there is no direct Biblical reference to intentional abortion, there is a portion of the Mosaic Code in Exodus that is applicable (Ex. 21:22).

"If men strive and wound a pregnant woman so that her fruit be expelled, but no harm befall her, then shall he be fined as her husband shall assess, and the matter placed before the judges. But if harm befall her, then thou shalt give life for life."

The inference here is clear. There is no prohibition against destroying the fetus and the clear distinction is made between punishment for causing the expulsion of the fetus, in which case monetary compensation is required, and the punishment for causing the death of the woman, which was clearly considered murder and for which the punishment was death.

A second principle can be found in the Mishnah.

"A woman who is having difficulty in giving birth, it is permitted to cut up the child inside her womb and take it out limb by limb because her life takes precedence. However if the greater part of the child has come out, it must not be touched, because one life must not be taken to save another."  
(Mishnah Ohalot 7.6)

This principle was incorporated into the Shulchan Aruch, which forms the basis of Jewish Law today. A fetus, then, is not considered to be a person until the moment of birth. Furthermore, a fetus has no independent life and, just as a person may sacrifice a part of herself, such as arm or a leg, to be cured of a worse sickness, she may sacrifice this part of herself. While the fetus is not unimportant, it is regarded as potential human life and its claims are secondary to those of a human person who already exists - namely, the mother. Abortion, then, is morally permissible in Jewish Law and may even be morally necessary although there is a wide divergence of opinion concerning the circumstances that would justify such a decision.

Rabbi J. David Bleich, of the Rabbinical Council of America has testified before Congress that only the possibility of a woman's death would



call for an abortion. Not all Rabbis would agree. Rabbi David Feldman, who is Conservative and who has written the definitive book on the subject (MARITAL RELATIONS, BIRTH CONTROL AND ABORTION IN JEWISH LAW) states that the decision should be based on how much the woman is affected. What is clear is that most Rabbis are in agreement that in Jewish Law, concern for the health of the mother takes precedence over concern for the fetus. The question then becomes: How far does one extend the concept of the health of the mother? Should that apply to physical health only, or mental anguish as well? According to Feldman, while most traditional rabbis, for instance, would not sanction abortion to prevent the birth of a genetically defective child, they would do so if the woman were suffering. Anything to spare the women pain and anguish! How great does that anguish have to be and ultimately who has the right to decide at what point that anguish is enough to make abortion permissible? At what point, if any, in this process, should the State become involved?

Rabbi Balfour Brickner, Director UAHC Department of Interreligious Affairs, testified before Congress that Jewish Law agrees with the majority opinion expressed in the Supreme Court decisions of 1973 which stated, "The Constitution does not define 'person' in so many words. The use of the word is such that it has application only postnatally... The unborn have never been recognized in the law as persons in the whole sense... We have always sought to preserve a sensitive regard for the sanctity of human life. It is precisely because of this regard for that sanctity that we see as most desirable the right of any couple to be free to produce only that number of children whom they could feed and clothe and educate properly; only that number to whom they could devote themselves as real parents, as creative partners with God."

All poll results indicate a high degree of support by Jews for the concept of freedom of choice. This is based not necessarily on theology but on more pragmatic reasons. Having suffered, as a people, the consequences of living in repressive societies, having been denied the right for so long to live in religious freedom, we would be most reluctant to interfere with the religious rights of others. This is best exemplified by the support RCAR has from many Jewish organizations whose members do not agree on when abortion is morally permissible. Such organizations as National Council of Jewish Women, B'nai B'rith Women, American Jewish Congress, women who support RCAR have memberships that cut across all branches of Judaism. Women's League of Conservative Judaism, National Federation of Temple Sisterhoods and UAHC are also strong supporters, as is the National Jewish Community Relations Advisory Council. Most Jews, no matter how they regard abortion, would not want to see Jewish Law or any other Religious Law imposed upon American society. For example, Rabbi Bleich stressed that he was not appearing before Congress in the role of a lobbyist but in the role of a teacher, to provide moral guidance. In his own words, "The manner in which this is to be translated into law

is a matter between legislators and their consciences."

Catholic teaching has undergone its own process of development. Two crucial concepts have shaped theological views and affected Catholic teaching regarding abortion. Augustine's thesis regarding the distinction between the animated and the non-animated fetus, which was later refined by Thomas Aquinas, and the adoption in the 6th Century of the concept that the fetus is tainted with original sin and thus must be born so that it could be cleansed by baptism after birth. An aborted fetus, thus, could not be baptized and would necessarily be unredeemed in the next world, a fate which must be avoided at all costs. Pope Innocent III in a further refinement of the question of when the fetus was animated considered the fetus to be animated in 80 days for the female and 40 days for the male. For a brief period of time in the 16th Century, Pope Sixtus V forbade all abortions. Three years later Pope Gregory XIV rescinded that order and abortions were allowed up to the 40th day for all fetuses both male and female. But it was not until 1869, that Pope Pius IX broke with Church tradition and ended the distinction between the animated and the non-animated fetus, declaring that all abortions were murder, punishable by excommunication.

The position of the Catholic hierarchy today is that human life may not be terminated at any stage of its development. This is clearly enunciated in a Pastoral Message from the National Conference of Catholic Bishops issued a few weeks after the Supreme Court decisions in 1973 - "...the fetus is an individual human being whose pre-natal development is the first phase of a long and continuous process beginning at conception and terminating at death...Catholic teaching holds that regardless of the circumstances of its origin, human life is valuable from conception to death...No court...no legislative body can legitimately assign less value to some human life...that American Law is both based on and must conform to the law of God...thus there can be no moral acceptance of the recent U.S. Supreme Court decision which professes to legalize abortion." This teaching was reinforced by Pope Paul in the 1974 encyclical which stated that this teaching is unchangeable. Problem is that not all religious groups would agree about what it is about the "Law of God."

For the National Conference of Catholic Bishops then, abortion is murder and must be prevented at all costs. Under these circumstances, from their perspective there can be no compromise. There are prominent Catholics, like Father Drinan who accept Catholic teaching on the morality of abortion, but who do not want to see this teaching enacted into civil law because of the lack of consensus on this controversy in our pluralistic society. Father Charles Curran of the Catholic University of America has suggested some criteria for determining when the State may

limit the rights of an individual and suggested that such civil law should meet three criteria: (1) Is it enforceable? (2) Is it equitable? (3) Is it capable of being obeyed? While he did not like the reasoning behind the 1973 Supreme Court decisions, he felt that the Court had no other choice. He is also personally opposed to a Constitutional Amendment based on the problem of feasibility. We must understand, however, that these priests are speaking as individuals and do not reflect official Church policy. And there are, of course, Catholics for a Free Choice who are members of the Religious Coalition for Abortion Rights who may not agree with either the theology or the tactics of the Church.

The Greek Orthodox Archdiocese of North and South America as well as other orthodox churches, might agree that abortion is against the law of God, but they do make an exception to save the life of the mother.

The United States Conference of Catholic Bishops appears to have moved beyond moral guidance. How else could one interpret "The Pastoral Plan" developed by the Catholic Bishops which called for setting up a citizens lobby for the election of anti-choice candidates in every district, or the devotion of a special Sunday, prior to elections last year, to anti-abortion sermons and the distribution of pledge cards and petitions at services, or their support of the National Committee for a Constitutional Amendment. I would have to agree with Pat Gavett's analysis that the Catholic Church is the moving force behind the anti-choice movement. Let me add unequivocally - the Catholic Church has the right and the freedom to press for its point of view in American society, as does every other religious group, and I would have it no other way. Let us not forget that they were also the moving force behind the movement to gain justice for farmworkers. Only on that issue they had a clear consensus.

*(they have now been joined by Moral Majority type fundamentalist Protestants)*  
It is no more anti-Catholic to state the obvious than it is anti-Protestant to note that it was evangelical Protestants who were the moving force behind the Prohibition movement. We must not allow ourselves to be constrained from open and honest conversation in this discussion. It is clear, in retrospect, that successful passage of the Prohibition Amendment did not end the consumption of alcohol or the problem of alcoholism. Interestingly, there was more consensus on that issue than there is on abortion. Yet passage of the Prohibition Amendment merely drove the problem under ground, creating a new criminal class, greater disrespect for the law and posing even greater problems for society. Passage of a constitutional amendment regarding abortion will have even worse consequences. Prohibition should serve as a notorious example to our legislators of the dangers of attempts to substitute law for conscience.

Most Protestant demonimations would hold that there is no definitive point at which a fetus becomes a full human person. Indeed, baptism



in some groups is reserved only for matured individuals, while others follow the more usual practice of baptism after birth. Positions on abortion would be based on Biblical insights into the nature of human beings and their capacity for entering into a relationship with God or when, to paraphrase Martin Buber, there is an "I" to whom God can say, "Thou", for there is more to life than mere physical existence. There is, then, a qualitative difference between a fetus, which is potential life, and a full human being who is a living relationship with God and other human beings. In general, Protestants have a long history of emphasis on freedom to exercise individual choice and to take personal responsibility, bearing in mind that all are accountable to God for the moral choices we make. While there are differences concerning when abortion may morally be justified, Protestant denominations are strong supporters of religious liberty. Baptists, in particular, trace their support back to Roger Williams and are particularly proud of their in-put into Constitutional guarantees of freedom of conscience.

In an interesting exploration of the question of Christian morality and civil law, Dr. J. Philip Wogaman, Professor of Christian Social Ethics, Wesley Theological Seminary, Washington, D.C., stated, "In some cases, abortion can be a life-affirming and not a life-denying act. Not every conception was intended by God." He reminds us that, "God may sometimes prefer abortion to continuation of pregnancy." In this connection it may be interesting to note the number of spontaneous abortions of deformed fetuses. While Dr. Wogaman feels that the soul almost certainly exists in the last trimester of pregnancy, he is most reluctant to use the coercive powers of the state in an issue on which there is so much uncertainty.

A word of caution. Where there is so little consensus on a moral problem, we must remember with humility that our understanding of the word of God is limited by our human perceptions and that others, equally human, may also share some understanding of the Divine Will. This should serve to restrain us from imposing our understanding on others who may differ with us. Perhaps our message to legislators ought to be - Legislators should fear to tread where theologians cannot agree, for it is outside their field of competency.

But there are other reasons as well. In testimony before Congress, Dr. Robert Moss, President of the United Church of Christ, stated that a Constitutional amendment, "would nullify our beliefs and make it illegal for our members to practice them." William P. Thompson, Clerk of the General Assembly, United Presbyterian Church, said that "the adoption of a Constitutional amendment against abortion would result in

the Constitutional embodiment of the most extreme position of one group of religious persons and the denial of views held with equal integrity by a large number of other religious persons."

Bishop Armstrong, United Methodist Church, asked perhaps the most pertinent question, "Should a male-dominated religious hierarchy determine the moral posture and legal status of the opposite sex when the woman in question is caught up in a dilemma no man can understand?" In this statement, he echoes the words of Hillel and Jesus who both spoke out against judging people unless you have been in their place.

And that is the crux of the matter. For Revelation has come down to us through the ages, through the eyes of men. Both religious and civil law were written by men and imposed by them upon women. At one conference I attended on the Sanctity of Human Life, one theologian after another expounded on what God had revealed to him on the subject of abortion. In distress at this lack of sensitivity, I wanted to cry out, "Does God speak only to men?" Aloud, I wondered what God would have revealed had women been involved in the development of theology. I was even more distressed when I realized that I was the only person in the room who had experienced bearing children and the responsibility for raising them.

Let us not deceive one another. It is the woman alone who must bear the child. Throughout recorded history, it is the woman who has borne the direct responsibility for child care; it is the woman who is most directly affected and it is the woman who will die of back-alley butchering if abortion should ever again become illegal. Women today are declaring that they, as well as men, are created by God, in the image of God and they will make their own choices based on their own individual consciences. If theology conflicts with their perception of their relationship with God, they will forego theology. Father Andrew Greeley and other Catholic sociologists indicate that the Catholic Church is losing adherents primarily because of its position on family planning and human sexuality. Women who belong to faith groups that discourage family planning are showing up at birth control clinics and their concern is not theological. Their only question is, "Will my husband know?" I received a phone call recently from a young Orthodox Jewish woman who wanted me to recommend a Rabbi for counseling regarding abortion. When I suggested that it might be more appropriate for her to consult an Orthodox Rabbi, she replied that she was not seeking counseling for herself. Her decision regarding abortion has already been made; indeed the appointment with the doctor was already arranged for that week. Her story was simple and not at all



unusual. She had three small children and a fourth on the way. Her husband had been unemployed for sometime. What she wanted was counseling for her husband, to help him understand that there were circumstances under which abortion was permissible in Jewish Law.

At the New York State Women's Meeting, 8600 women of all ages from diverse economic, ethnic, racial, and religious backgrounds gathered together to vote overwhelmingly in favor of reproductive freedom. Anti-choice forces could muster no more than 2,000 including their husbands and children. Maybe this experience will finally convince our legislators that poll figures which show that pro-choice people represent the majority are, in fact correct, and that they need not fear retribution at the polls from anti-choice zealots. Until now, too many legislators have been engaged in a game of charades played on the backs of women - the poorer and the younger the better. The game plan calls for the passage of bills that have little, if any, chance of passing a constitutional test. At this point either the Governor or the President is forced to veto such legislation or an organization like RCAR will file a law suit to prevent its implementation. Usually, the Supreme Court rules such legislation unconstitutional at which point these legislators can turn to their anti-choice constituents and say, "It's not my fault," using the Governor, the President or the Supreme Court as scapegoats to escape their own responsibilities. This year, however, the tactics have come home to roost, for the Supreme Court has ruled that the Federal Government need not provide Medicaid funds for elective abortions.\* As of this writing, a Congressional Conference Committee is meeting to iron-out differences between House and Senate versions of the HEW Appropriations Bill. While the current House version would allow Medicaid funds to be spent to save the life of the mother, the first House version would not allow Medicaid funds for any abortion including the life of the mother. The Senate bill permits exceptions to save the life of the mother, for cases of rape or incest and when "medically necessary." Legislators, especially those who voted for the House bill, are fostering a system of sexual, economic and religious discrimination which is an outrage against human rights. And our outrage must be directed toward these representatives, toward President Carter, toward Secretary of Health, Education and Welfare Califano for their callous denial of basic human rights.

Unfortunately, in the end, this is a game with no winners for, ultimately, there can be no compromise. On the national level Archbishop Joseph L. Bernardin, president of the U.S. Conference of Catholic Bishops, told the

\* This has become more restrictive. In 1980 the Supreme Court ruled that it is legal to prohibit such funding except in cases of endangerment to the life of the woman, or rape, or incest.

Knights of Columbus that "recent Court rulings relieving government of the obligation to fund abortions are not the basis for acceptable social compromise on abortion and do not correct the Court's tragic fundamental error in legalizing abortion." He called for "continued and increased efforts to obtain early enactment of a constitutional amendment restoring full legal protection to human life at all stages, before and after birth." He also called for opposition to public funding of family planning programs as well as abortion.

Since responsibility for Medicaid funding is shared by the Federal government (50%), the State (25%) and the County (25%), we might logically expect pressure on these levels as well. Every public official at every level of government must expect to face this issue. We have not been disappointed. While Governor Carey has stated his support for such Medicaid payments, bills have already been introduced into the State Legislature which would deny State funds for non-therapeutic abortions. The N.Y. State Senate also has the dubious distinction of having passed a resolution in June calling upon Congress to call for a Federal Constitutional Convention to overturn legal abortion. A companion bill failed to make it to the Assembly floor, but we can probably expect a replay of this game in the next season.

Pressure is also being applied on the County level to deny Medicaid funds for abortion. If successful, this would completely eliminate any options for poor women, they will not get one dime! In Nassau County, a group of lobbyists is preparing a petition to be presented to all candidates for County Executive urging:- "that the County fund only procedures necessary to prevent the death of either the mother or her pre-born child and cease funding Medicaid and non-Medicaid elective abortions and abortifacients...(the Pill and the IUD would fall into this category)...that the County establish an 'Office of Life Support Services' to publish a County pamphlet which would set forth the facts of human development, the scientific truth as to when human life begins, etc."

Newspeak speaks again! In reality, there is no agreement as to what "the scientific truth" is. In fact, Justice Blackmun, in the 1973 Supreme Court decision, wrote, "We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any consensus, the judiciary, at this point in the development of ...knowledge, is not in a position to speculate as to the answer."

Newspeak speaks again! We need not be bothered with the facts. Speculation will become fact, once it appears in an official government publi-

cation. Ignorance has indeed become strength! If these tactics are successful, most religious groups will not be able to follow their own religious principles; doctors and nurses will not be able to practice medicine, and social workers and psychologists will be hampered in their attempts to provide clients with appropriate guidance and services.

Misuse of language is not the only method of controlling communication. At the N.Y. State Women's Meeting, a minority of anti-choice zealots, successfully disrupted workshops on health and the family - effectively denying freedom of speech to pro-choice proponents. These disruptive totalitarian tactics were even directed against participants who were exercising their freedom to choose to receive information published by a religious institution that supports ERA and the legal right of a woman to choose abortion. The list of names and addresses of women who requested information from the Task Force on Equality of Women in Judaism, N.Y. Federation of Reform Synagogues was stolen - so that we will be unable to communicate with them. We know that we were not singled out, for display materials produced by other pro-choice organizations were also stolen.

Dirty tricks in the name of morality! "War is peace!" Make no mistake about it, some segments of the anti-choice movement are prepared for civil disobedience in the manner of Vietnam Veterans Against the War.

What is so threatening about these tactics? Lets review the record:

According to the U.S. Civil Rights Commission, any of the proposed Constitutional Amendments to overturn the 1973 Supreme Court decision would undermine the 1st, 9th, and 14th Amendments.

Denial of Medicaid funds for abortion creates second class citizenship for poor women.

A new tactic - pressuring State Legislators to call upon Congress to call a Constitutional Convention has even more dangerous implications for no one can accurately assess the ramifications. We have no guarantee that such a convention can legally be limited to only one subject. If the drive is successful, our entire Constitution will be up for grabs - including the Bill of Rights.

It is time to speak out in a call to conscience!

It is time to return to Oldspeak - to speak out against the subversion of our religious and civil liberties on all levels:-

It is time for clergy, doctors, nurses, psychologists, social workers and lay leadership of all denominations to call upon our legislators to protect the constitutional rights of all constituents, equally. These rights are not for sale to the loudest bidder! Our representatives can no longer escape the moral responsibility for their choices.

Neither can we. For nothing less than the entire democratic process is at stake.

And this is not an issue for women only!

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