ROE V. WADE V. THE AMERICAN PEOPLE

It is often assumed that, by striking down state abortion laws, the United States Supreme Court’s 1973 decision on abortion, Roe v. Wade, accomplished what the states on their own were doing. In other words, it is commonly believed that the Supreme Court, in Roe v. Wade, did not impose its legal will on the states. The following article, which is excerpted by permission from “Abortion before Roe” (Russell Hittinger. First Things, October 1994 and March 2010), sets the historical record straight. (PTS)

In 1963, Alan Guttmacher admitted that any change in the abortion laws that suggested the non-humanity of the fetus would “be voted down by the body politic.” The facts bear him out. In 1967, “reform” measures, usually concerning therapeutic exceptions [to state laws prohibiting abortion], were turned aside in Arizona, Georgia, New York, Indiana, North Dakota, New Mexico, Nebraska, and New Jersey. In 1969, such bills failed to emerge from committee in Iowa and Minnesota, and were defeated outright in Nevada and Illinois. In 1970, exceptions based on therapeutic reasons were defeated in Vermont and Massachusetts.

In 1973, on the eve of Roe v. Wade, repeal bills [that is, bills that would have eliminated state laws against abortion] were voted down in Montana, New Mexico, Iowa, Minnesota, Maryland, Colorado, Massachusetts, Georgia, Connecticut, Illinois, Maine, Ohio, and North Dakota. In 1972, even as Roe was under consideration by the Supreme Court, the Massachusetts House by a landslide vote of 178 to 46 passed a measure that would have bestowed the full legal rights of children on fetuses from the moment of conception. At the same time, the supreme courts of South Dakota and Missouri upheld their states’ anti-abortion laws. It was surely telling that during the very month that Justice Blackmun finished the draft of his Roe opinion, 61 percent of the voters in Michigan and 77 percent in North Dakota by referenda voted down repeal.

To be sure, reformers and repealers won a few legislative victories prior to Roe. In 1967, Colorado liberalized its law. But it placed restrictions on abortion that were much more severe than anything permitted by post-Roe federal courts. Reform legislation also passed in North Carolina (1968), but with the rejection of mental-health exceptions. California (1967), Georgia (1968), and South Carolina (1970) changed, but did not repeal, their abortion laws.

The two most significant legislative victories for the repealers took place in 1970 in New York and Hawaii. These victories, however, were narrow and contentious and did not approximate the percentages of pro-life victories in other states at the same time. At the time of Roe, there was evidence that the tide of opinion in New York had shifted back toward laws protecting the unborn.

A few weeks before the 1972 referendum in Michigan, the polls showed that 56 percent of the people in Michigan supported the proposal to repeal laws against abortion. However, when the votes were counted, 61 percent voted down the repeal proposal. This was the last statewide test of abortion on demand before the Supreme Court imposed its own solution, and it represented an overwhelming rejection of the idea that individuals are answerable to no one other than themselves in the matter of abortion.

As the 1964 Congressional civil-rights legislation indicates, these same citizens supported repeal of segregation and racial discrimination. The fact remains, however, that they would not willingly do the same for sexual “rights.” Provided a level playing field, without any intervention by federal courts, citizens in almost every state and region rejected the absolute claims of sexual liberty. Remarkably, into the 1970s, the sexual revolution notwithstanding, citizens voted on these matters more or less the same as had their grandparents.

Earlier in this century Margaret Sanger claimed a right to be “a free, self-directed, autonomous personality.” But when put to referendum, and, when debated in democratic assemblies, the American people have not approved such a “right.” Whether it
was the contraception debate of the WWI period, the abortion debate prior to Roe, or the homosexual and euthanasia debate today, whenever the people have had a chance to exercise their judgment, and whenever the terms of the debate are clear and not hidden behind judicial proceedings, the people have not and still will not buy this “right.”

Perhaps the opinion polls are correct in reporting that Americans are “conflicted” over abortion. [David] Garrow’s account [Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade (Macmillan), 1998] of the legislative history, however, shows that Americans never have been conflicted over the principle that anyone has a unilateral right such as the one asserted by the Supreme Court [in Roe]. Of course, this is not the lesson that Garrow wants us to draw from his book. But it is the one we ought to draw.

For the historical record, it should be remembered that, on the eve of the federally compelled abortion “right,” the citizens of Michigan voted overwhelmingly against it; and let the historical record show that twenty-one years later, on the eve of a federally mandated “right” to physician-assisted euthanasia, the citizens of Washington voted it down. The idea that the federal courts have merely facilitated the social and political agenda of the people is a myth. The idea that the issues of abortion, euthanasia, and homosexuality are politically unmanageable, and must therefore be reserved for subpolitical “cultural” discourse, is a myth. Regrettably, the pundits continue to overlook the most obvious and historically consistent datum: namely, the abrogation of the people’s legislative judgment by federal courts. Before we condemn the people for their moral decline and insensitivity, the judicial violation of the political order must be fully considered. (emphasis added)

Whatever injustice and moral harm are done to the unborn and the terminally ill, the political harm done by the federal courts is unforgivable. The courts have not only taken advantage of the uncertainties and doubts of the people concerning issues of major importance, but have taken away from them the political freedom of self-governance. Dr. Hittinger is the William K. Warren Professor of Catholic Studies at the University of Tulsa.

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REVISITING BISHOP SCOTT JONES’ SERMON
March 3, 2010
Dear Rev. Stallsworth:

Your response to Bishop Jones’ sermon on The United Methodist Church’s position on induced abortion is well reasoned and right to the point (Lifewatch, 03/01/10). The “legal, safe, and rare” position on abortion is a shield for abortion to be essentially unrestricted and widely used as birth control, as the experience in this country has demonstrated since 1973. If we acquiesce to the position that a pregnant woman has the right to determine the outcome of her pregnancy, there is simply no line to be drawn that effectively challenges her autonomy, except in the rarest of situations, especially when the unborn human has no constitutional right to life.

After reading Bishop Jones’ sermon and your response, I wrote a bit of satirical comment [which can be read below]...

Respectfully,
Watson A. Bowes, Jr., M.D.
Emeritus Professor of Obstetrics & Gynecology
University of North Carolina at Chapel Hill

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March 8, 2010
Dear Lifewatch:

...There are never “situations where the only realistic options [including killing] are sinful ones” (Bishop Jones, March 2010). My own adopted daughter was the result of a rape, which involved a black man and a white woman. Thank God her birth mother had the courage to allow my daughter to live. Some OB doctors have gone for over 40 years without ever having to abort a baby. Pro-life physicians try to save both mother and child. Bishop Jones’ statement that the “least sinful thing to do is to carry out the abortion” is preposterous and inconsistent with the Christian faith...

Blessings for life,
Olga Fairfax, Ph.D., Wheaton, MD

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March 12, 2010
Dear Paul:

I have really enjoyed your response to Scott Jones’ sermon in the recent Lifewatch [March 2010]. And I am glad that I now receive the quarterly newsletter. As one who shares so much a similar perspective, I am amazed that I never heard about it until after I met you at Lake Junaluska.

Continue your good work. And let us pray for one another and the church. Surely such mutual prayer is the core of our connectionalism.

I am, Yours in Christ,
The Reverend Randy Cooper, Pastor
[and 2008 SEJ Episcopal Candidate]
First United Methodist Church
Martin, TN

***

March 2010
To the Editor:
A sentence in Bishop Scott Jones’ “The Once and Future Church” (Lifewatch, March 2010, p. 4) deserves a comment. On page 4, Bp. Jones states: “People have irresponsible sexual intercourse—either unprotected by birth control measures or without regard to the possibility of pregnancy—and then want to avoid the consequences of their actions.”

Once upon a time in the United States, the responsibilities of sexual activity were embraced—willingly or not. “Shotgun weddings” were conducted. Men held each other accountable for their actions. Some women changed uncommitted men into committed men. And judges exercised discretion to provide every child with two parents. During the 1960s Sexual Revolution, responsibility was discarded and replaced with, “If it feels good, do it.” The results have been predictable and inevitable: STD types, rates, and severities multiplied; unwed pregnancies increased; the increasing number of single-parent families received government welfare; educational achievement declined; and dropout rates soared.

And one-third of pregnancies now end in abortion. Irresponsible “adults” destroy the “unwanted” consequences of their selfish pleasure. All too often this is the culmination of a childhood in which arrest for shoplifting was evaded, a broken window was not fixed, a traffic ticket was paid off by a doting parent, intoxication was hidden by peers who refused to “snitch”...

Accountability has been delayed too long.
John Terneus
Yukon, OK

INDUCED ABORTION
AND BANK ROBBERY
by Watson A. Bowes, Jr., M.D.

Abortion, although a sin, should be legal and rare because it makes possible a woman’s right to choose, and there are those instances in which it is the least objectionable of evil options. Keeping abortion legal protects a woman in difficult circumstances from seeking an unsafe, illegal abortion. This is the rationale of Bishop Scott J. Jones, in his sermon, in explaining the position of The United Methodist Church on abortion.

By this same logic, we should make bank robbery legal but rare. Bank robbery, an instance of stealing, is a sin. But there are those, in tragic circumstances, who need money. Currently, if a person attempts to solve his/her financial problem by robbing a bank, which is now illegal, he/she is at high risk of personal injury if shot by a bank guard or a policeman. If bank robbery was legalized, the bank guard and the policeman would not be allowed to shoot the robber, who in most cases would then leave the bank with sufficient funds to solve his/her financial problem.

Although bank robbery, as a type of stealing, is a sin, the government has no business taking away a distressed person’s right to make decisions about his/her personal finances. It is important to protect the financially stressed individual’s right to choose—just as it is important to protect a pregnant woman’s right to choose.

Of course, the innocent depositors of the bank would suffer when the robber takes the money—just as an innocent fetus suffers (and dies) when his/her mother has an abortion.

Also, if bank robbery were legal, some bank robbers on occasion would nevertheless be injured by a misguided bank teller or bank patron, who did not agree with the law and would resort to force to prevent the robbery—just as some women are injured by the infrequent complications associated with legal induced abortions.

And some of the robbers would experience long-term remorse and possibly serious depression for having stolen the money from the depositors of the bank—just as some women who have legal abortions are tormented by remorse and depression related to their decision to end their pregnancies.

Finally, despite admonitions that bank robbery, if made legal, should be rare, we might find that the incidence of legal bank robberies would increase substantially as more and more individuals decided that robbing a bank is an effective and accepted, although sinful, way to solve their financial problems—just as increasing numbers of women resorted to induced abortion as a solution to unintended pregnancies when abortion was made legal.

“ABORTION SHOULD BE LEGAL AND RARE:” THE NUMBERS

From the annual “Abortion Surveillance” from the Centers for Disease Control (CDC), the reported number of abortions in the United States, from 1970-2006, appear below. (Experts generally agree that CDC underreports abortion totals.) Do these reported numbers indicate that abortion is rarely performed in the United States?
“We have been silent witnesses of evil deeds; we have been drenched by many storms; we have learnt the arts of equivocation and pretence; experience has made us suspicious of others and kept us from being truthful and open; intolerable conflicts have worn us down and even made us cynical. Are we still of any use? What we shall need is not geniuses, or cynics, or misanthropes, or clever tacticians, but plain, honest, straightforward men [and women]. Will our inward power of resistance be strong enough, and our honesty with ourselves remoseless enough, for us to find our way back to simplicity and straightforwardness?” Dietrich Bonhoeffer, the Lutheran pastor and theologian who was executed by the Nazis, wrote these words in his essay “After Ten Years” (from Who Stands Fast?, The Trinity Forum, 2009), which was completed at the end of 1942.

DENOMINATIONAL STAFF ON HEALTHCARE AND ABORTION

According to the standards of historic, ecumenical Christianity, The United Methodist Church’s moral teaching on abortion, in Paragraph 161J (The Book of Discipline, 2008), is much more faithful than United Methodism’s political guidance on abortion in the same paragraph. When teaching morally, United Methodism clearly recognizes the unborn as graced with “sanctity,” as “human life,” as an “unborn child.” But then, shifting from a pedagogical gear into a political gear, United Methodism appears to completely forget its moral teaching on abortion and advocates for “the legal option of abortion.” Stated differently, once in the political arena, The United Methodist Church seems to turn its back on its moral teaching—and on the “unborn child”—and thereby allows him/her to become a victim of choice and abortion. In other words, while participating in partisan politics, United Methodism appears to disbelieve its moral teaching on the unborn child.

The divided mind of The United Methodist Church on abortion—morally pro-life and politically pro-choice—is illustrated by recent comments and actions of United Methodist staff with regard to health care reform legislation.

For example, at a December 8, 2009 candlelight vigil for health care reform, Mr. Jim Winkler, the General Secretary of The United Methodist Church’s General Board of Church and Society, said: “The United Methodist Church has been deeply concerned by this polarizing debate which obscures the real issue in health care, and that is addressing the obstacles to providing for the common good for all people in the United States.” (emphasis in the original, “Health-Care Reform Candlelight Vigil: Senate Hurdles Legislation Obstacle” by Wayne

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So "providing for the common good for all people in the United States.” ("A UMNS Report" by Kathy L. Gilbert and David Briggs, www.umc.org) In part, the article claimed that “our Christian faith and our Wesleyan heritage compel us to stand with those who struggle for wholeness and peace in their lives and believe that all people should have equal access to comprehensive medical care.” The Christian faith and the Wesleyan heritage do indeed compel United Methodists to identify with those struggling for wholeness and peace. But according to United Methodist moral teaching, not to mention the Christian faith and the Wesleyan tradition, United Methodists would be faithful to identify with the unborn child, who is defenseless and voiceless in his/her struggle “for wholeness and peace.” The unborn child is the most threatened of all: he/she is threatened by death.

Rev. Cynthia Adams—who directs the Alcohol, other Addictions and Health Care Program at the General Board of Church and Society—sent out by email a form letter that could be personalized and resent to Senator Ben Nelson. Rev. Adams’ letter contained these sentences: “As a fellow United Methodist, I’d like you to know that our denomination’s position is that health care is a basic human right. Christ set an example in the parable of the Good Samaritan.” ( “Methodists Word to Nelson: ‘Set aside his personal agenda and think about the common good,’” 12/18/09, at www.politico.com) According to the moral instruction of Paragraph 161J, the unborn child can be seen as the victim in the Parable of the Good Samaritan—that is, in need of the protection and deliverance that can only come from a Good Samaritan.

Finally, Ms. Linda Bales Todd—who directs the Louise and Hugh Moore Population Project at the General Board of Church and Society—said at a 11/16/09 RCRC-coordinated news conference: “GBCS acknowledges the varying views on the issue of abortion and the emotional struggles faced by women in situations to consider this medical procedure. The reality, however, is that abortion is legal in the United States, and the position of The United Methodist Church supports access to safe and legal abortion.” (“Bill Compromises Women’s Health Care: Interfaith Coalition Objects to Stupak-Pitts Amendment,” 11/16/09, www.umc-gbcs.org) But also, The United Methodist Church officially teaches that the unborn is a child. Should not, then, United Methodism somehow speak up in defense of this little child, and not just side with those who want to have the right and ability to have this child eliminated?
Ideally speaking, the morality of abortion and the politics of abortion should go together. Taken together, morality and politics help to establish the common good. As John Paul II wrote in *The Gospel of Life*: “To be actively pro-life is to contribute to the renewal of society through the promotion of the common good. It is impossible to further the common good without acknowledging and defending the right to life, upon which all the other inalienable rights of individuals are founded and from which they develop.” (emphasis added)

Morality should guide politics. Morality should open eyes to reality—e.g., to the humanity and sanctity of the unborn. Only with moral truth in mind can just politics be attempted and practiced. It is time that The United Methodist Church’s moral view of the unborn child direct its political involvements. Presently, it seems, the church’s politics on abortion is neglecting its morals regarding abortion. Presently, to tell it like it is, The United Methodist Church’s pro-choice politics are blinding the church to the destruction, by abortion, of millions of unborn children. (PTS)

**CLAIMS QUESTIONED**

In his 03/30/10 Word from Winkler, Mr. Jim Winkler, the General Secretary of the General Board of Church and Society, makes two claims that, by our reasoning, are simply not true. This is not an attack on Jim Winkler. Rather, this is a challenge to two claims he has made.

First, toward the end of his editorial, he states: “Many people remain mistakenly convinced this legislation [the recently passed federal health care bill] provides for government-funded abortion.”

Ms. Kathleen Parker—a nationally syndicated, Pulitzer Prize-winning columnist at *The Washington Post*—stated in her 03/24/10 editorial (“Stupak’s Original Sin”): “The executive order [eventually signed by the president] promising to direct the letter that lobbies for “critical health coverage for women”—which would, of course, include abortion. Then Mr. Winkler criticizes religious leaders who opposed various health care bills for covering abortion, because, in Mr. Winkler’s words, they want to “roll back the rights of women to determine their own reproductive rights.” The General Board of Church and Society’s Action Center posts an article titled “Health Care Reform in the Senate Should Include Reproductive Health Coverage.” In addition, Ms. Linda Bales Todd of Church and Society, at an RCRC-coordinated news conference that favors health care legislation that covers abortion, speaks of the legality of abortion in America and The United Methodist Church favoring “access to safe and legal abortion.” In their own words, the General Board of Church and Society and its staff lobbied for government-funded abortion.

Mr. Winkler concludes his editorial with these words: “It is our responsibility as Christians to stand with the poor and marginalized.” We could not agree more. Would that the General Board of Church and Society began to include unborn children among “the poor and marginalized.” (PTS)

**JOURNEY TO WASHINGTON, DC**

Early in March, just before the final votes on health care reform legislation in Washington, DC, your scribe wrote a letter to US Representatives on this legislation. The main concern of the letter was health care legislation and abortion. As the letter was being duplicated, we considered the high cost of mailing the letter to 435 congressional offices and the slow delivery of first-class mail to Capitol Hill. So we decided on an alternative: hand-delivery.

After participating in our congregation’s Wednesday evening Service of Holy Communion, Marsha, my wife, and I drove from Morehead City, NC, north to the Motel 6 on the other side of Fredericksburg, VA. A short night of sleep and a dash to the train depot led to semi-comfortable seats on a commuter train bound for Washington, DC. By 9:30 am, we were distributing a copy of the letter to each congressional office on the top floor of the Cannon House Office Building (HOB). Marsha took one side of each hall, and I took the other. That way, we covered all the halls on a floor, and then we moved down a floor and repeated the strategy. After completing our task in the Cannon HOB, we delivered letters throughout the Longworth HOB—one hall at a time, one floor at a time, moving downward. Leaving Longworth, we entered the gigantic Rayburn HOB and handed out letters in the same way.

Those who greeted us in the congressional offices graciously and thankfully received the letter, engaged in friendly conversation, promised to direct the letter...
witnesses to the Gospel of Life within The United Methodist Church and beyond. Some of our witness is moral and political in nature.

In the Social Principles, The United Methodist Church officially recognizes not only “the sanctity of unborn human life” but also “the unborn child” (Paragraph 161J, The Book of Discipline [2008]). So The United Methodist Church claims that the unborn are children and suggests that they are part of the human community. With these moral truths, the Church through the ages and most Americans of our day agree.

Because unborn children are members of the larger society, federal legislation should stop federal dollars from paying for medical procedures—i.e., abortions—that would destroy such children. Since the 1970s, the Hyde Amendment has prevented the federal government from paying for many abortions. By standing between federal dollars and abortion providers, the Hyde Amendment has saved millions of lives.

We strongly urge you to vote for health care reform legislation if and only if it contains permanent, bill-wide language that prevents federal dollars from paying for abortions. Such language keeps the federal government out of the abortion business and protects countless unborn children. On the other hand, if legislation lacks such language, vote No.

Courage is always required to stand up and do what is right. It took courage for American preachers and politicians to oppose slavery in the 19th century. It was a very long day. But it was a day we will never forget. As it turned out, our effort was not especially successful. From the start, we were under no illusion that our effort would change the world or the fate of health care reform. Even so, this is what Christian citizenship in the United States is all about—participating in the political process, seeking the common good, striving to protect the least of these among us.

For your information, the text of our letter follows. (PTS)

ORDER FORM: I wish to order: ___ copies of THE RIGHT CHOICE: Pro-Life Sermons ($12.00/copy); ___ copies of THE CHURCH AND ABORTION: In Search of New Ground for Response ($5.00/copy); ___ copies of THINKING THEOLOGICALLY ABOUT ABORTION ($7.00/copy); ___ copies of HOLY ABORTION?: A Theological Critique of the Religious Coalition for Reproductive Choice ($8.00/copy); ___ copies of THE JERICHO PLAN: Breaking Down the Walls Which Prevent Post-Abortion Healing ($8.00/copy); ___ copies of A LOVE FOR LIFE: Christianity’s Consistent Protection of the Unborn ($10.00/copy); ___ copies of 30 DAYS FOR LIFE: A Prayer Devotional ($2.00/copy); and ___ copies of THEOLOGY OF THE BODY SEMINAR (Dr. Paul J. Griffiths) ($10.00/DVD set). Prices include shipping.

Name:_________________________________________________________________________________________
Street:____________________________City:__________________State:____Zip:_______Phone:_______________

Please enclose your check, payable to Lifewatch, and mail to: Lifewatch/P.O. Box 306/Cottleville MO 63338.

SEND LIFEWATCH TO A FRIEND!

Extend your outreach—and ours—with a free subscription to a friend. Simply provide the information requested below. Also, your contributions—however large or small—will help advance the ministry of Lifewatch by inspiring United Methodists to love both the unborn child and mother. Thank you for caring enough to act.

Name:_________________________________________________________________________________________
Street:____________________________City:__________________State:____Zip:_______Phone:_______________

Please mail to: Lifewatch/P.O. Box 306/Cottleville MO 63338.

Lifewatch is published by the Taskforce of United Methodists on Abortion and Sexuality, a non-profit 501(c)3 organization.
It took courage for German pastors and priests and people to oppose the murderous anti-Semitism of the 1930s and 1940s. It took courage for American clergy and laity and politicians to join the Civil Rights Movement and oppose racism. Now, courage is required of you to stand up and vote against health care reform legislation that would result in destroying, not caring for, unborn children.

Thank you for your attention, and be of good courage.

Sincerely,
(The Rev.) Paul T. Stallsworth
President of TUMAS, and Editor of LifeWatch

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Please e-mail: lifewatch@charter.net.
Or call: 636.294.2344 (LifeWatch office).

YOU SHOULD KNOW THAT
● This very moment you are invited to send a gift to LifeWatch/P.O. Box 306/Cottleville, MO 63338. You can also give to LifeWatch through PayPal, by clicking on the “Make a Donation” icon, on our homepage at www.lifewatch.org. Also, by donating stocks, you can support LifeWatch’s mission. For more information about giving stocks, contact Cindy Evans in the LifeWatch office. Thank you, in advance, for your faithfulness in supporting LifeWatch’s witness within The United Methodist Church and beyond.(Please use this boxed ad on the back page, above the fold [if possible].)
● After the health care reform bill passed the U.S. House of Representatives in March, with the help of Representative Bart Stupak (D-MI) and other pro-life Democrats, some disappointment and anger were directed at Rep. Stupak and those who followed his lead. In response to this situation, the National Pro-Life Religious Council’s board, to which LifeWatch belongs, adopted the following public statement on March 25: “The National Pro-Life Religious Council is committed to advancing the protection of life in America, both through the conversion of culture and through the legislative and political process. In doing so, we are committed to working across religious lines. It is likewise important to work across political lines. At this point in our movement, we consider it essential to reiterate that the success of the pro-life movement requires a bi-partisan effort. We seek to challenge every political party, in the light of the Gospel, to embrace the right to life. In the words of the Psalmist, we do not put our trust in princes. Despite failures and setbacks that have occurred, our trust is in the Lord of Life. We call upon our movement to continue to build bridges of trust and collaboration with leaders and grassroots members of all parties.
● Magna est veritas, et prevalebit. “Truth is most powerful and will ultimately prevail.”

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(1916-1997)

Dr. Albert C. Outler
(1908-1989)
the time the president was out buying new cars the American people more money because their jobs weren't paying enough. The president quickly came up with a plan to get the people's money back. He took all his cars back except his. The president then gave the money to all his people and thanked them for always being Americans are nationals and citizens of the Americas in general. English-speakers however, and even speakers of other languages, typically use the term American to exclusively mean people of the United States, therefore this article is only about the people of the USA. The use of Americans to describe people of the USA developed from its original use to differentiate English people of the American colonies from English people of England. Officially, citizens of the United States of America are denoted...