



November 2000

SLOUCHING TOWARDS EXTREMISM

*THE FEDERALIST SOCIETY AND
THE TRANSFORMATION OF
AMERICAN JURISPRUDENCE*

BY JULIE R. F. GERCHIK

Targeting the courts, the law schools, and the American Bar Association (ABA), the Federalist Society has emerged as an increasingly powerful coalition of conservative and libertarian legal activists that is developing comprehensive challenges to the fundamental principles of constitutional law. The leadership of the Society includes some of the most influential figures on the Right, including former Attorney General Edwin Meese III, former Supreme Court nominee Robert Bork, and the former president of the Christian Coalition, Donald Paul Hodel. In August 1998, then-ABA President Jerome Shestack expressed concern that "so much of the Society's leadership consists of active politicians and others whose slouching towards extremism is self-proclaimed."¹

Formed in 1982, the Federalist Society claims 40,000 members who can be found in every arena of American law, including the district courts, federal courts, U.S.

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Religious and secular right converge against abortion: Seated together at the National Right to Life Committee 2000 convention, Catholic priest Fr. Frank Pavone, national director Priests for Life, Protestant Evangelical Pat Robertson, founder of the Christian Coalition, and Wanda Franz, president NRLC.

Photo credit: IDS

PRIESTS FOR LIFE: A NEW STAGE OF ANTIABORTION ACTIVISM

BY GILLIAN KANE

Fr. Frank Pavone and Priests for Life (PFL), the New York-based organization he leads, embody an important new dimension of the American and international antiabortion movement. In recent years, PFL has emerged as one of the leading organizations in the Catholic Church's effort to make abortion illegal in

the United States and internationally. The organization has also recently improved its visibility dramatically by launching a national media blitz during the 2000 elections.

Supported by the hierarchy of the Catholic Church—domestically through the National Council of Catholic Bishops and

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Supreme Court, Congress, private and public interest law firms, and numerous law schools. As of 1998, members of the Federalist Society were state judges in at least nine states and occupied at least twenty-two positions on the federal bench. U.S. Supreme Court Justices Anthony M. Kennedy, Antonin Scalia, Clarence Thomas, and Chief Justice William H. Rehnquist are "close affiliates of the Federalist Society."² At least nine members of Congress were Federalist Society members, according to the Federalist Society's 1998 list, and three state attorneys general held membership.

Backed by millions of dollars from leading right-wing and libertarian foundations,³ the Federalist Society is successfully shaping emerging jurisprudence through the fifteen practice groups of its Lawyers Division, which span the entire spectrum of the law: federalism, civil rights, telecommunications, church-state relations, and many other areas. In an effort to shape the contours of debate in the law schools, and to develop a capacity for future generations of ultra-conservative lawyers to influence American jurisprudence, the Federalist Society has also started a Faculty Division. This complements the Society's long-established Student Division, a network of 140 law school chapters with 5,000 members nationwide.

Excellence vs. Ideology?

Serious questions have also been raised about the role of the Federalist Society in the federal judicial selection and confirmation process. Senior Judge Roger J. Miner of the U.S. Court of Appeals for the Second Circuit warned as long ago as 1992 that the power of appointment of federal judges "has shifted away from Presidents and Senators to staff," and that "the force of history and attachment to the coattails of political winners have catapulted them [the right-wing lawyers clustered around the Federalist Society] to positions of power, first as law clerks, then as movers and shakers in the office of the Attorney General and now in the office of the President. This has been accomplished not by acquiring political power but by co-opting it. Lee Liberman, a founder of the new Federalists and now Assistant

Counsel to the President, examines all candidates for federal judgeships for ideological purity. It is well known that no federal judicial appointment is made without her imprimatur."⁴

Similarly, Edward Lazarus, a former law clerk for Justice Harry Blackmun, wrote in his book, *Closed Chambers: The Rise, Fall*

THE LEADERSHIP OF THE SOCIETY INCLUDES SOME OF THE MOST INFLUENTIAL FIGURES ON THE RIGHT, INCLUDING FORMER ATTORNEY GENERAL EDWIN MEESE III, FORMER SUPREME COURT NOMINEE ROBERT BORK, AND THE FORMER PRESIDENT OF THE CHRISTIAN COALITION, DONALD PAUL HODEL.

and Future of the Modern Supreme Court, that membership in the Society "became a prerequisite for law students seeking clerkships with many Reagan judicial appointees as well as for employment in the upper ranks of the Justice Department and the White House."⁵

In addition, the Federalist Society's activities reinforce the objectives of other important legal institutions on the right. These include radical right-wing law schools, such as Pat Robertson's Regent University School of Law in Virginia and the newly formed Ave Maria School of Law in Michigan, founded by former Domino's pizza baron and aggressive antiabortion activist Tom Monaghan. Ave Maria's new faculty includes Robert Bork. The Federalist Society also complements the activities of a number of sophisticated legal advocacy and litigation organizations on the right, such as the Institute for Justice, the Washington Legal Foundation, the Center for Individual Rights, and the Pacific Legal Foundation, among others.

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internationally through key church structures—Fr. Pavone has increasingly assumed a bridging role between local Catholic antiabortion activists and leading Vatican officials. In particular, Pavone—whose current literature justifies criminal trespass against abortion clinics¹—works closely with Cardinal Alfonso Lopez Trujillo, president of the Vatican's Pontifical Council for the Family and head of PFL's advisory board.

Fr. Pavone's rapid ascension as a leader of the movement against abortion rights and his close ties to the top of the Vatican hierarchy are so remarkable that he has been referred to as the Pope's "Vicar for Life."² PFL's unique role in activating and mobilizing priests suggests a decisive move on the part of the Vatican to make the Catholic clergy a leading force in antiabortion activism. Part of the significance of this wide-ranging effort to invigorate priestly political activism is that PFL retains close ties not only with

speakers to meetings of Legatus, an international society for Catholic corporate leaders and their spouses formed by the founder of Domino's Pizza, Tom Monaghan.³ PFL is also playing an increasingly prominent role internationally, regularly sending speakers to numerous antiabortion events abroad and maintaining an important affiliate (created in 1995) in Canada.⁴

The onset of the 2000 U.S. elections witnessed an increased media blitz by right-wing antiabortion advocates seeking to motivate politicians and voters to act solely on the issue of abortion. The organizations conducting this offensive—including Priests for Life, the National Right to Life Committee Educational Trust Fund, and the Family Research Council⁵—are apparently using the issue to mobilize a conservative voting bloc in the hope of consolidating a long-term base.

On July 21, 2000, Priests for Life pleaded their cause with a full-page advertisement

Pavone points to two documents issued by the U.S. National Council of Catholic Bishops: *Living the Gospel of Life: A Challenge to American Catholics* and *Faithful Citizenship: Civic Responsibility for a New Millennium*. Both of these documents exhort voters and politicians to

PRIESTS FOR LIFE IS CHANGING THE TRADITIONAL ORGANIZATIONAL STRUCTURE OF THE ANTIABORTION MOVEMENT.

vote on what they consider the overarching priority for the electorate: abortion. Although the emphasis of the bishops' statements is on the political responsibility of voters in general, a special obligation is placed on Catholics "to embrace their citizenship not merely as a duty and privilege, but as an opportunity meaningfully to participate in building the culture of life."⁹

Pavone casts his crusade in wider terms, asserting that "not only do individuals have a duty to obey God, but so do governments" because, as he puts it, "separation of Church and state does not mean separation of God and state."¹⁰ At the 2000 annual meeting of the NRLC, Pavone made clear that his challenge "to awaken Christians" was not just for Catholics, but also for "all Christians, believers, and all Americans."¹¹

Taking It to the Streets

Pavone's call to action against abortion extends not only to the voting booth, but to the streets as well. Among the educational materials Priests for Life distributes is a booklet entitled "Our Media is the Streets." This booklet suggests blockades of abortion clinics ("rescues") as an effective method of protest. Pavone not only asserts that this type of direct action is a form of peaceful protest, but also that "breaking a law of trespass to prevent killing is perfectly justified in this and other circumstances."¹² This statement suggests that PFL's political inclinations run to the extreme, suspicions that are reinforced by looking at the

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Frank Pavone, National Director of Priest for Life, launches national antichoice campaign on the eve of the 2000 U.S. elections.

Photo credit: AP

"mainstream" antiabortion organizations such as the National Right to Life Committee (NRLC), but also with elements of the extreme wing of the antiabortion movement in the United States, such as Joseph Scheidler's Chicago-based Pro-Life Action League.

PFL is changing the traditional organizational structure of the antiabortion movement. The group is widening its role beyond the Catholic Church by becoming more active in secular structures such as the NRLC. Priests for Life regularly sends

in the *New York Times*, asking "lawmakers, voters, and those running for public office" to vote against abortion rights. The ad was part of a well-funded advertising campaign, reportedly with a \$1 million budget⁶ allocated specifically for print and TV ads targeted toward national and regional audiences.⁷ Called "Campaign for Life 2000," the media blitz demanded that "those who would allow abortion and claim to be Christian" should "stop being a scandal to the Gospel of Jesus."⁸

To justify PFL's call to political action,

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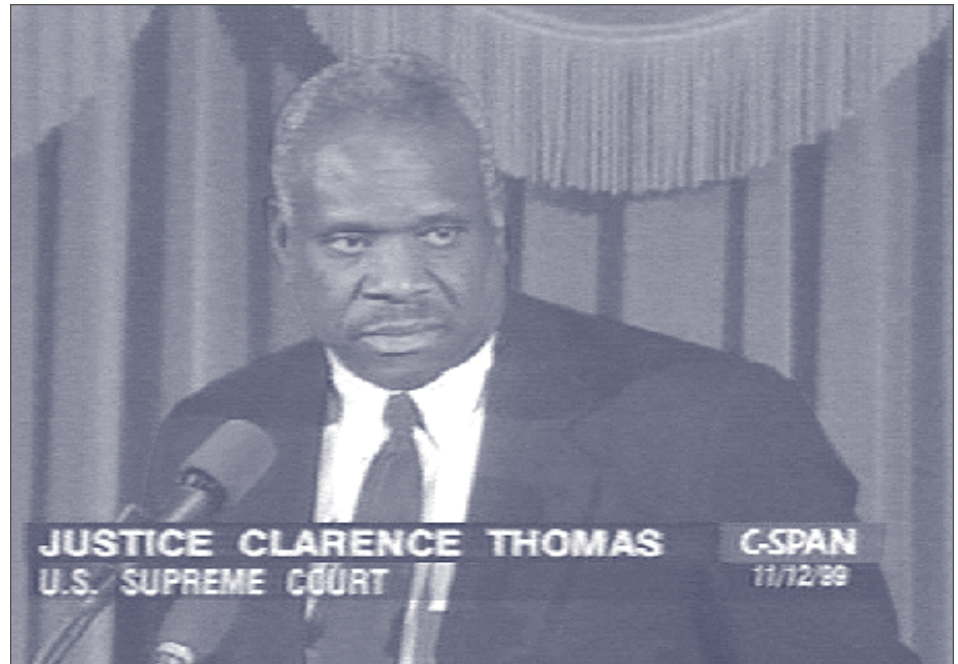
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Supplementing these secular right groups, there has been a proliferation of religious right litigation organizations gaining in resources, vastly increasing their power bases, and successfully building strategic litigation capacities.⁶ These organizations include Pat Robertson's American Center for Law and Justice and the Rutherford Institute. Flanking these are networks of evangelical and other Christian Right lawyers, such as the Christian Legal Society and National Lawyers Association. The Alliance Defense Fund, whose board of directors includes the leadership of the most powerful of the religious right organizations, pools millions of dollars to sponsor challenges to the principle of separation of church and state and furthers the legal goals of extreme right religious interests.

Federalist Society publications and panel discussions often advance arguments that comprehensively challenge the role of the public sector, moving well beyond recent public skepticism about the proper role of government in regulating the social and economic activities of the nation. For example, its literature has contained arguments for abolishing the Securities and Exchange Commission,⁷ severely limiting the regulatory role of the Environmental Protection Agency, and rolling back gender equity provisions, voting rights law,⁸ and other foundations of federal civil rights law. In addition to presenting challenges to standard "wage gap" statistics, Federalist Society publications have included articles criticizing the teaching of evolution and aspects of the foundational principle of separation of church and state.

Targeting the ABA

The Society has also set its sights on the American Bar Association. Directing a constant din of ideological criticism toward the ABA in its publication *ABA Watch*, the Federalist Society and its leaders have been involved in all levels of the right-wing political assault on the 400,000-member organization. As heralded in a "special edition" of *ABA Watch* in March 1997, Senate Judiciary Committee Chair Orrin



"I am not sure it is even appropriate for judges, who are supposed to be neutral, impartial decision-makers, to belong to the ABA so long as it continues down this path."

—Associate Justice Clarence Thomas, *The Federalist Society 1999 Annual Lawyers Banquet, Washington, D.C., November 12, 1999.*

Photo credit: C-Span

Hatch (R-UT), at the time co-chair of the Federalist Society's Board of Trustees,⁹ announced he would no longer invite the ABA to participate on a *pro forma* basis in the Senate judicial confirmation process.

Furthermore, in the keynote address on "judicial independence" at the November 1999 Federalist Society National Lawyers Convention, Justice Clarence Thomas openly denounced the ABA: "I am doubtful whether the ABA can ever 'reform' itself." He then counterposed the ABA, which he labeled "an interest group," to the Federalist Society: "The Federalist Society, by the way, should be commended for maintaining the wall of separation between law and politics."¹⁰ Shortly thereafter, the Federalist Society announced that it would develop "voter guides" for ABA elections—amounting to an unprecedented effort to influence the governance of the ABA.

The Practice Groups

The Practice Groups have no official agenda; when group leaders and members work on various projects, they do so in their

own names and not in the name of the Federalist Society. Nevertheless, a sense of their importance as focal points of political networking can be gained by considering the Civil Rights Practice Group. The editorial policy of its *Civil Rights News* bulletin reveals a clear agenda: the complete overturning of virtually every governmental attempt to prevent or remedy civil rights discrimination. Issues of the newsletter have chronicled in heroic tones, for example, the efforts to pass Proposition 209¹¹ and to defend it in the courts.¹²

Clint Bolick, vice president and litigation director of the Institute for Justice, reported in *Civil Rights News* on the struggle to defeat the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights.¹³ Bolick describes how he, with the assistance of a University of Texas law student, organized a group of "two dozen anti-preference groups" who approached Senate Judiciary Committee Chairman Orrin G. Hatch to announce their opposition.

Hatch's staff member for nominations at the

time, Brian W. Jones, is a member of the Executive Committee of the Civil Rights Practice Group and editor of *Civil Rights News*. The “well-prepared” Senate committee members, armed with detailed information on Lee’s record prepared by Bolick’s coalition, “subjected Lee to tough yet courteous questioning,” that Lee was, according to Bolick, unable to withstand. Subsequently Bolick writes, a “blistering exposé” in a column published by George Will turned the tide. All in all, Bolick concludes that the battle was “an example of how teamwork and principled advocacy can carry the day—even in the most cynical of environments.” Indeed.

The deepening connections between the legal institutions of the right, both religious and secular, have helped promote the recycling of ideas and bestowed credentials upon new legal activists, on which the extreme right depends for its growth. To illustrate, a recent issue of Pat Robertson’s *Regent University Law Review* contained a paper by a former law clerk to Supreme Court Justice Clarence Thomas, commissioned by Brian Jones’ Center for New Black Leadership. It cited Justice Thomas’ critical remarks about affirmative action in a 1995 speech to the Federalist Society as an example of the “new policies and new leadership” the “black community” needs.¹⁴

The Road Ahead

The Federalist Society goes to great lengths to present itself as unbiased, claiming that unlike the ABA, it does not take official positions as an organization. In practice, however, this renders the Society’s partiality informal but no less aggressive. The Federalist Society’s practice groups, conferences, and written material routinely illustrate that there is little about the Society that is not fervently ideological. Instead, their various platforms serve as a supposedly mainstream venue for conservative and libertarian beliefs that in actuality are far outside the mainstream in their opposition to important federal and civil rights legal standards. *The National Law Journal* noted that although the “group is officially nonpartisan, the sometimes hidden influence of the Federalist Society... has already been felt—in the Reagan and Bush justice departments, which filled their ranks

ITS LITERATURE HAS CONTAINED ARGUMENTS FOR THE ABOLITION OF THE SECURITIES AND EXCHANGE COMMISSION, THE SEVERE LIMITATION OF THE REGULATORY ROLE OF THE ENVIRONMENTAL PROTECTION AGENCY, AND THE ROLLING BACK OF GENDER EQUITY PROVISIONS, VOTING RIGHTS LAW AND OTHER FOUNDATIONS OF FEDERAL CIVIL RIGHTS LAW.

with members, and among judges, who participate in the Society’s programs and hire members as clerks.”¹⁵

The Federalist Society is more than a debating society of concerned conservative lawyers. Although the Society never argues a motion nor files a case, it is steadily growing in its capacity to challenge the foundations of American jurisprudence.

Julie R. F. Gerchik is the program associate for law and democracy at the Institute for Democracy Studies. This article is adapted from a forthcoming IDS report on the Federalist Society.

Endnotes

1 ABA President Jerome Shestack Responds,” *ABA Watch*, August 1998, p. 15.

2 George E. Curry and Trevor W. Coleman, “Hijacking Justice,” *Emerge*, October 1999, p. 42.

3 These include the Lynde and Harry Bradley Foundation, the Sarah Scaife Foundation, the John M. Olin Foundation, the Castle Rock Foundation, the Richard and Helen DeVos Foundation, the Earhart Foundation, the Charles G. Koch Charitable Foundation, and the E. L. Wiegand Foundation.

4 Hon. Roger J. Miner, “Remark: Advice And

Consent In Theory And Practice,” *The American University Law Review*, Summer, 1992, 41 Am. U.L. Rev. 1075.

5 Edward Lazarus, *Closed Chambers: The Rise, Fall and Future of the Modern Supreme Court* (New York: Penguin Books, 1999), p. 264.

6 See generally, *Tipping the Scales: The Christian Right’s Legal Crusade Against Choice* (New York: The Center for Reproductive Law and Policy, 1998) and *Justice for Sale: Shortchanging the Public Interest for Private Gain* (Washington, D.C: Alliance for Justice, 1993).

7 Jonathan Macey, “The Case for Abolishing the SEC,” *Corporations, Securities and Antitrust News*, Vol. 2, No. 2, summer 1998, p. 1.

8 Abigail Thernstrom, *Whose Votes Count? Affirmative Action and Minority Voting Rights* (1987) cited in Federalist Society, “Conservative and Libertarian Legal Scholarship Annotated Bibliography,” Federalist Society website, August 17, 2000, www.fed-soc.org/biblio.htm.

9 Following a reorganization of their board, Hatch is now co-chair of the Federalist Society’s Board of Visitors.

10 Associate Justice Clarence Thomas, *Speech on Judicial Independence to Federalist Society 1999 National Lawyers Convention*, November 12, 1999, www.fed-soc.org/contents.htm.

11 Proposition 209 banned affirmative action throughout the state of California.

12 Tom Wood, “How Honest Is the Debate over the California Civil Rights Initiative,” *Civil Rights News* 1:1 (Fall 1996); Hans Bader, “The California Civil Rights Initiative Goes to Court,” *Civil Rights News* 1:2 (Spring 1997); Ward Connerly, “The American Civil Rights Institute: Taking C.C.R.I. to the National Stage,” *Civil Rights News* 1:2 (Spring 1997).

13 Clint Bolick, “Fighting a Left Turn on Rights: The Battle Against the Bill Linn Lee Nomination,” *Civil Rights News* 2:1 (Spring 1998).

14 Stephen F. Smith, “A Tribute To Justice Clarence Thomas: The Truth about Clarence Thomas and the Need for New Black Leadership,” *Regent University Law Review*, 1999/2000, 12 Regent U.L. Rev. 513.

15 Rex Bossert, “Conservative Forum Is a Quiet Power; ABA Watchdog: Federalist Society Serves as a Job Network in GOP Circles,” *The National Law Journal*, September 8, 1997, p. A1.

SHEPHERDING THE ABORTION RIGHTS ROLLBACK: THE NATIONAL PRO-LIFE RELIGIOUS COUNCIL TARGETS PRO-CHOICE POLICY IN THE MAINLINE CHURCHES

By Lewis C. Daly

Pro-choice Churches Under Fire

The mainline Protestant churches are among the most important cultural institutions that support a woman's right to choose abortion in the United States. But their pro-choice positions, in place since the early 1970s, are weakening under pressure from a network of denominational antiabortion advocacy organizations.



NPRC President Robert Schenck gained fame as a leader in Operation Rescue's militant abortion clinic protests in Buffalo, NY, in the early 1990s. Schenck appears in an advocacy video of the far-right Alliance for Revival and Reformation.

Since the early 1990s, the three most important mainline churches—the Presbyterian Church (USA), the United Methodist Church, and the Episcopal Church, USA—have all reopened the question of abortion and begun to reassess their pro-choice positions. All three churches recently passed policy resolutions opposing or expressing “grave concern” about the practice of so-called partial-birth abortion,

and at the 73rd triennial General Convention of the Episcopal Church in the summer of 2000, five out of seven resolutions submitted by the church's antiabortion caucus, the National Organization of Episcopalians for Life, were either approved or referred for further study within the church.¹

Although these recent developments do not directly threaten the churches' support for *Roe v. Wade*, their potential impact on reorienting the mainline churches' stance should not be underestimated. As with the national antiabortion movement, the antiabortion movement within the churches favors a long-term strategy of chipping away at the edges of pro-choice policy while fostering a cultural and ideological erosion of the prevailing pro-choice sentiment among church members and clergy. This is exemplified by the revised policy on abortion rights adopted by the Presbyterian Church (USA) in 1992, which presented the church as “divided” on abortion and which mandates the inclusion of antiabortion perspectives in all denominational publications on the subject.²

Widening the Circle of Mainline Antiabortion Activism

In 1989, several mainline religious antiabortion organizations, working closely with the National Right to Life Committee (NRLC) and its outreach director, Ernest Ohlhoff, formed a coordinating coalition called the National Pro-Life Religious Council (NPRC), a 501(c)(3) tax-exempt corporation registered in the state of Arizona. The emergence and subsequent growth of the NPRC not only marks significant advancement in antiabortion activism within the mainline churches, but also signals an ominous reconfiguration of mainline religious antiabortion forces within the national landscape of abortion politics.

After the Senate failed to override President Clinton's veto of legislation banning partial-birth abortion in 1996, Ben Sheldon, the executive director of the NPRC, spelled out the long-term strategy of the mainline antiabortion movement quite clearly:

Since the struggle is still in progress and the outcome is still not settled, the National Pro-Life Religious Council pledges its effort and its energies to continue the fight for the sake of the unborn babies, not only by banning partial-birth abortions but by eventually making abortion so repugnant to the people of this nation that they will clamor for its elimination. We invite the support and cooperation of members of all denominations in this Herculean task once again of making the mother's womb a safe place for babies.³

Origins, Leadership, and Activities of the NPRC

The mainline cofounders of the NPRC, along with Ohlhoff, were Ben Sheldon,⁴ then president of Presbyterians Pro-Life of the Presbyterian Church (USA), and Louisa Rucker, then executive director of the National Organization of Episcopalians for Life (NOEL). The incorporating agent of the NPRC was the Right Reverend Joseph M. Harte, who founded NOEL in 1966 and was the second Episcopal bishop for the state of Arizona. Besides Presbyterians Pro-Life and NOEL, other mainline member organizations in the NPRC include the Taskforce of United Methodists on Abortion and Sexuality (TUMAS) and United Friends for Life (United Church of Christ).

The current NPRC board represents a significant national interface of Catholic, far-right Protestant, and mainline Protestant antiabortion leaders. The current president of the NPRC is Robert Schenck, general secretary of the far-right National Clergy

Council (see below). NOEL executive director Georgette Forney serves as secretary, and the NRLC's Ernest Ohlhoff is treasurer. Ben Sheldon, president emeritus of Presbyterians Pro-Life, serves as executive director. Besides Sheldon and Forney, other mainline Protestant board members include John Brown, president of United Friends for Life, and Paul Stallworth, president of TUMAS.

Non-mainline antiabortion leaders on the board include Priests for Life director Frank Pavone (see accompanying article), Shannon Royce, director of government relations for the Ethics and Religious Liberty Commission of the Southern Baptist Convention, and Gail Quinn, executive director of the Secretariat for Pro-Life Activities of the National Conference of Catholic Bishops.

According to a recent brochure, the NPRC holds quarterly meetings to facilitate four types of interdenominational interaction: 1) sharing information, 2) strengthening communication among member groups, 3) mutual encouragement, and 4) joint efforts to develop a public presence for the NPRC.

The NPRC's goal is "to see every Christian denomination or fellowship proclaim and obey Biblical teaching and Christian tradition that affirm the value of all human life."

THE EMERGENCE AND SUBSEQUENT GROWTH OF THE NPRC NOT ONLY MARKS A SIGNIFICANT ADVANCEMENT IN ANTI-ABORTION ACTIVISM WITHIN THE MAINLINE CHURCHES, BUT ALSO SIGNALS AN OMINOUS RECONFIGURATION OF MAINLINE RELIGIOUS ANTI-ABORTION FORCES WITHIN THE NATIONAL LANDSCAPE OF ABORTION POLITICS.

Although the NPRC has not reported significant income over the years, its influence is substantial and growing.⁵ Its newsletter, *Uniting for Life*, contains legislative updates, denominational reports, and pastoral commentary. The NPRC also distributes educational resources that provide remarkably detailed strategic instructions on how to establish "pro-life" leadership and initiatives in mainline congregations. This

emphasis on work within the churches does not exclude explicitly political work, however. After Clinton's veto of the partial-birth abortion ban in 1996, the NPRC engaged in a significant lobbying effort to support an override of the veto.⁶

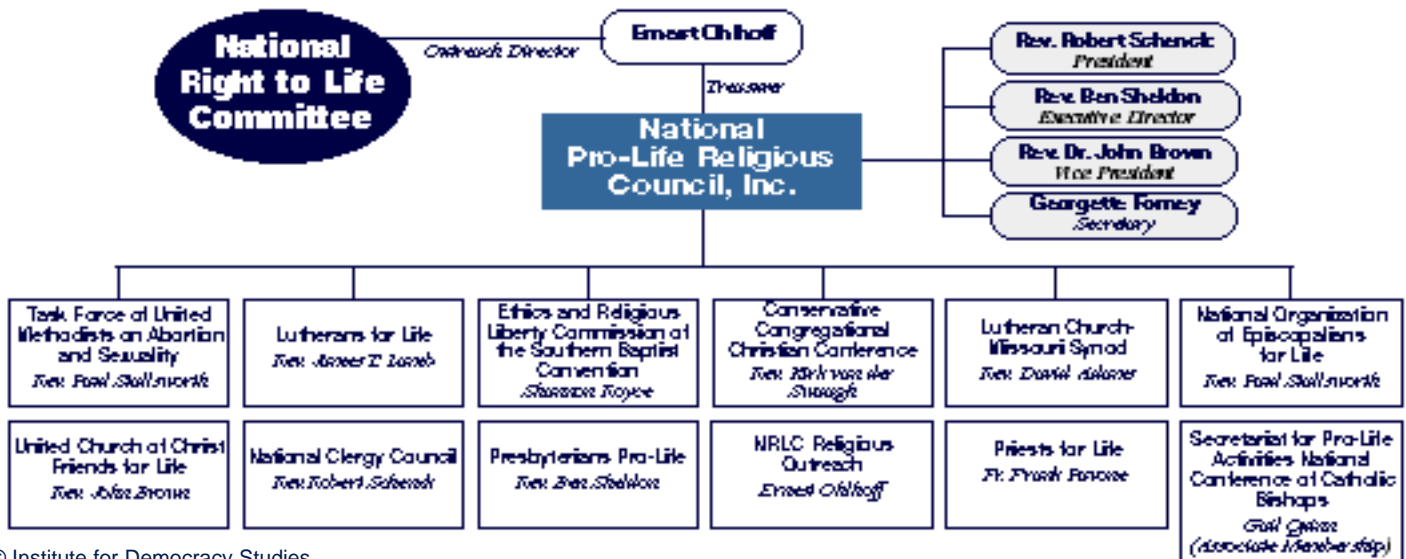
In 1998, the NPRC sponsored a seminal pastors' conference called "Building a Ministry for Life." Hosted by the charismatic Truro Episcopal Church in Fairfax, Virginia, whose membership has included the likes of Clarence Thomas, this conference featured national conservative leaders such as Richard Land of the Southern Baptist Convention and Richard John Neuhaus, president of the influential neoconservative think tank, the Institute on Religion and Public Life.

Also important is the NPRC's involvement within the growing arena of national antiabortion events. NPRC leaders recently participated in the National Memorial for the Preborn and Their Mothers and Fathers, a media event founded in 1995 by Robert and Paul Schenck.⁷ Robert Schenck's National Clergy Council is a Washington, D.C.-based religious-right political lobby he formed after he and his brother gained national exposure for their involvement in Operation Rescue's militant clinic protests in the city of Buffalo in the early 1990s.⁸

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National Right to Life Committee

Overtuning the Longstanding Pro-Choice Positions of the Mainline Religious Denominations



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It is striking that Schenck is now president of the NPRC. His extreme views on religious authority and the limits of "humanism" are also included in a recent video called *God's Law and Society*, issued in 1999 by the far-right Alliance for Revival and Reformation. The Alliance for Revival and Reformation is a "trans-denominational fellowship of men dedicated to returning America to the Bible and to the God of the Bible."⁹ On its cover packaging, *God's Law and Society* claims to explode such modern "myths" as "You can't legislate morality!" and "Separation of God and State!"

Along with Schenck, the video features prominent Christian Reconstructionist theologians such as Rousas John Rushdoony and Andrew Sandlin, who believe that it is necessary to establish "God's law" in place of "man's law" as the rule for society.¹⁰ Schenck's statement on the video does not address the far-right Reconstructionist agenda of imposing biblical law. Schenck believes that Christian morality and religion are necessary to maintain our society and should be given more prominence. As he puts it, "[it's] not a question of whether there will be morality or not, whether there will be religion or not. It is only whose morality, whose religion will prevail."¹¹

In the Cross-Hairs of the Right

Since the founding of the National Pro-Life Religious Council in 1989, the mainline churches have increasingly taken center stage in the national antiabortion movement's bid to undermine reproductive rights and ultimately recriminalize abortion, setting women back decades in their struggle for civil rights. In 1999, the National Right to Life Committee dedicated a special commemorative issue of its national newspaper to the issue of restoring "pro-life" policies in the mainline churches, complete with an organizational flowchart mapping out the alignment of pro-choice and pro-life forces in the churches.¹² At its annual convention in June 1999, the NRLC hosted three workshops on pro-life activism in the churches. Featuring leaders of the NPRC, these workshops focused on such issues as establishing a pro-life committee in the local church, overcoming pro-choice opposition

in congregations and denominations, and galvanizing religious leadership to enter the pro-life movement.

Ernest Ohlhoff is explicit about the political implications of pro-life organizing within the churches, and, as outreach director of the NRLC, he has helped to guide a growing convergence of Catholic, mainline Protestant, and right-wing evangelical efforts against abortion rights. Soon after helping to form the NPRC in 1989, Ohlhoff asserted, "[if] the churches increase their activity on this issue, it will definitely translate into political action." He was referring to

national role in lobbying against abortion rights in the 1990s. At its annual convention in 1995, the SBC voted to oppose the nomination of Henry Foster, a supporter of abortion rights, for surgeon general. With Foster's nomination pending, Land compared abortion to slavery as the "transcendental moral issue of our time." Referring to an SBC resolution apologizing for slavery and racism passed just a day earlier, Land stated that he did not "want the next generation of Southern Baptists to have to apologize that we did not speak out about the slaughter of unborn babies . . ."¹⁴



NPRC leaders Ben Sheldon (left) and John Brown (center) conduct a panel discussion with National Right to Life Committee treasurer Dennis Day at the NRLC's 2000 Convention.

Photo credit: IDS

resurgent pro-life lobbying by Southern Baptists in the wake of the conservative takeover of the 14-million-member Southern Baptist Convention (SBC) in the 1980s. At the center of this was the SBC's then-named Christian Life Committee, led by Richard Land.¹³

The Christian Life Committee's successor, the Ethics and Religious Liberty Commission (ERLC), is now a member of the NPRC, and Richard Land has served on the board of the NPRC along with his SBC colleague Will Dodson, director of public policy and legal counsel for the ERLC. From 1997 to 1999, Will Dodson served as president of the NPRC. Shannon Royce, the ERLC's director of government relations, is currently the ERLC's representative on the NPRC board.

Under the national leadership of Richard Land, the SBC has played an active

The SBC's far-right Protestant influence on the NPRC is coupled with that of another of its nationally active member organizations, Priests for Life. Priests for Life is the most significant Catholic antiabortion organization to emerge in the 1990s (see accompanying article). Its national director, Frank Pavone, joined the NPRC board in 1996, and Pavone has been featured prominently on NPRC panels at the NRLC's annual conventions in recent years.

Also influential as member organizations of the NPRC are the Lutheran Church—Missouri Synod and the inter-Lutheran antiabortion advocacy organization Lutherans for Life, both of which occupy a conservative evangelical position on the religious spectrum. David Adams, executive director of the Office of Government Information of the Lutheran Church—Missouri Synod, has served as president of the NPRC.

Spanning the range of Protestant and Catholic far-right antiabortion politics, these nonmainline influences place the NPRC's mainline members squarely in the midst of the national antiabortion movement and in close proximity to the broader religious right.

Erosion of Pro-Choice Policy in the Mainline Churches

The NPRC's mainline Protestant member organizations are integral components of what is known as the "renewal" movement in mainline Christianity. Conservative and evangelical in orientation, this movement has for decades attacked social justice policies and structures within the churches, and in the last ten years it has advanced significantly toward the institutional goal of capturing mainline Christianity for the conservative movement, especially in the Presbyterian Church (USA) and the United Methodist Church.¹⁵

Linked as it is to the broader women's movement and to the growing pluralism and secularization of American culture since the 1950s, the pro-choice position of the mainline churches is a key target in the Right's bid to weaken and eliminate the progressive infrastructure of Protestant liberalism. With the development of the NPRC, mainline antiabortion organizations increasingly have become a platform for this cherished historic goal of the broader religious right.

Ernest Ohlhoff made it quite clear in 1998 that mainline pro-choice policy is a national target and is beginning to lose ground to the conservative movement:

As a result of dedicated work by denominational pro-life groups and growing pressure from grassroots congregations, virtually all denominations who still espouse a pro-abortion position are inching slowly toward a more "pro-life" position. This office is not aware of a single denomination that has moved toward the pro-abortion side in the last 15 years.¹⁶

As noted above, much of the mainline progress against choice commended by Ohlhoff has occurred since the early 1990s. This process has generally involved an attempt to reframe the issue of abortion in exclusively biblical and theological terms, overriding the churches' historic engage-

ment with social and scientific perspectives. Although the policy changes that have followed from this reframing have not been sweeping, a climate of gradual erosion has surrounded the churches' recent deliberations on abortion and choice.

The recent mainline resolutions opposing partial-birth abortion, while not threatening the churches' support for abortion rights directly, are nevertheless extremely important victories for antiabortion forces. Partial-birth abortion has become the main wedge issue in antiabortion politics in recent years, and the mainline churches' alignment with this highly politicized national effort—however cautious the actual policy language—sets a dangerous precedent in terms of their critically important public role in defending women from the strategic advances of the anti-abortion movement. All seven of the National Organization of Episcopalians for Life's resolutions proposed at the Episcopal Church's recent General Convention fall into the wedge-issue category as well. The resolutions cover such issues as the protection of "born alive infants," stem cell research, infanticide, the promotion of adoption, and the need for post-abortion ministries.¹⁷

Severing the Church from the Women's Movement

Paul Stallsworth, president of the Taskforce of United Methodists on Abortion and Sexuality, has emphasized the need to outmaneuver currently pro-choice denominational bodies in restoring the United Methodist Church (UMC) to a pro-life position. According to Stallsworth, the UMC's recent landslide vote against partial-birth abortion creates tension between the church and the national pro-choice movement, in particular the Religious Coalition for Reproductive Choice (RCRC), with which the UMC's Women's Division and its General Board of Church and Society are affiliated.¹⁸

This goal of sundering the churches' ties to the wider pro-choice and feminist movements, and their accompanying social and legal traditions, is also a central component of anti-abortion strategy in the Presbyterian Church (USA). Presbyterians Pro-Life-supported overtures calling for disaffiliation

from the RCRC and for a new study of abortion from a strictly biblical perspective, without reference to social or legal bodies of thought, have been brought before the General Assembly of the Presbyterian Church (USA) in recent years, though not yet with success.

Conclusion

In his outreach report to the NRLC's 2000 convention, Ernest Ohlhoff celebrates the "strong and unified ecumenical voice on life issues" being forged by the NRLC and the NPRC, a voice he believes is needed to "counter" the Religious Coalition for Reproductive Choice and pro-choice leadership within the mainline churches.¹⁹ Despite a gradualism that sometimes frustrates the antiabortion networks with which Ohlhoff works, the erosion of mainline pro-choice policy is well under way. That this erosion has coincided with the NRLC's outreach efforts and the development of the NPRC is testimony to the effectiveness of well-organized and increasingly well-coordinated antiabortion efforts in historically pro-choice institutions. Recognizing and challenging this effort will be indispensable for maintaining the integrity of the mainline churches on reproductive rights, and women's concerns more generally, in the coming years.

Lewis C. Daly is the program associate for religion and democracy at the Institute for Democracy Studies. This article draws from a forthcoming IDS briefing paper on Priests for Life and from the recent IDS book, A Moment to Decide: The Crisis in Mainstream Presbyterianism.

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- 2 "Abortion Policy Implementation Set Back by General Assembly," *Presbyterians Pro-Life News*, Fall 2000, p. 2.
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- 5 According to 1997 and 1998 figures provided to the IRS, the combined yearly

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income of the advocacy groups in the NPRC (as distinct from several official denominational structures that are also member groups) is approximately \$1.8 million.

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company it keeps. Since 1999 PFL has played an important role in reactivating Joseph Scheidler's militant organization, the Pro-Life Action League, after the latter encountered serious financial difficulties in the wake of a legal struggle with the National Organization for Women (NOW).¹³

PAVONE STATES THAT "BREAKING A LAW OF TRESPASS TO PREVENT KILLING IS PERFECTLY JUSTIFIED IN THIS AND OTHER CIRCUMSTANCES."

In *Now v. Scheidler*, which included Scheidler's, Pro-Life Action League, and Pro-Life Action Network as defendants, the jury found that the defendants ran an enterprise that made threats, committed physical violence against persons and property, and traveled across state lines with the intent to commit acts including extortion in violation of federal and state laws.¹⁴ The jury also found that the defendants, in a nationwide campaign to shut down women's healthcare clinics, committed "acts or threats involving extortion against any patient, prospective patient, doctor, nurse, or clinic employee" in violation of both state and federal law, acts of "attempt or conspiracy" to commit extortion, and "travel across state lines, or the use of the mail or telephone, with intent to commit or facilitate an unlawful act, such as extortion, under state or federal law," and "acts or threats of physical violence."¹⁵

In his booklet "Our Media is the Streets," Pavone includes a whole section devoted to explaining how to implement Scheidler's tactics, which he refers to as "The Chicago Method." Pavone recommends this "method" because it "has been tried under various circumstances, varying degrees of harassment, and varying access to abortion mill victims, and has proven effective even under the most difficult conditions."¹⁶

Pavone also moves effortlessly between "mainstream" and more radical antiabortion circles. He works closely with the largest antichoice organization in the United States, the NRLC, and was a keynote speaker at their 1999 and 2000 annual conventions.¹⁷ He bridges the gap between Protestant and Catholic right-wing activists, and at the 2000 annual NRLC convention he was a featured speaker along with Pat Robertson, founder of the Christian Coalition, at the opening prayer breakfast. In 1998 Pavone met with the top leadership of the NRLC to plan future collaboration between the two groups on "a variety of programs and projects."¹⁸ PFL is a member of the National Pro-Life Religious Council (NPRC) (see accompanying article), a coalition of denominational antiabortion organizations that works closely with the NRLC. Pavone is also on the board of directors of the NPRC.

In addition to leading PFL, Pavone wears a variety of other hats. He is a member of the Pontifical Council for the Family, the umbrella body of the Vatican for dealing with antiabortion politics, where he worked for two years coordinating their international activities under Cardinal Trujillo's direction. He is the spiritual adviser for National Cops for Life,¹⁹ is a member of University Faculty for Life,²⁰ International Right to Life, the Catholic Press Association, National Religious Broadcasters, Roe No More Ministries, and the Common Ground Network for Life and Choice.²¹

Pavone: G. W. a Breath of Fresh Air

The candidacy of Republican presidential nominee George W. Bush has garnered the support of a number of leaders of the Christian Right, including Pat Robertson and Jerry Falwell, as well as the National Right to Life Committee. At the same time it is driving a wedge among antiabortion supporters, many of who question Bush's commitment to their cause.

Meanwhile, though some consider Bush's position on abortion to be wobbly and question his presence at the anti-Catholic Bob Jones University, Pavone seems to have few reservations about Bush. During the storm of controversy following Bush's

visit to the college, Pavone issued a statement in Bush's defense, saying "We have no reason to believe that Gov. George W. Bush is anti-Catholic, and every reason to believe that he has a great respect for the Catholic Church."²² In May 2000, Pavone met with Bush and declared "I was happy to meet Mr. Bush and am grateful for his position on the right to life, which is a breath of fresh air for all of us who have suffered through the Clinton/Gore era."²³

From the Catacombs to the Crusades

Priests for Life, through its connections to the Vatican, the NRLC, the Pro-Life Action League, and Pat Robertson, is positioned to play a key coordinating and leadership role in the antiabortion movement and intends to build on this potential. Responding to suggestions that the Priests for Life "Campaign for Life 2000" media blitz might violate its tax-exempt status, Pavone defiantly declared that "there are some people in this country who want Christians to go back into the catacombs, and they have to get used to the fact that we are not going anywhere."²⁴

With such bravado, Priests for Life bears close scrutiny even after the November 2000 elections. With an annual budget of \$4 million²⁵ and an agenda much wider than abortion, Priests for Life aims to limit women's freedom and impose its religious morality on a secular state. Pavone has recently requested that the Vatican give him permission to form a "religious order of priests dedicated to the charism of the defense of human life,"²⁶ a step that would enable him to create a permanent cadre of dedicated professional priest-activists to crusade for the regressive politics of his Church.

Gillian Kane is the program associate for reproductive rights and democracy at the Institute for Democracy Studies. This article is adapted from a forthcoming IDS report on Priest for Life.

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PUBLICATIONS AND RESOURCES AVAILABLE FROM IDS

IDS Insights. (12-16 pgs.) Investigative newsletter highlighting anti-democratic groups and trends. \$25/4 issues for individuals and nonprofits. \$50 other organizations. \$20 students/low income.

A Moment to Decide: The Crisis in Mainstream Presbyterianism. April 2000 (130 pgs.) Details the right-wing renewal movement in the Presbyterian Church (USA). \$25.

Antifeminist Organizations: Institutionalizing the Backlash. March 2000 (35 pgs.) Profiles five leading antifeminist groups. \$15.

The Assault on Diversity: Behind the Challenges to Racial and Gender Remedies. Dec. 1999 (22 pgs.) Profiles five organizations using affirmative action as a wedge issue to promote a broader, anti-diversity agenda. \$10.

The Trials of 1999: The Cutting Edge of Right-wing Power in the Presbyterian Church (USA). Nov. 1999 (11 pgs.) Provides background on the anti-gay trials of Nov. 1999 in the Presbyterian Church (USA). \$5.

Taking Aim: The Conservatives' Bid for Power in the Presbyterian Church Entering Advanced Stage. Oct. 1999 (7 pgs.) Exposes efforts by the right-wing Presbyterian Coalition to take over the Presbyterian Church (USA) and purge its liberal elements. \$5.

Priests for Life: A New Era of Anti-Abortion Activism. Oct. 1999 (17 pgs.) Profiles a growing international Vatican-sponsored anti-abortion rights organization. \$10.

The American Life League Enters Mexico: Recruiting Anti-Choice Activists for U.S. Right-wing Goals. July 1999 (23 pgs.) Investigates one of the largest anti-choice organizations in the U.S. \$5.

(Video) Promise Keepers: The Third Wave of the American Religious Right. 1997 (20 min.) Powerfully documents the men-only religious revival network, Promise Keepers, in action. \$15.

(Video) Submission: Women's Groups of the Religious Right. 1997 (20 min.) Features interviews with members of women's groups promoting submission of women to men. \$15.

Promise Keepers: The Third Wave of the American Religious Right. Nov. 1996 (23 pgs.) Explores Promise Keepers in depth. \$15.

The Global Assault on Reproductive Rights: A Crucial Turning Point. May 2000 (31 pgs.) Profiles three leading international antiabortion rights organizations. \$10.

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