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Religious Coalition for Abortion Rights, 1981-1990.

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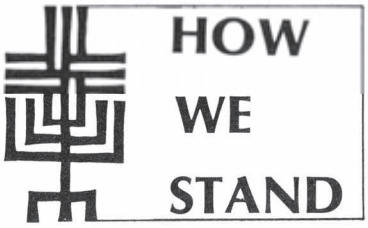
HOW WE STAND

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.

Adopted by the Annual Meeting of the American Baptist Convention, May, 1968.

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.

Adopted by the Annual Assembly of the American Ethical Society, June, 1976.

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.

Adopted by the Annual Meeting of the American Humanist Association, May, 1977.

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.

Adopted by the Biennial Convention of the American Jewish Congress, April, 1976.

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.

Adopted by the Biennial Convention of B'nai B'rith Women, March, 1976.

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.

Position statement of Catholics For a Free Choice, June, 1975.

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.

Adopted by the Fourth Biennial General Assembly of the Christian Church (Disciples of Christ), August, 1975.

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.

Adopted by the Annual Meeting of the Episcopal Women's Caucus, April, 1978.

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.

Adopted by the Biennial Convention of the National Council of Jewish Women, 1969; reaffirmed, 1977.

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.

Adopted by the Biennial Assembly of the National Federation of Temple Sisterhoods, November, 1975.

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.

Adopted by the General Assembly of the Presbyterian Church in the U.S., 1970.

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.

Adopted by the General Assembly of the Union of American Hebrew Congregations, November, 1975.

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.

Adopted by the 16th General Assembly of the Unitarian Universalist Association, June, 1977.

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 . . .

(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.

Adopted by the Eighth General Synod of the United Church of Christ, June, 1971; reaffirmed by the 11th General Synod, June, 1977.

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 . . . .

Adopted by the General Conference of the United Methodist Church, 1976.

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 legislaton 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.

Adopted by the 184th General Assembly of the United Presbyterian Church, U.S.A., May, 1972.

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.

Adopted by the Biennial Convention of the United Synagogue of America, November, 1975.

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.

Adopted by the Biennial Convention of the Women's League for Conservative Judaism, November, 1974.

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.

Adopted by the National Board of the Young Women's Christian Association of the U.S.A., December, 1973.

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Lillian Maltzer
President, National Federation of Temple Sisterhoods

John Giles Milhaven
Professor of Religious Studies, Brown University

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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

1979

A-1003

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 Diccese of New York; Rev. Dr. Wyatt Tee Walker, Canaan Baptist Church, and representatives 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 Jane 9/5
Letter to Rea

January 12, 1981

Rabbi Richard S. Sternberger
UAHC Mid-Altantic 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

איחוד
ליהדות
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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 collegues 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 collegues in Reform Judaism are coming because you will be there. I know how belligered 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 Jane Fred.

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

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 (Episcopalizn)
(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,

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 Coaltion 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

Religious Coalition for Abortion Rights

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

Patricia A. Gavett
National Director

July 18, 1980

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

Dear Rabbi Schindler:

The Religious Coaltion 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.

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

Sincerely,

Patricia A. Gavett

Patricia A. Gavett
National Director

PAG:ar

Crossed in mail with your reply. No further letters.

Religious Coalition for Abortion Rights

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

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

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,

Patricia A. Gavett

Patricia A. Gavett
National Director

PAG:ar

Religious Coalition for Abortion Rights

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

September 26, 1980

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

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.

AMERICAN BAPTIST CHURCHES

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Board of National Ministries

Rev. Stanley P. Borden
Executive Minister
Cleveland Baptist Association

Rev. Hugh Morton
Executive Minister
The American Baptist Churches of Monroe Association

Rev. Carrol A. Turner
Associate Executive Minister
The American Baptist Churches of Monroe Association

Rev. William C. Cline
Dir. of Evangelism & Social Concerns
Am. Bapt. Churches of PA & DE

Rev. Judson L. Day
Baldwinsville, NY

Rev. Kathy J. Johnson
Oakland, CA

Arthur L. Younger
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AMERICAN BAPTIST WOMEN

Dorothy Ogrean
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Doris Anne Younger
Executive Director

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Bishop John H. Burt
Episcopal Diocese of Ohio

Bishop H. Coleman McGehee, Jr.
Episcopal Diocese of Michigan

Bishop Paul Moore
Episcopal Diocese of New York

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"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 signators 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

THE WASHINGTON POST, TUESDAY, AUGUST 16, 1977

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 extrauterine 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 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 tretise "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.

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

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 denomnational 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.

FEATURE

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

Harriet F. Pilpel is a partner in the law firm of Greenbaum, Wolff and Ernst, which is counsel to Planned Parenthood Federation of America. Mrs. Pilpel was assisted in the preparation of her testimony by Eve W. Paul, who is associated with the same firm.

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*[1] and *Doe v. Bolton*,[2] 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.)

sóme 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.[3] 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 1975 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."[4] 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.[5] 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."[6] 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

[1] 410 U. S. 113 (1973).
[2] 410 U. S. 179 (1973).
[3] 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 Abortional Freedom," XVII N.Y. Law Forum 355 (1971).
[4] 410 U. S. 113, 161 and n. 62.
[5] Annotation, 15 ALR 3d 992 (1967).
[6] *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,[1] 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 undertaken 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."[2]

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

[1] *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].
[2] See FP/PR, 3:100, 1974; 4:10, 88, 1975; 5:1, 30, 1976.

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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

One of a series on religious liberty issues published by Americans United for Separation of Church and State Silver Spring, Maryland 20910.

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 amending 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 parochiaid. 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
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Additional Contribution	_____

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

"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."

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 carring 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

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 Ministriers 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 rleigious organizations—all with different positions on abortion and widely differing perspectives and views on when abortoin 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 justifed 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 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 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 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.

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.

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.

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THE SUPREME COURT AND LAWS ON ABORTION

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."

filed against [illegible]

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 denal 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 withthe 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)

LEGISLATIVE WRAP-UP

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.

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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 <u>their</u> perspective there can be <u>no compromise</u>. 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 d r o v e 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 paraphase 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 Tehological 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 <u>him</u> on the subject of abortion. In distress at this lack of sensitivity, I wanted to cry out, "Does God speak only to <u>men</u>?" 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 <u>alone</u> who must bear the child. Throughout recorded history, it is the <u>woman</u> who has borne the direct responsibility for child care; it is the <u>woman</u> who is most directly affected and it is the <u>woman</u> 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 loosing 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 counselling 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 constituional 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, successfuly 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 <u>freedom to choose</u> 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 <u>one</u> 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 <u>Oldspeak</u> - 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 <u>protect</u> the constitutional rights of <u>all</u> constitutents, <u>equally</u>. 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 <u>not</u> an issue for <u>women</u> only!

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