

from our viewpoint...

## Support ban on selective abortions

The U.S. House has killed, for now, at least, a bill to prohibit the "sex-selective" abortion of girls.

And if this bill can't pass in the conservative House, it is going nowhere with the Democrat-controlled Senate or the Obama White House.

This seems odd, since it's difficult to make a case that there is a moral or ethical right to "select" children by doing away with all the girl fetuses.

Most conservatives wouldn't give it a second thought. But the average liberal should be conflicted, at best, because this is not about a woman's supposed right to choose whether to have a child.

It's about how society as a whole values women, who remain in many ways second-class citizens: paid less, promoted less, less valuable to many parents — and less valued as offspring.

The issue has not risen to epidemic proportions in the U.S., which may explain the lack of traction the bill had in the House. There's no evidence of a great number of abortions designed to select out female children. Not yet.

The procedure is vastly more common in parts of Asia, where parents value boys over girls because of culture, law and custom. Male offspring are simply more valuable. Witness the flood of Asian girls given up for adoption here and in Europe.

The fact that American couples take and cherish these children says a lot about our values as a whole. But some studies suggest the anti-girl thinking has at least a foothold here. Sex-selective abortions are said to be on the rise among Asian immigrant populations.

Worldwide, social service agencies work to avoid this kind of discrimination, by abortion, abandonment or whatever means. They are not winning the battle.

People disagree on abortion. Some churches view it as totally out of the questions, except perhaps to save the life of the mother or for other valid medical reasons. Others skirt the issue. Women's groups traditionally push a right to choose.

But in this case, we are not talking about choosing whether or not to bear a child, but merely discarding fetuses until the coin comes up heads.

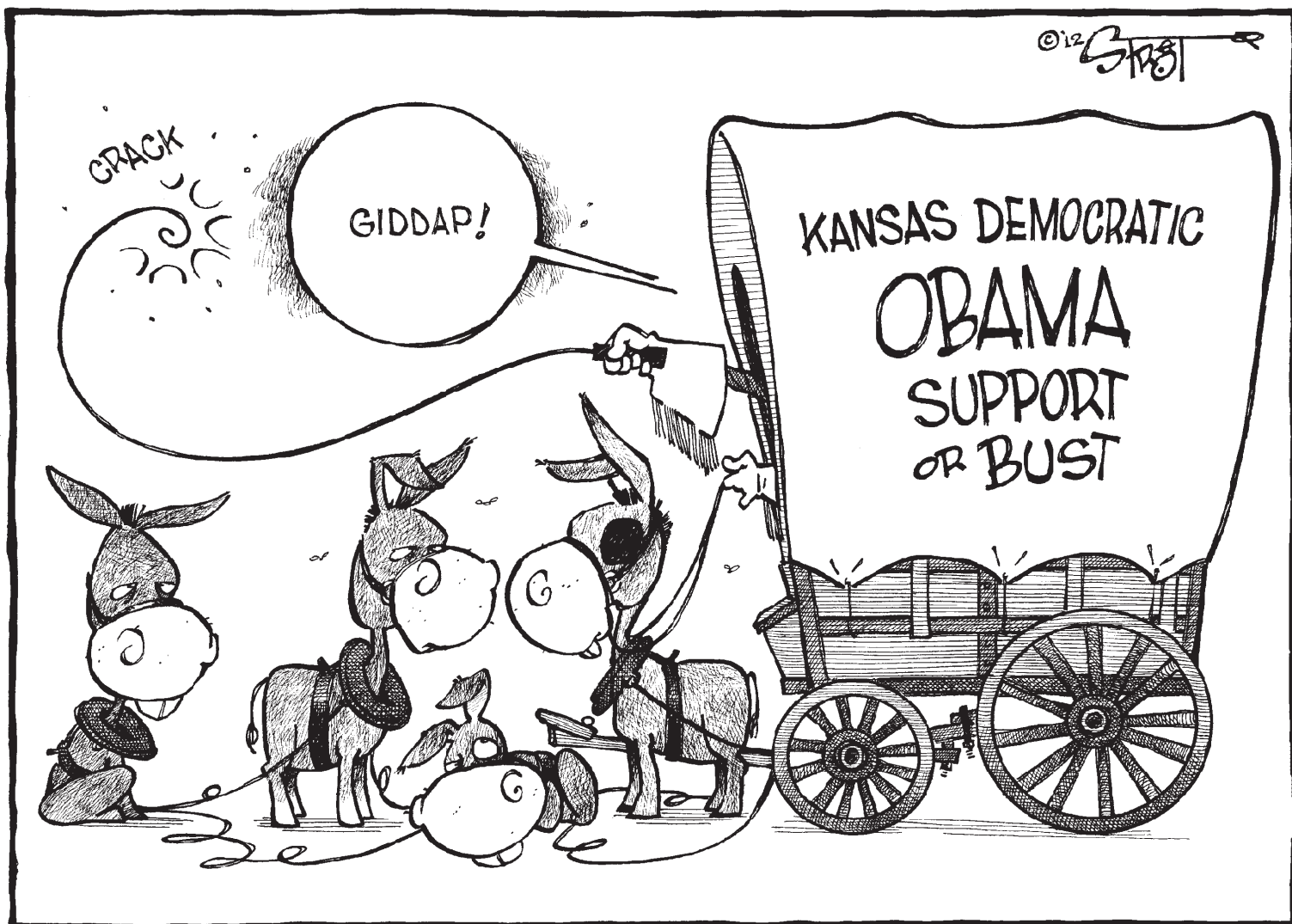
There just can't be much moral or ethical justification for the practice. We all should speak out against it.

But does it need to be against the law?

Many would say yes. Others would say that, while society as a whole views this as wrong, it's an issue of conscience. Members of most major religions, and certainly most Christians, should view interfering with God's decisions this way as wrong. The church can and should fight any movement for selective abortion.

But in the end, it comes down to the meeting between each of us and our Judge. At that point, we believe, He will make clear who was right and who was wrong. It will make no difference what the rest of us say or believe. There is no higher court, no further appeal.

Support the elimination of little girls? We think not. — Steve Haynes



## Long train ride to Duluth

So how was it up north? Hot.

We went to the annual summer meeting of the National Newspaper Association, since Steve is on the board, and it's always fun to visit new and interesting places.

The national president gets to pick where the summer meeting will be held. This year, the president is from Minnesota, so he picked Duluth.

(When Steve was president, we went to Santa Fe, N.M. OK, so it's not in Kansas. It was 75 degrees in Santa Fe and 95 in Wichita. Where would you go?)

Anyway, we figured that early summer on Lake Superior would be pretty cool. We checked the forecast and packed long-sleeved shirts, long pants and jackets. We also packed some short-sleeved items for during the day.

And sure enough, the temperature got down to 60 or 70 every night and rose to the mid-80s every day. We were fine. We had brought enough warm-weather clothes to get us by and we used the long-sleeved items on the train, where it was well air conditioned both going and coming.

Duluth is an old shipping town. Lake and salt-water freighters still ply the waters there, picking up grain, iron ore and coal, among other things.

They say the town stays warmer in the winter and cooler in the summer than the surrounding



**cynthia haynes**

• open season

countryside, and that's probably right. It was 64 when we started home, and by the time we had gone 10 miles inland the temperature had gone up 10 degrees. A few more miles, it was 87, and it topped out around 91. We were driving through the famous north woods in a heat wave.

We started out in McCook on the train. Transferred to another train in Chicago. Landed in Milwaukee, where we spent the night and rented a car to drive to Duluth, a 1/2 hour trip from one corner of Wisconsin to the other. It was sort of like driving from Pittsburg on the Missouri border to St. Francis — and then back a few days later.

It was a long trip, and I got sort of tired of Wisconsin despite the lovely scenery and the car's good air conditioning. We took the long way down, through some National Forests lands, but didn't stop much other than for lunch.

And lunch was interesting. The volunteer firemen in one tiny town were having a hot dog-and-brat roast. For \$3, you could get a

hot dog or brat, chips and a drink, just like at home. We got our lunch and heard all about the fire trucks lined up to advertise the fund-raiser, getting the story from a volunteer with a thick north-woods accent.

We passed Ashland, on the south shore of Lake Superior. It had an old pier once used to load iron ore onto lake boats and looked like a tough place to spend the winter, right in the face of the cold north wind. We passed through Stevens Point and by Lake Winnebago, through Fond du Lac and Waukesha on the way in to Milwaukee.

We saw a lot of bogs along the way and signs for wild rice and cranberries. I didn't even know they grew cranberries in Wisconsin. We didn't, however, see any moose, just one deer which ran across the road right in front of us. That made us feel right at home.

But it was a good trip. We visited an aquarium, a railroad museum and a retired freighter in Duluth. Steve had walleye for lunch and supper, and we got to see a lot of old friends from all over the country.

Next year, the president will be from Colorado, and he's looking to have his summer meeting in Estes Park. Maybe it will be cooler. It certainly will be closer, but we've been there lots of times, and it's always fun to see new places and make some new friends.

## Are cavity searches Constitutional?

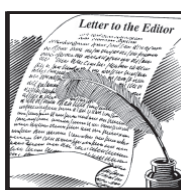
Are body cavity searches constitutional? In the recent Supreme Court, decision *Florence v. County of Burlington*, the Court ruled 5 to 4 that law enforcement may strip search those arrested for even minor infractions before incarceration, "even if the officials have no reason to suspect the presence of contraband" (Adam Liptak, Supreme Court Ruling Allows Strip Searches for Any Arrest, *New York Times*, April 2, 2012).

This is not particularly new, as the Supreme Court had previously ruled in 1979 that "visual body cavity searches of all detainees after they had contact with outsiders," was permissible. In practice, however, lower courts had ruled "the prison had to have a reasonable suspicion that the arrestee was concealing contraband before subjecting him to a strip search upon entering the facility" (Glenn Greenwald, The Obama DOJ and Strip Searches, *New York Times*, Apr. 3, 2012).

But the Obama Department of Justice and five conservative justices (strange bedfellows) both wanted a blanket, more universal policy. When you have a rule that treats everyone the same you don't have folks that are singled out. You don't have any security gaps," argued Justice Department lawyer Nicole A. Saharsky. So now everyone arrested is subject to possible strip searches on the discretion of law enforcement alone.

The Fourth Amendment to the U.S. Constitution reads in part, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." Clearly the states, who initiated the Bill of Rights as a condition of their acceptance of the Constitution, had had negative experiences with government overreach with respect to "unreasonable searches" and wanted no such practices from the new government they were creating.

The issue of naked body searches for minor infractions came to a head when Albert W. Florence, a passenger in a car cited for speeding, was arrested and detained for an unpaid fine (which, unknown to the arresting officer, he had in fact paid). In the process of confinement over the next week he twice was made to remove his clothing and squat, cough and "spread your cheeks." He found it humiliat-



from other pens

• Dr. Harold Pease

ing and sued. Certainly he did not feel "secure in his person" as guaranteed by the Fourth Amendment.

He is not the only victim of this practice. Unfortunately, "according to opinions in the lower courts, people may be strip-searched after arrests for violating a leash law, driving without a license and failing to pay child support." In his minority argument Justice Stephen G. Breyer "wrote that people have been subjected to 'the humiliation of a visual strip search' after being arrested for driving with a noisy muffler, failing to use a turn signal and riding a bicycle without an audible bell." He even noted that "a nun was strip-searched... after an arrest for trespassing during an anti war demonstration" (Liptak).

With respect to the Fourth Amendment a list of areas of potential wrongs is sandwiched between the words secure and reasonable, with person being the first area noted. If government can force one to open butt cheeks, he decidedly, is not secure in his person. Also notice the passion exemplified by the words, "shall not be violated." There is no give on this Justices. If

the Founders felt so strongly with respect to their effects, obviously they would have even stronger feelings about their own bodies. As far as I can tell the British government never required a naked search. This is excessive and unreasonable.

So to answer the question, "Are body cavity searches constitutional?" No! Neither the republican dominated justices nor the democratically controlled Department of Justice have any constitutional right from the Fourth Amendment to force body cavity examinations for any purpose, more especially for minor infractions that have nothing to do with contraband. Government must return to the states, as prescribed in Article V of the Constitution, and get 3/4th of the states to agree upon a new amendment that authorizes this practice. In the process there will be much debate and other courses of action found that can work to keep contraband out of our prisons without emasculating the Fourth Amendment of the U.S. Constitution and searching fecal cavities.

*Dr. Harold Pease is an expert on the United States Constitution. He has dedicated his career to studying the writings of the Founding Fathers and applying that knowledge to current events. He has taught history and political science from this perspective for over 25 years at Taft College.*

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