

the HUMAN LIFE REVIEW



SPRING 1988

Featured in this issue:

Mary Meehan on Joan Andrews & Friends
Joseph Sobran on The Prevailing Forces
James Hitchcock on The Politics of Morality
Walker Percy writes A Letter to *The Times*

Special Supplement

Nat Hentoff on
The 'Small Beginnings' of Death

Also in this issue:

An interview with David Alton, MP • John Wauck • Don Bredes
Trevor Lautens • & Stephen Mosher on Female Infanticide in China

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... FROM THE PUBLISHER

We hope our regular readers approve of the several changes we have made in our printing and mailing operations—the latter being the most visible (*highly* visible: our *Review* now travels through the mails in a see-through wrapper that no doubt has every Postman longing to read the copy himself?).

This, our 54th issue, provides another example of the great variety of questions that flow out of that “single issue”—abortion—with which we began. A prime example is the impressive series by Mr. Nat Hentoff, who demonstrates that there remains no substitute for *print* journalism, certainly not the 30-second “bits” that are the standard TV fare. We thank Mr. Hentoff for permitting us to run his series *in toto*: its seven parts ran weekly in New York’s *Village Voice* beginning August 25 and ending October 6 of last year.

We also thank Mr. John Horrigan, editor of the *Sceptre Bulletin*, for letting us run the fascinating interview with Mr. David Alton (see *Appendix A*). His *Bulletin* may be small, in both size and circulation, but it regularly packs quite an editorial wallop. We hope you will want to get to know it yourself. If so, address *Sceptre Bulletin*, 1 Leopold Road, London W5 3PB, England, and be sure to tell Mr. Horrigan that we “sent you” (at the current exchange rate, U.S. \$40 will cover an airmail subscription).

Our thanks too to Walker Percy for being kind enough to think of us when he discovered that the New York *Times* couldn’t think of anything to do (or even say) about a communication from someone whose opinions on virtually any subject *but* abortion would, we have no doubt, have been considered eminently fit to print.

As usual, you will find complete information about back issues, Bound Volumes (the 1987 edition is now available), microfilm, etc., printed on the inside-back cover.

EDWARD A. CAPANO
Publisher

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INTRODUCTION

DO YOU REMEMBER Monsignor Ronald Knox? That once-famous English cleric was born a hundred years ago (he died in 1957). He was considered by many, not least Evelyn Waugh, as the finest writer in English of his time. His mastery of other languages—Hebrew, Greek, Latin, and more—fitted him to accomplish the stupendous task of translating the entire Vulgate Bible into what he hoped would be timeless English. He did this in a single decade, during which he supported himself by writing a quartet of mystery novels.

They were *good* mysteries too and, as one would expect, filled with the common-sense notions (or theology if you will) that were Knox's trademark. In *The Footsteps at the Lock* (1928), a murderer is saved from death, to the chagrin of the friend everybody *thought* was the murderer, who asks “where would have been the harm” in letting him die, “He’s for it anyhow . . .” To which Knox’s detective-hero replies: “No, it’s all nonsense worrying about the consequences of actions. The only thing is to stick to the rules of the game, and murder isn’t sticking to the rules; it’s an unfair solution, like cheating at patience” (Knox’s favorite card game). The man answers: “Well, it’s only speeding up the end. You’d hardly argue, would you, that Derek was worth keeping alive?” Then this reply:

Everybody’s worth keeping alive—or rather, very few people are worth it, but everybody’s got to be kept alive if it can be managed. Look at you the other day—we all thought you were a murderer, with nothing in front of you but the gallows. And yet we rallied round with hot-bottles and restoratives, and treated you as if you were the Shah of Persia. No use to anybody, particularly, but we had to do it, because one has to stick to the rules. Once try to make exceptions, and we shall all get into no end of a mess.

You might say that this issue is mainly about the mess we are in, now that exceptions have become the rule.

Mary Meehan’s lead article is about Joan Andrews, now serving a five-year prison term for refusing to stop her efforts to prevent abortions. There is a great deal more to the story, and many other people involved. It is all but certain that many *more* people will soon become involved as well. We will not even attempt a summary here, because Miss Meehan tells you the whole story herself, lucidly and in detail.

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But we should add that, as we write, disciples Joan Andrews has inspired are planning to carry on her “work” in a very difficult place—New York City—where they will surely face most difficult circumstances if in fact they attempt (as they say they will) to interrupt the “business” of the city’s many commercial abortion providers. You may well have heard news reports about it all by the time you read this. We expect to have more on the story ourselves in due course. Meanwhile, we have no doubt that you will find Meehan’s story a disturbing one.

Next, our old friend and colleague Joseph Sobran provides you with another fine essay, as he has so often in these pages. By sheer coincidence, Sobran too ends up discussing the remarkable case of Joan Andrews. But first he gives you an expert’s tour through the political wilderness that the abortion issue—and all that has followed in its wake—has brought down upon us. He reminds us of how much (and how *quickly*) we forget: for instance, that “twenty years ago, *nobody* prominent in American politics favored abortion on demand. As late as 1971, Edward Kennedy wrote to constituents expressing his opposition to it in words much like Gephardt’s”—i.e., like Congressman Richard Gephardt did until he abandoned his decade-long anti-abortion position to run for the Democratic presidential nomination—but “today Kennedy denounces those who still hold the (unwavering?) position he held then.” Indeed he does, contributing mightily to that “no end of a mess” Monsignor Knox prophesied.

The mess is by no means confined to politics. Abandoning the old rules of the game *vis-a-vis* abortion has also caused great religious controversies. Churches and denominations that once strongly condemned abortion now actually advocate it; others have been galvanized into opposition not previously expounded, and so on. The Roman Catholic Church is generally considered a pillar of the anti-abortion movement. Certainly its present Pope rarely misses an opportunity to condemn abortion in most uncompromising language.

But then compromise is a peculiarly American vice, the stuff of our political system. We even managed to compromise the great moral issue of slavery for almost a century (not to mention compromising its forced “resolution” long after, if not still). The comparison to abortion is all too obvious: you cannot oppose it without great political cost, and social upheaval. And American Catholic prelates are, for better or worse, not above politics, but rather deep into it. And this can cause great difficulties for those who, like clerics, “are supposed to pursue the demands of truth wherever they lead.”

So argues our friend Professor James Hitchcock, who says it raises the

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inevitable question, “When is the cleric sincerely teaching the truths of faith, and when is he supporting a political agenda?”

Precisely the question raised by the “Seamless Garment” position championed by a leading American prelate, Chicago’s Cardinal Joseph Bernardin. In theory, Bernardin’s “strategy” would *enlarge* the “pro-life” side by drawing to it those enticed by a “consistent ethic” of life: if you oppose, say, capital punishment—and support “the poor,” etc.—you should *also* oppose abortion. Thus, rather than concentrating on the “single issue” of abortion, Catholics should promote a very wide moral agenda which will—presto!—solve the abortion dilemma.

In practice, it isn’t working that way, as Professor Hitchcock makes painfully clear. He chronicles the reality of “abortion’s steadily-declining importance” as a “Catholic issue,” a fact which objective observers can hardly fail to notice. Without a *priority* of moral issues, Hitchcock says, this result is inevitable.

Evidently the august New York *Times* does not hesitate to give some moral issues priority over others, as Mr. Walker Percy, the eminent novelist, has demonstrated for us. On January 22, the 15th anniversary of *Roe v. Wade*, he wrote a letter to the *Times*, suggesting that it was time for “well-known and honorable institutions”—such as the *Times* itself—to take another look at “certain consequences, perhaps unforeseen,” that follow upon “the acceptance of the principle of the destruction of human life for what may appear to be the most admirable social reasons.”

His argument seems eminently reasonable to us. And, we imagined, the *Times* would be positively delighted to have the opinions of so distinguished a writer? Apparently not. The letter was not published. Its author did not even get a reply. Mr. Percy sent us copies of the one-sided correspondence, which we *are* delighted to print. We trust you will enjoy it too.

Mr. Percy mentions a book—published in Germany well before Hitler took power—which had an enormous influence on the subsequent Nazi Holocaust. The book argued for “the destruction of life devoid of value”—a principle that Herr Hitler would apply with a vengeance. As it happens, that same book provided Mr. Nat Hentoff with *his* starting point for another remarkable series of articles.

Our regular readers will remember Hentoff’s powerful series of articles on the “Baby Doe” cases, which we reprinted in our Spring, 1984 issue. Now he has done a series on “the right to die”—that new, popular cause being embraced by so many “liberal” people (or, as our old friend Malcolm Muggeridge would put it, “moderate men of all shades of opinion”?). We have

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attempted to give you a proper introduction below (see page 52); we will only add that, while Hentoff writes in great detail (over 40 pages here!), we think you will devour every word. It is a rare treat nowadays to find an “investigative reporter” who really *does* investigate, and reports unsparingly.

* * * * *

It is our custom to provide you, dear reader, with a change of pace at about this point—something a bit lighter than the weighty stuff we deal in. You may think we have failed you: our next item (*Appendix A*) is about *abortion*, this time *re* the renewed controversy now raging in England, which legalized the “practice” over 20 years ago. Again, regular readers will recall the series of articles from the London *Spectator* which we ran in our last (Winter, 1988) issue. What has happened is, that a Liberal Member of Parliament, Mr. David Alton, has introduced a bill to amend the 1967 Abortion Act by prohibiting abortions after 18 weeks of gestation—10 weeks less than the current limit.

The Alton bill has received a great deal of public support, and passed its crucial “second reading” by what the press described as an “unexpectedly decisive majority” of 296-251, meaning that the House of Commons must now bring it to a final vote. As we write, the latest word is that the bill has been, as expected, weakened in committee by various amendments allowing for exceptions (rape and incest, “fetal deformity,” etc.) and will be voted up or down in early May. But the controversy Alton has provoked is so intense that passage in *any* form will surely be perceived as a stunning moral victory for the anti-abortion side.

What you get here is a recent interview with Mr. Alton himself. And the reason we think you will find it highly enjoyable is this: Alton seems an altogether remarkable man, and an *amazing* politician! We simply can’t imagine *any* U.S. Congressman (save perhaps our friend Henry Hyde) who would say what Mr. Alton says, freely and publicly. Indeed, if we received similar stuff from a clergyman, we would probably not print it (this journal is not a religious publication)! At the very least, you will understand why this young (only 36) politician has confounded his opponents and sometimes dismayed his supporters—and if you find yourself laughing in astonishment, so did we.

Next (*Appendix B*) we have another unusual piece, by our colleague John Wauck, who wrote it for the feisty *catholic eye*, a newsletter that is gaining a considerable audience both within and *beyond* the “Catholic community.” Wauck too deals in specifically religious terms, but what he has to say nicely compliments much else in this issue, e.g. Miss Meehan and Messrs. Sobran, Hitchcock and Hentoff. And he says it very well indeed (if you missed his fine

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article “The Decline of Personhood” in our Winter, 1988 issue, you shouldn’t have—we’ll supply a copy on request).

Then you have an item (*Appendix C*) that first appeared in the *About Men* column in the New York *Times* Sunday Magazine (yes, the same *Times* that did not find Walker Percy fit to print). The author, Don Bredes, is described as “a freelance writer living in Vermont” whose “next novel is ‘Even in Paradise’”—rather fitting? His lament is, now that the daughters of Eve can exercise exclusive “choice” over whether to bear or kill the child begotten by a man, that man has no choice—no “rights”—at all. The child *he* wanted was unilaterally terminated. Professing to believe still “in every woman’s right to choose—not as zealously as I used to, maybe, yet I continue to support that right”—he asks the pungent question “But what about a man’s choice? Who, I need to know, will believe in that?” Alas, as things are now, the answer is *nobody*.

Appendix D might be described as routine fare for this journal: Canada’s High Court has recently aped our own Supreme Court, in effect legalizing abortion on demand without any restrictions whatever. As with *Roe* here, there is strong—and bitter—opposition, and demands that the Parliament reverse the ruling, etc. Mr. Trevor Lautens adds a warning: what has now been made legal will “someday be required . . . We are inviting the society in which . . . whatever is not forbidden is compulsory.”

He certainly has a point. For instance, infanticide—especially of female babies—is a “custom” in China, and it has indeed turned into a government-imposed compulsory act. But our friend Stephen Mosher (*Appendix E*) sees a ray of hope: opposition, not least that of American anti-abortionists to the use of their tax dollars to support China’s infanticide policies, has had some effect, and may already have “saved the lives of hundreds of thousands of baby girls” in China. Of course the grand irony is that a woman’s “right” to abortion would be twisted into the compulsory slaughter of *females*—what hath “Feminism” wrought? Why, “no end of a mess,” just what Monsignor Knox said we’d get if we stopped playing by the rules of the morality game that alone keeps civilizations alive.

So much for this issue: not all pleasant reading, true, but good stuff nonetheless; we hope we can do as well in the next issue, coming soon.

J. P. MCFADDEN
Editor

Joan Andrews and Friends

Mary Meehan

Rescue those who are being dragged to death, and from those tottering to execution withdraw not.

Proverbs, 24:11

JOAN ANDREWS, BY ALL ACCOUNTS, HAS STOOD UP for the defenseless throughout her life. When other children were being picked on at school, one of her sisters said, “Joanie was the one always defending everybody.”¹ When Joan was only 12 years old, she saved a young cousin from drowning. Afterwards she told her mother, “I knew I was going to die. But you have to do something.”² Later she took part in vigils and fasts for civil rights, then in demonstrations against the Vietnam War. “I definitely was against the war, but I hated to see the Communists take over there,” she said in a 1987 interview. “But our means were immoral. It was not a just war.”³

Andrews, now 40, was born in Nashville, Tennessee, and grew up on a farm some 50 miles away. Her mother has a nursing background; her father has practiced law and taught school, but now manages the family farm. The Andrews have three daughters and three sons. A seventh child miscarried at three months’ gestation. Joan saw the child, who was baptized and buried on the farm.⁴

That experience, as well as growing up in a strongly Catholic family, undoubtedly influenced her views on abortion. Perhaps her instinct for defending the helpless had as much influence. In any case, after the Supreme Court legalized abortion in 1973, Andrews turned all her efforts to protecting the unborn. She learned to live off the land, staying with her sisters and friends and doing odd jobs such as exercising horses at a race track.⁵ (She loves horses and the outdoors life, and might be happier as a horse trainer than an activist. “But you have to do something.”)

First she did the usual things in the anti-abortion movement: educational work, lobbying, offering shelter to pregnant women. But in 1980 she joined the St. Louis sit-ins, helping others block entrances to abor-

Mary Meehan is a veteran Washington journalist who writes on a broad range of social issues for this and many other American publications.

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tion clinics. The sit-ins had not started in St. Louis, but they had taken strong root there, and Andrews joined with her customary total dedication. Even the discovery of a tumor behind her right eye did not slow her down much. Doctors removed the eye, and she was soon back at the clinics.⁶

In the early years, some St. Louis judges were lenient with the sit-inners. Leaders such as John Ryan, Samuel Lee, Ann O'Brien, and Andrews were arrested scores of times and often acquitted. By late 1982, however, one court was coming down hard on those who violated a court injunction designed to protect one of the clinics. The top four received many months in jail for their trouble. After their release, the unrepentant leaders returned to the clinics.⁷

Andrews, a true free-lancer, also travelled in the East to help friends who were beginning to sit-in. The sit-ins attracted support because of their reputation for saving lives by turning women away from the clinics and toward pregnancy aid centers. Andrews and some others found a new way to aid the cause. When they managed to get inside clinics, as they often did, they went to the operating rooms and damaged the suction machines used to perform abortions.⁸ Andrews felt that property used to dismember children "has no right to exist as it is," and a friend suggested that disabling the machines amounted to "babyproofing a room."⁹

The courts take no more kindly to property destruction—even when the property is used for killing—than they do to repeated arrests for the same offense. Andrews broke both taboos when, with a few friends, she entered a Pensacola, Florida, abortion clinic on March 26, 1986.¹⁰ Andrews went to an operating room and tried to damage a suction machine there. Her only regret is that she was unable to rip the electrical cord right out of the machine. She had done this before to another machine, "but I just couldn't get this one out." Police arrived, pulled her away, and handcuffed her. But while they were in another room, she managed to tip the machine over, "so at least a person would think maybe it was damaged and wouldn't try to do any abortions on it."¹¹

Needless to say, the judge was not impressed by this sort of activity—nor by her arrest and conviction records, nor by her position that, "as a matter of conscience, I can never accept probation, community control, restitution or pay a fine." He gave her *five years* in prison and a little speech:

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You stand before me today telling me you are above the law. You leave the court no alternative but to impose a prison term The cause you say you support can be said to be a noble cause, but by your criminal action and your criminal conduct, you have blackened the name of that cause.

But Andrews was equal to the occasion. “The only way I can protest for unborn children now is by non-cooperation—in jail,” she declared. Then she slipped to the floor and sat cross-legged in front of his honor, refusing to budge.¹²

Security guards carried her out of the courtroom and delivered her to the Florida state prison system, where she soon proved to be more than the system knew how to handle. Although soft-spoken and gentle in manner, Joan Andrews has a backbone of steel. Her Florida keepers probably understood how the British feel when confronted with non-cooperating prisoners who belong to the Irish Republican Army.

Andrew’s non-cooperation policy appeared at first to hurt her more than the system, since it meant she received few visits from family and friends and lacked the companionship of cellmates. It also meant that she was sent to a very tough women’s prison, the Broward Correctional Institution in Pembroke Pines.¹³ “There have been several suicide attempts here in lock-up the last couple of nights,” she wrote to a friend in July, 1987. “. . . Last night there were two—one managed to cut herself pretty badly. There was a lot of blood.” Andrews added, “I don’t know what I’d do without the great blessing of prayer How I love my rosary, the wonderful devotionals people have sent me, and our rescue hymns and Marian hymns.”¹⁴ On another occasion, she assured friends that “I’m in good hands, just remember how gentle God is!”¹⁵

Prison officials did not find it easy to deal with an inmate who would not cooperate with their processing or accept a work assignment. They also had to deal with Peter Lennox, an Atlanta businessman who became Andrews’ chief advocate and organized a huge publicity campaign on her behalf. A “born-again” Protestant, Lennox won aid from many evangelicals as well as Catholics. The Florida Governor’s office had to cope with a massive letter-writing campaign he started by urging people to write the governor and request clemency for Andrews.¹⁶

By the end of 1987, the efforts of Lennox, the Andrews family, and many others began to show results. The governor announced that, for humanitarian reasons, he was transferring Andrews to a Delaware pri-

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son where she would be closer to her family.¹⁷ (One of her sisters lives about twelve miles from the prison, while the other is in nearby Maryland. Reports indicate that the Delaware prison is far better than the one in Florida.) The transfer was arranged under an interstate arrangement for prisoner exchanges. Andrews remains subject to Florida jurisdiction, but Peter Lennox and others are keeping pressure on the Florida governor and cabinet to grant clemency. Andrews' supporters, meanwhile, are holding weekly prayer vigils at the Delaware prison.¹⁸

Fifty thousand or more people joined the March for Life in Washington, D.C., last January, and some of the marchers chanted "Free Joan Andrews!" Addressing the pre-march rally by telephone, President Reagan asked the marchers to join him in a prayer for wisdom and mercy. After a pause for the prayer, March leader Nellie Gray told the President: "We also want to include in our prayers . . . the prisoners of conscience who are in the jails because they have tried to stop the abortions. And we are sorry that Joan Andrews is not with us today."¹⁹

The sit-in or "rescue" movement was already gathering steam in 1986, but the judge who sentenced Andrews to five years gave the movement a symbol and a martyr. Andrews in prison, encouraging others to take her place at the clinics, may be more dangerous to the abortion industry than Andrews outside.

The question is whether the movement can continue to grow in a significant way. There were more than 3,200 arrests for sit-ins and sidewalk counseling at abortion clinics from 1975 through 1987. People were arrested in at least 31 states and the District of Columbia.²⁰ National media coverage of the arrests was minimal, especially when compared with coverage of black students' sit-ins for civil rights in the early 1960's. Experienced organizers know that the media cannot organize for them, but they also know that the media spotlight makes organizing far easier.

Why the difference in coverage? Is it just another case of media bias? That may be part of the explanation, but there are other factors involved. In the civil rights sit-ins, the actual *victims* of injustice were trying to desegregate lunch counters; they personalized the struggle in a dramatic way. But in clinic sit-ins, the victims of abortion are unseen. Efforts to make them visible by showing aborted children to the media have been unsuccessful in most cases. Whether because of pro-abortion bias or "good taste" considerations, most media outlets refuse to show

the little bodies dismembered by abortion. (The media, however, are rather lightly restrained by good taste in other areas.)

There was an element of quick and dramatic success in the civil rights sit-ins. The students quickly desegregated lunch counters in the Upper South and the border states. The Deep South proved to be much harder to crack, but there was enough success elsewhere to make the tactic seem almost magical at first.²¹ Moreover, the sit-inners may have been promoting the economic interests of variety stores, which had been selling to blacks in other departments but refusing to serve them at lunch counters in deference to local custom or law. I have seen no studies on the subject, but would guess that any drop-off in white trade was more than offset by increased black trade after integration. But abortion clinic sit-ins are aimed squarely *against* the economic interests of clinic owners. No one should be surprised that the owners fight back and that success has been less striking on the surface.

One could argue, of course, that there has been more success with clinic sit-ins because lives have been saved. This is true, but perhaps the anti-abortion sit-inners have not dramatized their successes as much as they might.

In any case, there are interesting parallels between the two kinds of sit-ins. Not least is the fact that many of the anti-abortionists were inspired by the work and writing of Dr. Martin Luther King, Jr.²² Some, emerging from the anti-war movement, were also affected by the writing and example of Mahatma Gandhi.²³ Many were troubled by what happened to the Jews in Nazi Germany and the fact that many German Christians either did nothing to help them or—worse—helped their oppressors. Sit-inner Nan Elliot told one judge: “I would hope that had I been in Nazi Germany—German is my ancestry—that I would have done something I cannot stand by and watch a human being die and do nothing.”²⁴

As the clinic sit-ins have grown, they have attracted a great variety of people: old and young, conservative and liberal and apolitical, students and housewives, World War II veterans and Vietnam veterans, a retired police chief, a former abortion clinic assistant, doctors, carpenters, accountants, priests and ministers. The clinic sit-ins have also developed their own style. That style is perhaps even more Christian than that of the civil rights movement. Some of the clinic sit-inners seem not to realize that many of the people they are trying to reach are over

whelmingly secular in thought and lifestyle. The symbolism of Catholic rosaries and crucifixes or evangelical Protestant preaching can be counterproductive. On the other hand, anyone who sees dozens of police, squad cars, paddy wagons, and angry clinic staff lined up to greet the sit-inners can understand why the latter feel like ancient Christians up against the lions. More precisely, they resemble a P. G. Wodehouse character who “felt like a very small Christian in the arena watching the approach of an outsize lion.”²⁵

The first sit-in took place at an abortion clinic in Rockville, Md., on August 2, 1975. About 14 people took part, but some left over a long period in which a policeman and the clinic director virtually begged them to go away. Six women were finally arrested, charged with trespassing, and found guilty. The judge gave them six months of unsupervised probation.²⁶

In 1976 there were at least two sit-ins and one pray-in. In 1977 there were at least 14 sit-ins in seven states and the District of Columbia.²⁷ Possibly the first person sentenced to jail for the activity was a 19-year-old college student named Jo McGowan. A peace activist who had engaged in civil disobedience against nuclear weapons, McGowan felt that “a lot of people in the peace movement seem to have a blind spot” on abortion. She walked into the waiting room of a clinic in Amherst, Mass., in June of 1977 and said she would fast there until the clinic stopped doing abortions. To the police who came to arrest her, she explained, “It has gotten to the point where people have to put their bodies on the line and really suffer over this because things are not going to change otherwise.”

When the judge asked, “How do you plead—guilty or not guilty?” the single-minded McGowan replied, “Amherst Medical is an abortion clinic, and I plead for the lives of unborn children.” Found guilty of trespassing and fined \$25, she said that she could not “pay a fine to a state that sanctions murder.” Jailed for eight days, she fasted until her release.²⁸ All of this was classic, political-prisoner behavior—and a preview of Joan Andrews’ approach several years later.

In 1977 and 1978, two Virginia judges acquitted sit-inners on the “defense of necessity,” a common-law defense which seeks to prove that breaking a law is justified by a higher good. The standard example is trespassing in a burning building in order to save a child’s life. The sit-inners argued that they, too, were trespassing to save children’s lives.

Judicial acceptance of the defense meant a brief open season for trespassing at the Virginia clinic in question. But the clinic's lawyer went to a federal judge and obtained a restraining order against the sit-inners.²⁹

The necessity defense was successful in St. Louis for a time, but eventually was denied by an appeals court. By late 1984, a sit-in leader reported that the necessity defense "has been tried in at least 25 states—and rejected in most of them."³⁰ The courts thus dashed activists' early hopes of using the necessity defense to obtain review and reversal of the Supreme Court's *Roe v. Wade* decision.

While the courts gave the sit-inners little encouragement, their own experiences often did. In 1979, for example, Patricia Shahid went to an abortion clinic in Annapolis, Md. She and her husband, both Pakistanis, had decided on abortion; but sit-inners at the clinic showed Mrs. Shahid pictures of unborn children. "I saw these aren't dead babies," she said later. She was also impressed by the activists' willingness to be arrested: "They are just working for us, and they see so much hardship. They give their time for us, they go to prison for us, they are such brave people, and I'm really happy they were there." She continued her pregnancy and gave birth to a little girl, Sara.³¹

Efforts to counsel and persuade pregnant women are supposed to be an integral part of any sit-in (or "rescue," as the activists now prefer to call it).³² These persuasive efforts, called "sidewalk counselling," also take place in the absence of sit-ins. The counsellors try to hand anti-abortion literature to each woman approaching a clinic; they encourage the woman to go to a pregnancy aid center for help. Some offer shelter in their own homes to teenagers put out by their parents because they are pregnant. But at many suburban clinics, sidewalk counsellors cannot reach clinic clients unless they trespass on private parking lots. Often it is a close contest as to whether a sprinting counsellor can reach a woman before the police reach the counsellor.

When police know of a sit-in in advance, they may have a clinic so covered that the sprint-and-counsel technique is all that can be attempted. If pickets and television cameras are present, the atmosphere resembles a circus or a fox hunt—with counsellor, television cameras, clinic staff or volunteers, and police all in hot pursuit of one woman. It is hardly the ideal moment for counselling, although it may be the only moment available.

The best of all possible worlds is when the number of sit-inners is so

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large, and the police response so slow, that the sit-inners literally shut a clinic down. If they come very early in the morning, they can prevent it from opening by standing or sitting, arms linked, in front of all entrances. Police hate the heavy lifting involved in mass arrests; they often delay it by repeating warnings to the activists and checks back with headquarters. When arrests finally begin, most of the sit-inners “go limp” and are dragged or carried to waiting police vans.

They do not go limp to avoid the police, but to make arrests take as long as possible. They can thus prevent abortions for up to several hours or even an entire day. Delays are guaranteed when the activists manage to get inside the clinic and chain themselves to heavy objects in the operating room. In Houston last summer, a small group used special bicycle locks to do this. When a policeman asked, “Are you going to leave?” one of them pointed to the locks and said, “As you can see, officer, we can’t.” The *Texas Rescuer* described the scene:

By 7:45 a.m., the first fire truck arrived and a small army of firemen confidently entered the chamber with bolt-cutters of various sizes, but after several attempts at cutting the locks, it became obvious that they were going to need much heavier equipment. . . .

So a second, much bigger fire truck backed into the chamber’s parking lot and moved into position, with a new squad of firemen unloading power cables for the “Jaws of Life” [equipment used to rescue people from cars crushed by accidents] . . . Still unable, though, to do any damage to the locks, the surprised firemen were forced to get permission from abortionist Coleman to use their now partially broken “Jaws of Life” to cut the two tables and a stool to which the rescuers had been attached . . . [This action] fortunately left the procedure room totally inoperable.”³³

During the delays, sidewalk counsellors often persuade some women to go to a pregnancy aid center. Other women, frustrated and angered by the sit-in, simply reschedule their abortions; but some may reconsider and decide against it.

A fair number are turned away just by seeing a large rescue or even a picket. After a court appearance by New Jersey rescuers last year, the activists held a rally at the clinic where they had been arrested. They were, the *Rescuer* reported;

. . . greeted by a woman who stopped to talk. She said that six months before, she was driving to the clinic for an abortion when she saw picketers surrounding the site. She decided that she could not go through with the abortion and turned around and went home. She introduced her baby boy to the cheering pro-lifers, and thanked them for “being there when I needed you.”³⁴

Sit-ins are most effective when the participants are many and well-disciplined. Training sessions in non-violence are helpful; so are marshalls who wear special armbands and caution participants against name-calling or any kind of violence. Guitar music, hymns, and folk songs help preserve calm in an event that necessarily involves strain on all sides.

When discipline breaks down, it is usually a problem of verbal abuse—not by sit-inners, but by one or two pickets who are there to support them. At one sit-in, supporters called police “Gestapo” and warned that they would “burn in Hell” for roughly arresting some activists.³⁵ Theologically speaking, no one really has a right to make judgments about another’s ultimate destiny. Some people are all too confident in proclaiming that they themselves are saved and that others are lost. And as former sit-in leader John Ryan once wrote: “Our purpose should always be to convert those involved in the killing. Calling a police officer a ‘Nazi’ is not the same thing as alerting him to the historical parallels between his behavior and that of public officials during the German holocaust.” Ryan added: “In fact, such name-calling is the best way to ensure that the officer never seriously considers the latter (quite valid) argument. It’s the best way to harden his heart.”³⁶

The same point can be made even more forcefully about verbal abuse of women going into clinics. Most anti-abortionists refrain from this, but it takes only one or two to create a hostile atmosphere and ruin the good efforts of others.³⁷ Verbal browbeating rarely changes a woman’s mind; it is more likely to make her resent both the pickets and the child they are trying to save.

Abortion clinics and their supporters do their best to fight the sit-ins. They do not, of course, call them “sit-ins,” for they do not want to acknowledge any connection with civil rights by using such a word. Instead, they say “invasions,” with the sort of distaste Georgians have when speaking of General Sherman’s march to the sea. The National Abortion Federation, a group of “abortion providers” (sounds better than “abortionists,” doesn’t it?), has tried to link the sit-ins with violence. In one of its charts on “anti-abortion harassment and violence,” the group placed “trespassing” and “patients accosted” in a violence category that included arson and kidnapping.³⁸

In fact, the overwhelming majority of sit-inners are non-violent, although it is not always easy for them to be peaceful in the face of

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occasional brutality. The worst violence I ever saw outside clinics was on the part of police in Washington, D.C., and clinic supporters in Detroit, both of whom were shoving sit-inners around.³⁹ But the violence inside the clinics, against the unborn, makes everything else pale by comparison.

Clinics and their supporters often organize “escort services,” using volunteers to walk—or run—with women from their cars to the clinic doors. The idea is to hustle them through sidewalk counsellors or slip them in a back entrance. The clinics say they are protecting women from harassment, and they tend to use the “harassment” label for any effort to speak with their clients or give them literature. Anti-abortionists suspect that the clinics are protecting women from free speech and information about the true nature of abortion.

Free speech and free association are the traditional bailiwick of the American Civil Liberties Union. But that group is so militantly committed to abortion that it sometimes overlooks the Bill of Rights. The ACLU Reproductive Freedom Project has published a handbook for abortion clinic staff and clients which suggests use of the following against anti-abortionists: hiring off-duty police officers as security guards; court injunctions; “outrage” tort; privacy tort; a charge of “tortious interference with economic interest”; federal civil rights law; and a federal anti-racketeering statute.⁴⁰ It is hard to imagine that the ACLU would sit still for the use of such tactics against peace activists, environmental protestors, or others on the political left. Years down the road, the ACLU may find that tactics it promoted against a political enemy have come back to haunt its friends. That would be an ironic discovery for an organization which has forgotten that its best friend is supposed to be the First Amendment.

The sit-inners are used to opposition from the clinics, the courts, the ACLU, and assorted other groups. What they find hard to take is opposition from people who are supposed to be their friends.

Archbishop John May, for example, arrived in St. Louis in 1980, as the sit-in movement was gathering strength. The new Catholic archbishop threw a huge, wet blanket on the sit-ins. He told the press that he yielded “to no one in my abhorrence of abortion on demand,” but that “Demonstrations involving arrest for infractions of anti-trespassing or free access laws, and the like, I would consider ill-advised and counter-productive.” Later he expressed concern that the sit-in approach “is

harmful to the image and work of the Catholic Church here in St. Louis.”⁴¹ It is always cause for concern when bishops start worrying about image. The founder of Christianity was notably unconcerned about image, as he showed by meeting lepers, prostitutes, and other social outcasts.

Instead of sit-ins, the archbishop suggested, anti-abortionists should do education, counselling, legislative work, legal demonstrations, and so forth. But as sit-in leader Loretto Wagner remarked: “Archbishop May is talking like we’re neophytes. We’ve done all the things he’s recommending. We’ve spent seven years being concerned about images. Meanwhile, eight and a half million babies have been killed.”⁴² Wisconsin writer Stephen Settle later asked, “If I saw a madman standing at the top of a bridge, prepared to throw a child over the edge, what would I do? Run home and write a letter to the editor? Wire my congressman? Protest? Picket the bridge?” He added, “If the madman owns the bridge—and his practice is legal—does that substantially change your response?” If so, “then I respectfully submit that our reverence for law is greater than our reverence for life. We should call ourselves ‘pro-lawfers,’ not pro-lifers.”⁴³

In 1984, after a jailed sit-inner requested prayers “for your captive people who have been imprisoned for trying to save human lives,” Archbishop May did ask his flock to pray for them. But he added a curious statement:

At the same time, others are involved here, too, who must have our support and understanding. Police officers are sworn to uphold the law, and even if they agree with the protest, they still have responsibility to the law. We must respect that. In a similar way, judges and other officers of the court are compelled to uphold law—even unjust law.⁴⁴

It is embarrassing to read these words. The archbishop did not recall the Catholic tradition that an unjust law is no law at all. He did not suggest that police and judges resign rather than enforce an unjust law or (more accurately) an unjust court decision. He did not quote the oaths taken by police and judges, but most such oaths are quite general. It can be argued that they do not bind those who take them to enforce judicial interpretations that involve the taking of human life. May’s statement was a casual dismissal of a 2,000-year tradition on the demands of justice and the primacy of conscience.

At least two other bishops have encouraged sit-ins.⁴⁵ But the U.S.

Catholic bishops as a whole have not given consistent leadership on the issue. In their 1983 “Challenge of Peace” pastoral letter, they suggested that non-violent defense be considered as an alternative to war.⁴⁶ Yet they have failed to recommend non-violent action against abortion. If they cannot—in the manner of Martin Luther King, Jr., some of their own priests, and many of their own laity—actually go to jail themselves, they can at least give moral support to those who do. For Scriptural backing, they can look to St. Peter and the other apostles: “Better for us to obey God than men!” (Acts 5:29) They might also consider John Cavanaugh-O’Keefe’s contemporary Good Samaritan parable:

In the center of the quiet town . . . a new “facility” opened up, using medical instruments to kill children.

A clergyman passing by saw the new facility, and was very sorry. But he was a busy man. He consulted his appointment book, and saw that he had no free time before Wednesday of next week. So, shaking his head sadly, he drove on. And then a dozen children were killed there.

The chairman of the board of Amalgamated Right to Life Guilds, Incorporated, also passed by. He saw the new facility, and stopped to consider it. Moved by what he saw, he gave a stirring address about the sordid history of legal abortion, for which he later received a bronze plaque. And he drove on. And then a dozen children were killed there.

A young woman with green hair and startling clothes stopped at the facility, then went in. She opened all the suction cannulas and stuck flowers in the nozzles. She put ivy plants in the suction jars. Then she chained herself to the operating table, and ate a cup of yogurt. She would not leave, she said. No children were killed there.

Who was a good neighbor to the children?⁴⁷

The National Right to Life Committee, which used to look upon the sit-ins with benevolence if not encouragement, now forbids its employees to take part in sit-ins even on their own time. Its position results largely from fear of lawsuits and financial loss.⁴⁸ But it also discourages sit-ins in general.⁴⁹ As a journalist friend of mine said, it is as though abolitionists had tried to shut down the Underground Railroad. The Committee’s house organ, the *National Right to Life News*, claims to be “the pro-life newspaper of record,” yet fails to note the arrests of hundreds for fighting the evil it is in business to oppose. It operates in a never-never land in which the bravest part of its own movement simply does not exist.

The perseverance and spirit of the sit-inners is doubly impressive against such a background. There is Joan Andrews, taking on a whole prison system with her non-cooperation policy. Of the unborn she said,

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“I will symbolically stand with these victims if I cannot stand with them any other way (since I am being prevented from going to the killing centers now).”⁵⁰ There are Philadelphia’s Joseph Wall and Howard Walton, who recently spent a month in jail because they refused to pay attorney’s fees to an abortion-clinic lawyer who had sued them successfully. Wall had open-heart surgery a few years ago, and Walton is on disability because of serious heart problems. Both have been arrested repeatedly for blocking entrances at the clinics. Wall and another Philadelphian, Patricia McNamara, lost their jobs because of sit-in activity.⁵¹

The Philadelphians and their St. Louis friends are like the young Irish bugler who saved many of his comrades by sounding “Advance” during a Boer War battle. Later the commanders of his unit, the Royal Dublin Fusiliers, asked him why he had sounded “Advance”; for no one had given the order to do so. The bugler told them that was the only call he *could* play. His father, who was also with the Fusiliers, had told him that they never retreated.⁵²

At a huge sit-in in Cherry Hill, N.J., last fall, there was a large, older man whose facial appearance indicated that he had had a stroke. He was so heavy that police had given up on trying to carry him away from the clinic. “I’m like a tree planted by the water,” he said, and lay down again as police approached to make some more arrests.⁵³

There is Norman Hackland, a shy Quaker from the Eastern Shore of Maryland. He was arrested while sitting-in for civil rights in the 1960’s. Powerfully built, he is adept at the sprint-and-counsel technique; police have to run hard to catch up with him. There is Marilyn Szewczyk of Baltimore, a dynamo who sets up pregnancy aid centers in between her arrests for direct action. During one sit-in, asked about the idea of “redemptive suffering,” she responded:

I’m not real good at that. It’s very easy for me to say, “I will offer up my sufferings.” However, when I’m suffering, it’s not so easy to offer it up [laughing] . . . And I’m standing here today saying, “Lord, don’t send anybody,” because I really do *not* want to get arrested.⁵⁴

There is Marcia Timmel, a Catholic worker in Washington, D.C., who once did a pray-in at an abortion clinic all by herself. She was disappointed because none of the women scheduled for abortion that day seemed to have a change of heart. Timmel was jailed five days, and in jail she met another woman who was scheduled for abortion. For

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two nights, she sat up talking with the woman, who changed her mind. Timmel later said, "I'm so glad I went to jail . . . five days of my life were traded for the baby's life."⁵⁵

Just before Christmas of 1985, a young woman named Mary Dowdy entered the same Pensacola abortion clinic where Joan Andrews was later to be arrested. Dressed as Santa Claus and carrying a bag of toys, Dowdy said she was searching for "missing children." A policeman arrested her when she refused to leave. Santa Claus was charged with trespassing and booked at the county jail.⁵⁶

Retired police chief Edward Allen of Santa Ana, California, did not stand on his past position or his age (71) when he joined 11 others in a sit in on Feb. 14, 1979. (The 12 referred to clinic activity that day as a "St. Valentine's Day Massacre.") Before legalization of abortion, Chief Allen used to send police out to arrest the local abortionist. One of them "came to arrest me when I was sitting-in," he said in 1984 as he awaited trial for another sit-in. "Abortion hasn't changed, I haven't changed, but the law has changed." He added:

The unborn children are the poorest of the poor who really need our help. It's important to help the hungry in this country and around the world, but at least the hungry can cry out. The unborn can't even cry out for themselves . . .

Talk is fine, but we need action. When your house is on fire, you don't write a letter to the editor about fire regulations. You put out the fire.⁵⁷

There is also Juli Loesch, a veteran sit-inner who organized a campaign to shut down abortion clinics during the 1987 papal visit to the United States. Operating on a shoestring budget, she was not able to prevent abortions in all the cities Pope John Paul II visited last summer. Outside of California, however, she appeared to have general success.⁵⁸ Earlier in the year, I saw her singing in a snowstorm in Washington, D.C., giving encouragement to fellow sit-inners as they were put in a paddy wagon. She did an adaptation of "Paul and Silas went to Jail":

Ask the cops to tell you why
Unborn children have to die
Keep your eye on the prize
Hold on . . .

Paul and Silas went to jail
Had no money for their bail
Keep your eye on the prize
Hold on.⁵⁹

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“No social movement in the history of this country has succeeded without activists taking to the streets,” wrote Joseph Scheidler of the Pro-Life Action League.⁶⁰ The record of the abolitionists, the suffragettes, the labor unions, the civil rights movement, and the peace movement bears him out. Their history also suggests that taking to the streets is not enough in itself. Any large issue requires a many-pronged approach of education, politics, alternatives, and direct action. Sometimes direct action helps keep the issue alive during political hard times. In a more favorable climate, several approaches mesh nicely and strengthen one another. The sit-ins have served both roles, but have the potential to do far more. If they become massive, they could help force political action, as the civil rights sit-ins and boycotts and marches helped bring about the Civil Rights Act of 1964.⁶¹

Sit-in leaders have tried hard for large numbers and the breakthrough they could signal. Their highest number was achieved last November, when 210 were arrested in Cherry Hill, N.J. As many as 300 were actually sitting-in at the Cherry Hill Women’s Center that day. It took police six hours to arrest the 210; by the end of the day, they were reportedly begging the remainder to leave.⁶²

The Cherry Hill action was a rehearsal for “Operation Rescue” which is expected to “happen” in New York City in May. Randall Terry, the young evangelical who organized the Cherry Hill rescue, hopes that 800 to 1,000 or more people will take part in New York. He wants to shut down one clinic there each day for five or six days, in “a peaceful, prayerful event that captures the attention of the nation.”⁶³

New York is the media capital of the United States, but its establishment is hostile to anti-abortionists. Moreover, the city is so large and sophisticated that it can easily absorb civil disobedience with a yawn and a “so what?” The sit-inners could shut down clinics and save many lives, but receive terrible media coverage or almost none at all.

Yet their work seems certain to grow in strength. They have brave leadership; they are developing impressive grass-roots support; and they just will not quit. Many of them understand from direct experience something Cardinal John O’Connor told a March for Life dinner last year: “If you were a member of the fire department and you saved one child in a burning house, you would remember it all your life.”⁶⁴

Keep your eye on the prize
Hold on.

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NOTES

1. Interview of Susan Andrews Brindle, Feb. 6, 1987.
2. Interviews of Elizabeth Andrews, Feb. 5 & 7, 1987.
3. Quoted in *Miami Herald*, July 16, 1987.
4. Interview of Elizabeth Andrews, Feb. 5, 1987. Mrs. Andrews said that the "baby was still throbbing, still living" when baptized.
5. *Miami Herald*, *op. cit.*
6. *Ibid.* Andrews' mother and two sisters have also been arrested at abortion clinics. (Letter of Joseph Wall to the writer, March 14, 1985; *Tennessean*, Dec. 1, 1986; interview of Miriam Andrews Lademan, Feb. 7, 1987.)
7. *St. Louis Post-Dispatch*, Dec. 5, 1982; April 8, 1984; April 8, 1987. See also, *National Catholic Register*, June 19, 1983; Feb. 5, 1984; Oct. 21, 1984; Dec. 16, 1984.
8. *Washington Post*, Dec. 30 1979; *St. Louis Post-Dispatch*, Dec. 15, 1980 & Feb. 21, 1985; *Pittsburgh Post-Gazette*, May 11, 1985; *Sisterlife* (Kansas City, Mo.), July, 1985; Norristown, Pa. *Times Herald*, July 5, 1985; *Philadelphia Inquirer*, Nov. 19, 1985; *Boston Globe*, June 5, 1987.
Dr. Bernard Nathanson likes to tell the story of a Canadian activist who walked into a hospital, wheeled out an abortion machine, converted it into a book trolley, and returned it to the hospital. "That to me is the lonely kind of courage to which the monuments of nations should be reared—and I mean that," said Nathanson in a June 21, 1985, speech to the National Right to Life Convention, Washington, D.C.
9. Interview with Joan Andrews, Feb 20, 1987; Juli Loesch, quoted in *National Catholic Register*, Oct. 12, 1986.
10. *Pensacola News Journal*, April 26, 1986.
11. Interview with Joan Andrews, Feb. 20, 1987.
12. Wilmington, Del. *Evening Journal*, Sept. 25, 1986.
13. *Pensacola News Journal*, Dec. 2, 1986; *National Catholic Register*, March 8 & Nov. 29, 1987.
14. Letter of Joan Wall to Joseph Wall, July 16, 1987.
15. Quoted in *The Rescuer* (Drexel Hill, Pa.), Oct. 15, 1986, p. 9.
16. Interviews with Peter Lennox, Feb. 5, 1987; Feb. 20, 1987; May 5, 1987; Jan. 9, 1988.
17. *The Tallahassee Democrat*, Dec. 24, 1987.
18. Interview of Susan Andrews Brindle, Jan. 9, 1987; interview of Jon Peck (press aide to Florida Gov. Robert Martinez), Jan. 11, 1988; Wilmington, Del. *Morning News*, Jan. 25, 1988; interviews of Joseph Wall, Feb. 1 & 23, 1988.
19. Transcript of telephone remarks by President Ronald Reagan, Jan. 22, 1988, Washington, D.C.
20. These figures are based on the writer's count of arrests. Most of the arrests were reported in daily newspapers; in some cases, I have relied on newsletters, press releases, or interviews. I counted 3,260 arrests at abortion clinics, a few doctors' offices, and one or two hospitals.
This figure does not include all arrests—especially not all made in the St. Louis area. Sit-ins there have been so common that many small ones have not been reported in the media. I counted 1,122 arrests for the St. Louis area; but sit-in veteran John Ryan estimated that there have been "over 2,000" there. He said that his own arrests "were just under 400." (Interview of John Ryan, Feb. 23, 1988.)
21. The major wave of sit-ins started on Feb. 1, 1960, and many lunch counters had been desegregated by the end of the summer. Many students were arrested and convicted on trespass charges, and some were expelled from their colleges for taking part in the sit-ins. Intense media attention, Northern boycotts of chain stores that resisted integration in the South, and support from established civil rights groups all helped the effort. See Rhoda Lois Blumberg, *Civil Rights: The 1960's Freedom Struggle* (Boston, 1984); Clayborne Carson, *In Struggle: SNCC and the Black Awakening of the 1960's* (Cambridge, Mass., 1981); William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and The Black Struggle for Freedom* (New York, 1980); and Harvard Sitkoff, *Struggle for Black Equality, 1954-1980* (New York, 1981).
22. See, for example, John Cavanaugh-O'Keefe, *No Cheap Solutions* (Gaithersburg, MD., 1984), p. 8-9.
23. Anti-war movement veterans taking part in sit-ins have included: Joan Andrews, Nan Elliott, Harry Hand, the late John Leary, Juli Loesch, Rachel MacNair, Redmond McGoldrick, Jo McGowen, John Cavanaugh-O'Keefe, Scott Rains, and Marcia Timmel. Andrews, Loesch, Hand, and Cavanaugh-O'Keefe have been key leaders of the sit-in movement.
24. Transcript of statements by defendants in sit-in trial, n.p., n.d. [The trial apparently was held on Aug. 17, 1984, in Gaithersburg, Md. See Washington D.C., *Catholic Standard*, Aug. 23, 1984.]
Joan Andrews was also deeply affected by the holocaust: "During her teenage years, Ms. Andrews said, she became fascinated with Nazi Germany and read every book she could get her hands on and watched

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countless movies on the Hitler era in an attempt to understand how a country could allow such things to occur unchallenged." (*Philadelphia Enquirer*, Oct. 11, 1981.) In a Feb. 7, 1987, interview, Andrews' mother said her daughter "loves Jewish people very deeply" and was very concerned about what happened to them under the Nazis.

25. P. G. Wodehouse, *Quick Service* (London, 1960), p. 36.

26. *Washington Post*, Sept. 9, 1975.

27. Based on count described in n. 20.

28. *National Right to Life News*, September, 1977.

29. *Washington Star*, Oct. 19, 1977; *Washington Post*, Feb. 11 & 16, 1978.

30. *National Catholic Register*, June 27, 1982; interview of John Cavanaugh-O'Keefe, Dec. 6, 1984.

31. Washington, D.C., *Catholic Standard*, Jan. 10, 1980.

32. The word "rescue" stresses the practical aim of a sit-in. Reporters often use words such as "demonstration" or "protest" to describe a sit-in, and police officers sometimes say to sit-inners, "Okay, you've made your point. Why don't you leave now?" They are not there simply to make a point, but to save lives. As one said, "I, for one, do not intend to get beaten up and thrown in jail for symbolic actions. I want to see a little pay-off." (Letter of Joseph Wall to the writer, Sept. 16, 1985.)

33. *The Texas Rescuer* (Houston, Tex.), Aug., 1987, p. 1. See, also, *Houston Chronicle*, Aug. 9, 1987.

34. *The Texas Rescuer*, op. cit., p. 7.

35. *Pensacola News Journal*, Nov. 29, 1986; *Direct Action Review*, n.p., n.d. [received by the writer in June, 1987], p. 7.

36. *Ibid.*, p. 8.

37. One anti-abortionist reportedly screamed: "Shame, shame, shame, you evil, wicked, murderer . . . murderer of your own flesh . . . devil . . . wicked, evil murderer . . . shame on you, you wicked, evil murderer." (*Oregonian*, May 29, 1987.) Another yelled: "Stop, you filthy women. You're spineless, you're gutless, and you're going to pay for your sins." (Quoted in Rochelle Sharp, "Abortion: The New Militancy," a Gannet News Service special report issued in Dec., 1985.) Neither appeared to be part of a sit-in; but sit-inners and virtually all abortion opponents suffer from the results of such mindless self-indulgence.

38. National Abortion Federation, "Incidents of Anti-Abortion Harassment and Violence, 1982-84," Washington, D.C., n.d.

39. *National Catholic Register*, July 7, 1985 & Oct. 4, 1987. For other allegations of police brutality, see *ibid.*, Feb. 9 & 23, 1986; *St. Louis Post-Dispatch*, April 7, 1986; and *Oregonian*, Jan. 20, 1987. There have been allegations of assaults by clinic staff against anti-abortionists, and vice-versa, but few convictions on either side.

40. ACLU Reproductive Freedom Project, *Preserving the Right to Choose: How To Cope With Violence and Disruption at Abortion Clinics* (New York, 1986), pp. 3, 13 & 26-35. The Federal Racketeer Influenced and Corrupt Organizations Act (RICO) was used successfully against Philadelphia abortion opponents last year. See *Philadelphia Enquirer*, May 16, 1987; *The Rescuer* (Drexel Hill, Pa.), July, 1987, pp. 3-4.

Some ACLU chapters have defined First-Amendment rights of anti-abortionists; but the record of the national ACLU in this area is appalling.

41. *St. Louis Post-Dispatch*, April 18, 1980; *St. Louis Review*, May 2, 1980.

42. *St. Louis Post-Dispatch*, May 4, 1980.

43. Quoted in *National Catholic Register*, May 27, 1984. Settle's remarks apparently were not directed at Archbishop May, but they certainly apply.

44. *St. Louis Review*, Oct. 26, 1984. Activist Vincent Fitzpatrick argues that it is a serious sin for police and judges to enforce the Supreme Court's abortion decision. See Philadelphia, Pa., *Catholic Standard and Times*, Jan. 22, 1987.

45. See *National Catholic Register*, March 18, 1979 (Bishop Leo Pursley of Fort Wayne-South Bend, retired); and *Arkansas Catholic*, April 18, 1986 (Bishop Andrew McDonald of Little Rock). Bishop Paul Dudley of Sioux Falls defended several people—including two priests—who were arrested for sidewalk counselling. ("Bishop Dudley's Article for the October 1986 Bishop's Bulletin," n.p., n.d.; see, also, *Sioux Falls Argus Leader*, Sept. 12, 1986.)

46. *Origins*, May 19, 1983, pp. 21-22. John Cavanaugh-O'Keefe asks, "If we are incapable now of protecting the lives of the unborn . . . when the penalty for protective intervention is a little time in jail, how can we dream that we will be capable of protecting anybody else or anything of value when a more openly brutal government destroys randomly, suddenly, and the price of resistance is likely to be death?" (*Nonviolence Is an Adverb* [Gaithersburg, Md., 1985], pp. 6-7.)

47. *Ibid.*, p. 13. They might also consider the words of Father Robert Pearson, a priest who was interviewed on Nov. 28, 1987, as he helped block entrances at a clinic in Cherry Hill, N.J.: "I feel that Our Lord tells us the shepherds are supposed to lead . . . So here I am."

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48. *National Catholic Register*, May 11, 1986. The Committee, with its multi-million-dollar budget, may be in a better position to defend against harassing lawsuits than is any other prolife group. It could perform a real service by defending the sit-inners, as established civil rights groups defended their activists in the 1960's.
49. *Ibid.*; *Chicago Tribune*, Aug. 20, 1986.
50. Letter from Joan Andrews to Laura Dunn, Oct. 19, 1986.
51. *National Catholic Register*, Jan. 24, 1988; interview of Howard Walton, Feb. 2, 1988; *Philadelphia Inquirer*, Feb. 4, 1988; interview of Patricia McNamara, Jan. 22, 1988.
52. Story related by Vincent Caprani, Dublin, Ireland, July 23, 1987.
53. From the writer's notes of Nov. 28, 1987, sit-in, Cherry Hill, N.J.
54. Interview of Marilyn Szewczyk, April 2, 1983; *National Catholic Register*, May 8, 1983.
55. *Ibid.*, June 17, 1984.
56. *Pensacola News Journal*, Dec 21, 1985; ALL News (Stafford, Va.), Jan. 10, 1986, p. 2.
57. *National Right to Life News*, April, 1979; *National Catholic Register*, July 15, 1984. See, also, *Los Angeles Times*, Feb. 16, 1978.
58. Abortion supporters claimed that the clinics generally stayed open; see *Conscience* (Washington, D.C.), Sept.-Dec., 1987, pp. 15-18. My own checks with clinic staff and anti-abortionists in Sept., 1987, indicated that—outside California—most either closed or performed no abortions. But Loesch's "We Will Stand Up" campaign failed to get the huge numbers of people blocking clinics that she and other organizers had hoped for. Only 54 were arrested at four locations.
59. From the writer's tape recording at Jan. 22, 1987, sit-in, Washington, D.C.
60. Joseph M. Scheidler, *Closed: 99 Ways to Stop Abortion* (Chicago, 1985), p. 17.
61. U.S., *Report of the National Advisory Commission on Civil Disorders* (Washington, 1968), p. 109.
62. *Washington Post*, Nov. 29, 1987; *National Catholic Register*, Dec. 13, 1987.
63. Interview of Randall Terry, Nov. 28, 1987; "Join us in Operation Rescue" leaflet, n.p., n.d.
64. From the writer's tape recording of speech at Jan. 22, 1987, March for Life dinner, Washington, D.C. The Cardinal was speaking of anti-abortion work in general, but his words seemed to have special meaning for the sit-inners.

The Prevailing Forces

Joseph Sobran

WHEN CONGRESSMAN RICHARD GEPHARDT of Missouri briefly emerged as the Democratic presidential frontrunner earlier this year, the media rap on him was that he tended to “flipflop.” He had changed his positions, sharply and suddenly, on everything from abortion to minimum wage laws.

Newsweek listed ten issues on which Gephardt had flatly reversed himself—always, of course, in the direction of what he presumably saw as his political advantage. The press treated all these issues as of roughly equal importance; the usual tone of the stories was one of gently mocking irony. Bruce Babbitt, a rival for the nomination who had dropped out of the race, quipped: “The versatility of his convictions is breathtaking.”

The real ironies of the story were much deeper. A man can reasonably change his mind, even at times for political gain, on policy issues like social security, oil import fees, and farm production controls. Abortion belongs to an entirely different level of importance. It summons fundamental principles and convictions. Gephardt himself had said so.

Gephardt came to Congress in 1977 from a Missouri district he termed “as pro-life as any in the country.” He not only voted against abortion, he opposed it militantly, and he insisted that he did so as a matter of conscience. As he wrote to the anti-abortion *Lifeletter*: “I strongly oppose abortion, believe it constitutes destruction of human life, and furthermore believe federal funds should not be used to support in any way a practice which is morally wrong and violates the concepts on which our nation was founded.” He called himself “sincerely pro-life” and concluded: “I want to reassure you of my unwavering opposition to abortion. I will continue efforts in support of measures to prohibit this practice.” He seemed to mean it. His maiden speech on the House floor called for a constitutional ban on abortion. He joined the House Pro-Life Caucus and Missouri Citizens for Life. He voted consistently against abortion for nearly a decade.

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Then he acquired higher ambitions. “Before running for president,” *Newsweek* reported in March, “he asked dozens of party officials whether he could win the nomination as an abortion foe. They said no; his abortion views were jettisoned.” Just like that.

In a television interview, a reporter pressed Gephardt on his abortion flipflop. Gephardt cited Governor Mario Cuomo of New York as the man whose insights on the issue he had found persuasive in altering his own position.

Cuomo, by the way, had been a pro-life legislator in New York who, according to Frederic Dicker of the *New York Post*, decided that he couldn’t rise any higher in the party unless he reversed himself on abortion. He reversed himself, and of course rose much higher. And has become a media favorite, especially for his “thoughtful” (the standard encomium) views on abortion. No wonder Gephardt found him a useful mentor and role model.

Gephardt’s case would appear in a different light if he had never attached special importance to the abortion issue. If he had merely voted pro-life most of the time, without expressing any particular conviction about it, as if responding largely to external pressure from his constituents, then his tactical switch would have seemed a standard political move, without the odor of hypocrisy and betrayal. But he himself had given the issue moral primacy. He himself had insisted that his opposition sprang from personal moral motives. He himself had “reassured” his anti-abortion allies that his position was “unwavering”—as what else could it be, given the weight he had assigned it?

Nobody associates oil import fees, one way or the other, with “the concepts on which our nation was founded.” Nobody thinks social security cuts entail “the destruction of human life.” Gephardt had defined the stakes in terms so grave that to call his defection a mere “flipflop” is to trivialize what he did. It was more like apostasy. It should have called in question his character even in the minds of those who shared his new conviction.

But the irony didn’t end there. American society has done a series of flipflops on “issues” that were for centuries matters of settled moral consensus, not political debate. Gephardt’s change was merely embarrassingly late—long after the battle lines had been drawn—and abrupt. Many other politicians had made the same transition much more

smoothly, shortly after the Supreme Court had ruled that abortion should be, in effect, a constitutional right rather than an abominable crime.

Consider Bruce Babbitt. Nobody knows when he (a Catholic, as it happens) began to favor legal abortion, but favor it he does. Like many others, his flipflop was lost in the crowd. One can't believe that he would have taken the initiative in proposing legal abortion twenty years ago, if he'd been active in politics at the time. One also doubts that he would favor it today if the Court hadn't mandated it—and if it were *unpopular* within his party. Babbitt's convictions are probably no more or less versatile than those of the herd he runs with. The real difference is that Gephardt is a straggler who has had to scramble to catch up.

Let's not forget the obvious: twenty years ago, *nobody* prominent in American politics favored abortion on demand. As late as 1971, Edward Kennedy wrote to constituents expressing his opposition to it in words much like Gephardt's; today Kennedy denounces those who still hold the (unwavering?) position he held then.

Liberal opinion on abortion has not only changed; it makes the constant moral demand that everyone acquiesce in the change. To resist is "divisive." It is to "impose one's views on the rest of society." It is to deny "a woman's constitutional right to control her own body." The media portray abortion foes as diehards, reactionaries, fanatics.

In fact, it's the liberal position that smells fanatical. Suppose, for the sake of argument, that abortion should be legal, all things considered. Even so, a wise liberal would agree that this means a sharp break with tradition, and the flouting of deeply-held beliefs in a large part of the population. A tolerant liberal would admit that not everybody could be expected to accept the change at once, and that an instant new consensus is impossible.

Most important, maybe, a sensitive liberal would find a certain amount of resistance to be actually healthy. Granted that he hoped to win a consensus eventually, he would know this to be something necessarily gradual. The Court's ruling might seem defensible, but he would understand that many people would think otherwise: it can't be deduced with any inexorable logic from the words of the Constitution itself, and nothing in the history of constitutional law prepared us for it. There would be something disturbingly passive about a populace that allowed so profound a change to be imposed without asking questions.

Unfortunately, the sort of liberal I have described is a distinct minority. Most liberals have been distinctly illiberal on this issue. Pleading for abortion in the name of pluralism, they are irritated that diverse views survive and assert themselves. Arguing that abortion isn't a black-and-white matter, they demand virtual unanimity about the rightness of legalizing it. The same liberals who decry the McCarthy era as an age of stultifying conformity expect the whole population to keep pace with the liberal herd itself—as a *moral duty*.

Nothing has illustrated this more vividly than the confirmation fight over Robert Bork. Senate liberals like Joseph Biden had explicitly contrasted Bork favorably with other Reagan judicial nominees only a year earlier, denying them confirmation on grounds that they lacked “qualifications.” Ideological considerations, these liberals said, had nothing to do with it. When Bork was actually nominated, of course, the opposition turned overtly ideological. Bork was declared outside the “mainstream,” even an “extremist.” Gone was the old liberal rhetoric of diversity, new ideas, and of course qualifications. Bork was willing to review parts of the liberal agenda that had already been achieved: that was his real sin, and a liberal version of the Brezhnev Doctrine (“What we have, we keep”) took effect. Liberal opinion endowed Bork with horns and cloven hoofs. (A little-reported aspect of the battle was that Bork's liberal opponents, led by Norman Lear's *People for the American Way* enlisted the aid of activist Southern black churches to generate pressure on Southern senators to vote against confirmation—this after years of hysterically warning that religious activism in politics posed a threat to the separation of church and state.)

Bork's essential sin—and this was never allowed to become too overt in the debate—was to deny that *Roe v. Wade* represented an incontrovertible, or even a plausible, interpretation of the Constitution. Abortion on demand is in fact a novelty whose source is not the words or historical meaning (often miscalled “original intent”) of the Constitution but an autonomous liberal agenda that superimposes its own desiderata on the text. But that agenda has been given a sort of sacred status by liberals themselves, and they treat it as constituting a set of obligations in others—especially judges. It must be irreversible. It expresses what liberalism regards as a line of progress, and if any part of it is repealed, the whole structure is exposed as fragile.

This puts liberalism increasingly at odds with democracy. Once key

parts of the progressive agenda are established, they can no longer be subject to political or even philosophical debate. They are placed beyond the range of policy options among which the people and their elected representatives can deliberately choose. They acquire the standing of an unchallengeable orthodoxy, a body of official dogma—the kind of thing liberal rhetoric traditionally deploras.

In this project liberal politicians enjoy the assistance of the news media, which are quick to treat progressive gains as matters of virtual consensus. The media have joined in submerging the abortion issue whenever possible, giving it only the most casual coverage. Gephardt is one of the few politicians to have been embarrassed by his abortion position, and that only because he had made himself so conspicuous. Otherwise, the media rarely cite abortion advocacy in their profiles of candidates.

The media like to embarrass politicians, and as the cases of Gary Hart and Joseph Biden show, liberals aren't immune. But although the media often dredge up facts that can embarrass conservative candidates in the eyes of liberals (Pat Robertson's religious pronouncements, for instance), they seldom go out of their way to present data that might embarrass liberal politicians in the eyes of conservatives

A case in point is the issue of homosexual rights. Several of the Democratic presidential aspirants have actively courted homosexual votes and money. Governor Michael Dukakis has been an ardent "*Gay Rights*" advocate since his early days in the Massachusetts legislature, and as recently as last year supported passage of a bill enacting them. Paul Simon co-sponsored a similar bill at the federal level. Jesse Jackson has often marched with and addressed homosexual groups, promising them his full support. Even the relatively "conservative" Senator Albert Gore has pledged to sign an executive order as president forbidding discrimination against homosexuals.

The competition has gotten so intense that homosexual groups can now afford to pick and choose among the openly pro-homosexual candidates. San Francisco's *Bay Area Reporter* reports that homosexuals favor Jackson as their most committed candidate, but are angry with Dukakis for "waffling" on "foster parenting for gay and lesbian people." One homosexual is quoted as calling Dukakis "terrible on gay rights issues."

But the *Bay Area Reporter* is a homosexual newspaper, read almost exclusively by those who favor the new agenda. What liberal candidates say to homosexual groups is almost never reported in the general media, even though it would obviously be of great interest to many non-homosexuals—or, more accurately and more to the point, to many people who disapprove of sodomy or regard it as something undeserving of special legal solicitude. In the age of AIDS, when sodomy can no longer be seen as purely private behavior without consequences for the community, what candidates say about “*Gay*” topics is obviously of general concern. Still, the media seem determined to hush it up, letting militant homosexuals monopolize information among themselves. It would at least be piquant to ask Tipper Gore, well known for her campaign to clean up salacious rock music lyrics, how she feels about her husband’s wooing of this constituency.

My own sense of the situation is that most journalists feel not that the quest for the gay vote would bore the general public, but that it might be too explosive. It would embarrass the wrong sort of people. It might arouse the wrong part of the electorate.

Yet by any reasonable standard, it’s news. It’s novel. It’s a milestone not only in American politics but in the history of Western morals and manners. Homosexuals themselves regard it as historic. Many others would agree, whether or not they approve of it.

The suppression of the homosexual angle in this year’s presidential politics serves the interests of the “progressive” forces, who in any case keep each other informed about it. And I take it that this is the reason the major media almost automatically divert the general public’s attention away from it. If it became a story at all, it might become a very big story, and all media efforts to give it a positive coloration would probably be futile. Only Jackson, who has no hope of being elected, has been willing to avow and emphasize his support of homosexual claims in the street; the others have discreetly raised the subject only before audiences they trust. (Gephardt seems to steer clear of it altogether. Homosexual activists complain that they know nothing about his views: his staff doesn’t even have a homosexual liaison, so to speak.)

Here again is a cause no politician would have dared or even thought to embrace twenty years ago. Another general flipflop has quietly taken place, assisted by casual media coverage (and non-coverage). The conservative’s hard-to-specify sense of “media bias” owes a lot to his

awareness that such things are going on out there, but that despite their revolutionary implications they are either ignored or selectively reported in order to further certain interests. Journalists, for their part, shade the news so unconsciously that the charges of bias strike them as paranoiac.

Besides, journalists, to the (very great) extent that they are liberals, prefer to think that their own shared attitudes are already matters of consensus, or near-consensus, in the wider community. They feel no impulse, let alone duty, to report things that might be of special interest to what they think of as the reactionary residue of the population—fundamentalists, for example—even if these number in the tens of millions. The news is typically pitched at an *ideal audience* of suitably progressive-minded readers and viewers.

And in a way, we *become* that audience by getting used to being addressed as such. We cease noticing the kinds of things we aren't told, because we cease expecting the media to tell us the kinds of things that might interest us *qua* non-liberals. Liberalism shapes the conventions of reporting, its most basic patterns of attention. The tone may be neutral—and some conservatives only notice bias when the note of sarcasm or some other overt “affect” slips in—but the whole field of attention is determined by liberal interest. The bias becomes so profound that we can't detect it any more. It rarely takes the form of what journalists themselves would think of as bias: openly rooting for Democrats, say. And those who can still identify it become a shrinking and isolated minority who sound merely eccentric to everyone else. Finally it takes a certain amount of nerve as well as a great deal of sophistication to point it out.

“The style of your own time is always invisible,” says the critic Hugh Kenner. C.S. Lewis made a similar point in arguing for the reading of old books. “All contemporary writers,” he observed in 1943, “share to some extent the contemporary outlook—even those, like myself, who seem most opposed to it. Nothing strikes me more when I read the controversies of past ages than the fact that both sides were usually assuming without question a good deal which we should now absolutely deny. They thought that they were as completely opposed as two sides could be, but in fact they were all the time secretly united—united *with* each other and *against* earlier and later ages—by a great mass of common assumptions. We may be sure that the characteristic blindness

of the twentieth century—the blindness about which posterity will ask, ‘But how *could* they have thought that?’—lies where we have never suspected it, and concerns something about which there is untroubled agreement between Hitler and President Roosevelt or between Mr. H.G. Wells and Karl Barth. None of us can fully escape this blindness, but we shall certainly increase it, and weaken our guard against it, if we read only modern books.”

Lewis hit on a deep paradox: the only way to avoid being trapped in the outlook of the present and to gain an intimation of how our time will appear to the future is to revisit the past. The future itself is by definition unavailable—it’s what doesn’t exist yet—and what purport to be “progressive” views are only those of the present presuming, without warrant, to speak for the future. The past alone offers a route to detachment.

Of course “the past” is not a single thing. History is a kaleidoscope, at least on the surface. It has the merit of showing us how new and in some ways arbitrary contemporary ideas are, how it’s possible to look at the world without them. This has the immediate benefit of clearing the mind. But knowing even fragments of the past—which is all we can ever really know of it—has a deeper advantage: it teaches us gradually to discern between the more durable and the less, and eventually to understand what is permanent and what isn’t. It saves us from a head-long commitment to the enthusiasms of our own time, usually advertised as “progressive.” Above all, it can spare us political fanaticism, whose root is not moral energy but moral passivity.

Consider the case of Joan Andrews. She is as honored among “right-to-life” activists as Martin Luther King was in the civil-rights movement. She is now serving a five-year prison sentence for slightly but impenitently damaging a machine used to kill unborn children: the judge gave her the maximum sentence, double what was recommended in the state’s sentencing guidelines and much more than some hardened criminals get for serious offenses.

Miss Andrews is a Catholic. She recognizes abortion as intrinsically and hideously evil, despite the vagaries of positive law. She does so because she has a moral anchorage in a changeless understanding of right and wrong. It cuts no ice with her to say that abortion is a progressive step in civilization.

THE HUMAN LIFE REVIEW

The media have given the Andrews case very little attention—in contrast to Dr. King's many brief jailings. It accords her as little publicity as it does the candidates' wooing of the homosexual vote, though for opposite reasons. To know about her you also have to read the specialized press.

But liberals should take an interest in her. In an important way she is the opposite not only of Richard Gephardt but of another man who has been in the headlines: Kurt Waldheim. The Austrian president has been pilloried for what seems to have been a minor and marginal role as a young functionary in the German army during World War II. The full truth may be worse, and Waldheim has lied about some things, but so far only this much has been proved. Waldheim presumably knew that the people his unit was deporting were destined for a grim fate, but he failed to protest. Nobody imagines that he could have halted the process—most likely he would have gotten himself shot for his pains—and he probably did nothing worse than many young British and American officers who helped send millions of Balts and Slavs back to the Soviet Union at the war's end. Like most people, Waldheim seems to be a moral chameleon, taking on the color of his environment: now, naturally, he opposes Nazism. Liberal opinion judges him harshly.

Joan Andrews is in prison precisely for doing what liberal opinion says Waldheim should have done. She threw herself without reserve in the way of what she perceived as evil. If the case is closed on abortion—if it's completely settled that the right to abort is a good thing—then she is only an eccentric. But this is not a judgment for impartial news media to make. Her case would interest millions of people who still regard abortion as at least a morally dubious act.

The Nazis in their day stirred enthusiasm and claimed the mantle of progress. But conservatives as well as liberals agree that people shouldn't have allowed themselves to be swept up in it. Waldheim may not have been an ardent Nazi—so he says—but the fact that he wasn't on the cutting edge of the movement earns him no credit for being a "moderate." People who think of themselves as civilized, even if they profess moral relativism in most things, aren't inhibited about judging him and others like him. We say that there are civilized standards that should be held to even when the law itself goes wrong, and that he should have recognized Nazism not as a progressive step, but as an aberration.

But here the progressive stands on slippery ground. How, if there are no permanent standards of right and wrong, if progress means flux, can we condemn the man who fails to guess what the future will say? Waldheim may have expected the Thousand-Year Reich to continue its glorious course, discarding the outmoded attitudes of the past, just as today's liberals expect their version of progress to continue indefinitely.

The conservative can insist that the moral law is already known; that, as Edmund Burke put it two centuries ago, "We know that *we* have made no discoveries, and we think that no discoveries are to be made, in morality; nor many in the great principles of government, nor in the ideas of liberty, which were understood long before we were born, altogether as well as they will be after the grave has heaped its mold on our presumption, and the silent tomb shall have imposed its law on our pert loquacity." But the liberal can only condemn a Waldheim, in essence, for having lost the war. Worse yet, liberals have no real grounds for judging Joan Andrews, except to insist that her side too is losing.

Common sense sees Miss Andrews as Waldheim's opposite, but liberalism can only see her as his parallel, doomed by History. And it can only do this because it pretends to speak for the future, less an act of prophecy than of ventriloquism. In fact it can only wish that people like her would behave as they blame Waldheim for behaving: by submitting to current aberrations without protest.

Most people are moral chameleons, closer to Waldheim than to Joan Andrews. Closer, for that matter, to the "breathtaking versatility" of the Gephardts—and Babbitts. Man is a mimicking creature. Sometimes it seems that's all he is: his language, accent, dress, manners, religion, and morals "place" him. He absorbs his opinions from his environment with all the rest; he talks in clichés. Sociologists and pollsters find him predictable enough to make their livings describing and forecasting massive patterns of behavior. Most of us feel free while enacting highly-imitative conduct 99 per cent of the time. The determinists seem to have our number. Waldheim is no more predictable than most of the people who judge him. Liberals enforce their orthodoxies along with commissars and inquisitors. We not only imitate, we *demand* imitation. Liberals censure other people's mutual mimickry as "conformity," thinking themselves different even as they parrot each other. The herd has moved on since 1964, say, when abortion on demand and Gay

Rights were unheard of; but it's just as cohesive now as then.

If stereotypes often ring true, it's because we unconsciously put a lot of energy into resembling others. But this is still a free act, and the determinist doesn't quite carry the day. Now and then a mind will devote its power to disengaging itself from the herd. The leftist pundit Christopher Hitchens has broken with the progressives on this very issue of abortion. "I put the question like this," he told *Crisis* magazine recently. "You see a woman kicked in the stomach. Your instinct is properly one of revulsion. You learn that the woman is pregnant. Who will reply that this discovery does not multiply their revulsion? And who will say that this is only because it makes it worse for the woman? I don't think this is just an instinctive or an emotional reaction (not that we should always distrust our instincts and emotions either). We are stuck with a basic reverence for life." An echo of Burke's "natural feelings." And note the liveliness of the image: Hitchens performs the admirable feat of combining simple words as they haven't been combined before. No jargon here. Fresh language is always sincere.

A pro-abortion liberal who at least doesn't try to have it both ways at once is the columnist Robert Gillmore, who agrees with the pro-life movement on one point: "If abortion is murder, abortion must be outlawed." He argues that "a fruit fly is more like a human being than a fertilized egg [he means a human egg, but to say that would undermine his point] and a fruit fly, therefore, has more of a claim to be treated like a human being." But he acknowledges that abortion is for many "an acute moral issue. Ironically, traditional Roman Catholics (and other exponents of Life) find themselves where Martin Luther found himself four centuries ago: standing where he had to stand because his conscience would let him do no other. We honor both their consciences and ours by respecting their moral dilemma." Gillmore can honor a conscience devoted to ends he doesn't share.

Joan Andrews got a stiff sentence for having a conscience: she refused to express the slightest remorse, and the judge threw the book at her. Her convictions weren't versatile, she couldn't flipflop, and she wasn't seeking the Democratic nomination. There she stood; the judge could do no other, under the liberal dispensation. He obeyed his environment, and she went to prison, where you may wind up if you choose to imitate not the prevailing forces but Jesus Christ, the same yesterday, today, and tomorrow.

The Politics Of Morality

James Hitchcock

THE INTELLECTUAL IN POLITICS IS an anomaly not, as stereotype has it, because intellectuals are out of touch with reality (in power they can be ruthlessly efficient) but because of the confusion of roles. Intellectuals are supposed to pursue the demands of truth wherever they lead, whereas politicians are allowed to temper their words to the needs of their programs. The credibility of Arthur Schlesinger Jr., for example, has long been compromised by the realization that his historical work serves a political agenda.

The role of the clergy in politics embodies the same anomaly, to an infinitely higher degree. When is the cleric sincerely teaching the truths of faith, and when is he supporting a political agenda?

But the United States is now in one of those periods of history when ideas matter greatly. Conservatives could historically be called the stupid party, as in Victorian England, insofar as they simply wanted things to remain fairly well the way they were, assuming the essential rightness of traditional arrangements. When a society is in turmoil, however, even defenders of tradition must become intellectually acute. Thus intellectuals are drawn into politics of necessity and, if the moral issues are serious enough, so are clergy.

Such a situation makes it impossible to discuss ideas in the abstract, since every idea is immediately scrutinized for its political implications. Certain questions—abortion is a prime example—can no longer be considered with any kind of detachment, because their immediate social implications are too strong.

For five years, Cardinal Joseph L. Bernardin of Chicago has attempted to steer the discussion of abortion in the direction of what he calls “a consistent ethic of life issues,” often dubbed the “Seamless Garment.” For the most part the anti-abortion movement has gone about its business without much regard for that theory, but from time to time attempts are made to remind the movement of its importance, an importance in no small measure due to Cardinal Bernardin’s position as

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chairman of the American bishops' pro-life activities committee.

The "consistent ethic" is simply put: those who show concern for the value of human life in one regard (e.g., abortion) must show equal regard for it in all its manifestations. Thus one ought to be equally opposed to abortion, capital punishment, the prospect of war, infant mortality, and a number of other things which undermine the sanctity of human life.

Objections to this linkage are obvious. One is that traditional Catholic moral teaching condemns abortion while allowing capital punishment and the "just war," so that a burden of proof falls on those who would now equate those issues. Abortion and capital punishment are similar at least insofar as both involve the deliberate taking of human life. However, debates about war or infant mortality are not between those in favor and those opposed, but merely over appropriate ways to prevent them. (To vote to reduce the defense budget is not necessarily to insure peace, and may have the opposite effect.)

As practically everyone admits, at present the "Seamless Garment" has little relevance in the real world. As could have been predicted, there are many people who agree enthusiastically with Cardinal Bernardin's position on one or another of the issues in question, while disagreeing with others. In government itself, and among voting constituencies, the number of those truly pursuing such consistency seems to be very small.

The Democratic Party has given only the barest hint that a woman's "right" to abort will be less of a political absolute in 1988 than it was in the two previous presidential elections. Party Chairman Paul Kirk reportedly wants the subject left out of the platform, although the pressures for keeping it in seem too strong to resist.

All the 1988 Democratic candidates for president were resolutely pro-abortion. Congressman Richard Gephardt of Missouri was particularly odious to anti-abortionists because he had cynically reversed himself on the issue, all the while insisting piously that he had not changed at all. Gephardt's shift is irrefutable evidence that no one can realistically aspire to the Democratic nomination without placating the implacable pro-abortion militants.

On the other hand, every announced Republican candidate is at least formally anti-abortion, and there is every reason to suppose that the 1988 platform will repeat its previous anti-abortion plank. By the time

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he leaves office Ronald Reagan will have more than made good on the platform's 1984 promise to appoint anti-abortion judges to the Federal bench.

Thus, five years after it was first enunciated, the "consistent ethic" seems no closer than it was then to forming a constituency around itself. In 1988 as in 1984, those trying to follow such an agenda face the dilemma of choosing among politicians who support some parts of the program but not others.

Nor is the split likely to be half and half. As the "Seamless Garment" is variously woven, most of its threads are taken from the liberal Democratic agenda; abortion is the sole strand from the conservative Republican side. In practice, therefore, the dilemma comes down to the question of how seriously abortion should be taken. Is it so important as to outweigh half a dozen other issues? If not, then the "consistent ethic" virtually dictates that voters choose liberal Democrats over conservative Republicans every time.

The political objection to the "Seamless Garment" formula also remains obvious: with many politicians determined to evade the abortion issue if possible, anti-abortionists cannot hope to win political support unless they can demonstrate power on that issue alone. To link it with other issues is to invite the response, "I support you on five of your six issues. You can't expect everything."

In the past five years Cardinal Bernardin has given at least a dozen addresses on the subject of the "consistent ethic," six of them at Catholic universities. One of the most recent was at a symposium last November at Loyola University of Chicago. Thus the subject has been treated in part as an academic question, and has sometimes been approached, as in the Loyola talks, in a rather abstract and philosophical way. Nonetheless, the current situation in American Catholicism, as in the society at large, makes it impossible to prescind from the political context.

The most interesting speech at the Loyola symposium was by Jesuit Father Richard McCormick, whose very presence there raised questions about the meaning of the "consistent ethic." McCormick has for years functioned as the umpire of American Catholic moral theology, and in that capacity has constantly, and with increasing liberality, awarded points to those who dissent from official Catholic teaching, while imposing corresponding penalties on those who uphold it. (For years

McCormick filled that role in his capacity as a regular reviewer for the journal *Theological Studies*.) McCormick represents the mainstream of the American Catholic theological community, a community which is openly at odds with Church teaching at a number of points. His selection to speak about the “consistent ethic” was thus in itself problematical, suggesting as it did that adherence to the concept does not require full acceptance of Catholic moral teaching—presumably one can follow a “consistent ethic” of Catholic moral teachings while dissenting from those teachings at crucial points.

In his talk McCormick was critical and dismissive of the papal encyclicals *Casti Connubii* and *Humanae Vitae*, both of which contain the heart of the modern papal teachings about sexuality, and argued that Catholic doctrine about the sanctity of life is inconsistent to the point of having a “soft underbelly.”

McCormick scarcely disguised the fact that he was not speaking merely academically but had a political and ecclesiastical agenda. He praised a book by a Jesuit colleague¹ which contends that the American bishops, when they speak about public issues like war or the economy, follow a reasoned, nuanced, open-minded approach, while they lose those virtues when they pronounce on matters pertaining to sexuality. The implication is clear: bishops should be listened to when they address issues high on the liberal agenda, while their words can be readily dismissed when they depart from that agenda.

Attributing much of the alleged weakness of Catholic teaching to the survival of “pre-modern” beliefs, McCormick seemed to dismiss even the New Testament as “time-bound” in its treatment of women. McCormick’s feminism took a nasty turn when he summarized the Church’s attitude towards women with the Nazi slogan “*Kinder-Kirche-Küche*” (“children-church-kitchen”), and he ended by asserting that so “sexist” is the Catholic Church that “many women still feel that fetuses fare better, in official Church teaching and practice, than do women.”

Cardinal Bernardin’s contribution to the Loyola symposium was mainly a response to each of the other speakers. Despite the outrageousness of some of McCormick’s remarks, the cardinal chose not to refute him.

The Jesuit theologian, however, served the useful purpose of giving candid expression to the liberal agenda, and indicating the reason why

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abortion is not, and cannot be, a major issue even for Catholic liberals who profess to agree with official teaching.

Militant feminism has become the central strand of the liberals' own seamless garment of issues, and indicative of the spirit in which its *dicta* are received is the fact that Father McCormick did not find it necessary even to state whether in fact women fare worse than fetuses (presumably even he does not accuse the Church of the direct killing of women) but merely to note that some women think so. Feminist rhetoric now demands to be taken wholly at face value.

It would, of course, be supremely easy to turn the question around and ask how feminists crying for freedom can hope to be taken seriously when they show no regard for the rights of the unborn. But this is a question Catholic liberals never ask. Militant feminists have been given privileged places in many parts of American Catholicism, and the points at which their ideology shades into a pro-abortion stance are for the most part politely ignored.

But McCormick's intervention also showed the practical effect of the "consistent ethic" idea—that abortion as a public issue will always be held hostage to other issues. From the time it was first enunciated, Cardinal Bernardin's position has been understood as directed primarily at anti-abortionists, chiding them for the narrowness of their vision and demanding that they broaden it.

Oxford Professor John Finnis also spoke at the Loyola symposium, and in a long and very carefully-reasoned paper suggested, among other things, that while it would be absurd to support a particular candidate for office solely on the basis of one issue, to the exclusion of every other consideration (a position practically no one holds), the "character" of a politician is revealed in his attitudes towards the most defenseless life, so that acceptance of infanticide or abortion is at least sufficient to disqualify a candidate from support.

In his response to Finnis, Cardinal Bernardin repeated his familiar claim that there should be no "one-issue litmus test" for public office.

These constant strictures against being "single issue voters" are prime examples of a practical political agenda barely concealed behind an abstract principle. The charge that anti-abortionists are "single issue" zealots was originally made by their enemies, and by a hostile media. When the phrase "single issue" is used, no one takes it to refer to military matters, women's rights, the environment, or racial justice, all

of whose proponents have at various times practiced single-issue politics. And indeed few of those groups now need to be single-issue partisans, because of the effective ways in which they have established political alliances within the Democratic Party, alliances one of whose unchallengeable rules is, "No anti-abortionist need apply."

Thus while the formula for a "consistent ethic" sounds properly impartial in theory, in practice every slightly-knowledgeable person understands that it virtually dictates the support of liberal pro-abortion politicians in preference to conservative anti-abortion politicians.

In February, Cardinal Bernardin gave a speech in Washington in which he criticized the "single issue" approach even more strongly, urging that Catholics "refute decisively the claims that we are a 'one-issue constituency.'"

He was talking to a convention of diocesan directors of social action, which was itself significant. Most dioceses have a director of "pro-life activities" and a director of "social action," a division which, while it does recognize the special importance of pro-life activities, also has the effect of removing abortion from the list of "social justice" issues. (Unborn babies are not certified victims.) Self-described Catholic "social justice" supporters almost all have a vision of society close to that of the left wing of the Democratic Party, and they have viewed with dismay the eight years of the Reagan ascendancy, not least because of the role which the anti-abortion movement had in electing the president.

There are some left-wing Catholics who are simply pro-abortion; they see the world entirely as militant feminists see it. However, most know it is imprudent to be completely candid about this. Others do see abortion as a moral evil, but are not absolute about it. Others who would agree that abortion is always wrong nonetheless think the issue has been vastly overemphasized.

There are "social justice" Catholics who are sincerely disturbed over abortion and would like to see it stopped. But they are not prepared to take the political steps which might eventually bring this about, because to do so would be to weaken the liberal political movement which they identify as the country's best hope. Just as Father McCormick is willing to hold the unborn hostage to the feminist agenda, so many liberal Catholics would hold them hostage to a whole range of political causes, each of which must be given prior standing.

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Anti-abortionists are sometimes accused of using the issue as a cover for their dedication to conservative causes generally, and it would be of course very foolish of the Republican Party not to exploit the Democratic dereliction on the issue. Anti-abortionists have never rejected Democratic overtures, however. On the contrary, they have, over and over again, been driven out of a party in which many of them grew up, the Gephardt betrayal being merely the most recent example.

By formally remaining on the level of principle, Cardinal Bernardin's "Seamless Garment" theory does not have to deal with the question whether or not such a fabric will ever get woven. Whether it does depends almost entirely on the Democratic Party itself.

In order for conservative Republicans to espouse the "consistent ethic," they would have to be untrue to their own stated principles, in regard to military issues and the growth of the activist liberal state. Most conservative Republican politicians are not even Catholics, and it is obviously inappropriate that they should be asked to give up their principles at the bidding of a Catholic prelate.

Most liberal Democrats, however, are already committed to the main strands of the proposed seamless agenda, abortion being the sole exception. It would surely be easier, therefore, to win liberals over to the one missing strand than conservatives to half a dozen.

The task would seem to be rendered yet easier still by the fact that many of the liberal Democrats who support legal abortion profess nonetheless to be morally opposed to it. Certainly this is true of all the major Catholic politicians—Mario Cuomo, Edward Kennedy, Patrick Leahy—as well as the Baptists Richard Gephardt and Jesse Jackson. In principle it would seem to require only a modest nudge to get those politicians to translate their "personal belief" into public action.

If the proposal for a "consistent ethic" means anything which is politically relevant, it has to mean the transformation of the Democratic Party itself into an anti-abortion party. Yet there is not even the slightest evidence of an effort to do this, and there is much evidence that the real strategic purpose of the Bernardin formula is precisely to protect the party from such inconvenient demands.

Paradoxically, in order to convert the Democratic Party, anti-abortionists must be exactly the kind of "single-issue" zealots Cardinal Bernardin decries. If there is any possibility that the party will change its position (Chairman Kirk's reported wish being the only slight hint of

it so far), it will be because the party continues to lose the electoral support of groups it once took for granted. For a time Congressman Gephardt looked like the one courageous Democrat who would distinguish himself in the voters' eyes by cutting against the party's grain. Eventually there has to emerge someone, somewhere, who will fill that role.

By denying the legitimacy of single-issue politics, however, Cardinal Bernardin relieves the Democratic Party of whatever pressure it may feel to modify its position. Assuming that the Republican Party is not about to adopt the liberal agenda across the board, the cessation of single-issue politics will thus retard rather than advance the emergence of Cardinal Bernardin's "consistent ethic" constituency.

Another speaker at the Loyola symposium was Father Bryan Hehir, the American bishops' principal architect of "peace and justice" issues during the 1980s. In his address Father Hehir admitted that the "consistent ethic" has had few followers, although many people follow those parts of it which fit their own agenda. He seemed to have few ideas about remedying that situation, however, and contented himself with merely insisting that no issue, such as abortion, can be given priority over any other.

Responding to John Finnis' contention that support for infanticide and abortion cast such doubts on a politician's character as to disqualify him for office, Father Hehir admitted that in the abstract this might be true—there is something wrong with a person who maintains an absolute disjunction between personal beliefs and public actions.

But Father Hehir went on to say that politicians must also be given "a legitimate range of prudential choices" as to how to realize stated moral goals, and should not be censured for failing to espouse any particular measure.

Once again high-minded theory concealed a concrete agenda. Taken at face value Hehir's principle might be thought to apply, for example, merely to legislators who disagree over two alternative bills aimed at the same end, or between two people one of whom thinks the abortion battle should be fought mainly in the courts, the other mainly in the legislatures. The reality, however, is that most liberal politicians who purport to be "personally opposed" to abortion throw every bit of their weight behind protecting this "woman's right," even to insuring that it will be funded by public money.

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Are they therefore disqualified from support, on the grounds that they do nothing whatever to achieve their stated moral goal? In Catholic “peace and justice” circles, the answer for the most part is no. The standard liberal-feminist line is that the only way to eliminate abortion is to establish a perfectly just society in which no woman would ever want one. (Presumably in such a society women would simply never get pregnant at inconvenient times.) One can be “pro-life” simply by weaving together every strand of the seamless garment except abortion, all the while promoting abortion itself as strongly as possible.

Father McCormick seems to mean precisely that, for one of his books is dedicated to his fellow Jesuit Father Robert Drinan, with an encomium to one who “translate(s) moral concern into lived reality.” Yet Drinan, during his ten years in Congress, was a fanatical defender of a woman’s “right” to an abortion, all the while insisting that he believed abortion to be immoral.

“Social justice” advocates are not likely to be as lenient in their interpretation of the duties politicians have towards other strands in the garment, however. It is unlikely, for example, that they would accept the argument that, while capital punishment is wrong, its abolition must await a perfect society in which no one any longer commits murder, or even wants to.

On January 22, the anniversary of the *Roe v. Wade* decision, Cardinal Bernardin, in his capacity as chairman of the bishops’ committee on pro-life activities, issued a strong statement in which he insisted that abortion can never be accepted by conscientious citizens. But it was only three weeks later, in his address to the diocesan social justice directors, that he told Catholics not to denounce candidates for office for failing to measure up to a “single-issue litmus test.” Thus it appears that the “legitimate range of prudential choices” which Father Hehir would allow is broad enough to include politicians like Cuomo, Kennedy, Leahy, Gephardt, and Jackson.

Although Cardinal Bernardin’s January 22 statement seemed to say that anti-abortionists can never rest until they have achieved their goal, at Loyola he was far more ambiguous. After insisting that politicians not be held to a single-issue test, the cardinal argued that, according to the Second Vatican Council, “No longer is the law responsible for the full and complete realization of the common good, and, consequently, the expression of all moral teaching.” Presumably his reference was to

the Council's decree on religious liberty, *Dignitatis Humanae*, but in fact that declaration has to do with coercion in matters of religious belief. In context the citation seemed to have the ominous connotation that anti-abortionists ought indeed to compromise their goals.

In fact Cardinal Bernardin's interpretation of the matter is historically inaccurate. Catholic doctrine never held that civil government must legislate all moral principles. Classical theorists like Thomas Aquinas taught that there are sins which it is inappropriate to forbid under civil law, and no Catholic society has ever attempted such a thing. Thus the cardinal's contention that this is a new idea is misleading, as is its invocation within the context of the abortion debate, except on the assumption that abortion may be a case where government need not legislate.

In the 1984 elections Cardinal Bernardin and Archbishop John J. O'Connor of New York were widely seen as representing polar opposites in the American hierarchy, since the Chicago prelate advocated the "consistent ethic" while the New Yorker publicly confronted vice-presidential candidate Geraldine Ferraro over her pro-abortion posture. Afterwards the two prelates appeared together several times in public and insisted that they were in complete agreement.

But last June, Cardinal O'Connor publicly called on Senator Daniel Patrick Moynihan of New York to change his position on abortion, taxing the Catholic legislator with being inconsistent in his professed commitment to protect the weak. This is precisely the kind of action Cardinal Bernardin's strictures seem designed to rule out, a fact which makes it almost inevitable that between now and November American Catholics will be getting contradictory advice from two different wings of the hierarchy.

Besides the barely hidden agenda with respect to secular politics, Cardinal Bernardin's "consistent ethic" also grows out of an internal division within the bishops' conference itself, part of the split being precisely over how much weight to give the abortion issue.

At present the liberal faction of the bishops appears to be numerically in the ascendancy, but this is steadily changing as John Paul II continues to appoint bishops in harmony with his own positions. The liberal faction must therefore make use of their ascendancy as much as possible while they still have the opportunity.

An apparent miscalculation on their part was a document on AIDS

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(Acquired Immune Deficiency Syndrome) issued by the bishops' fifty-member executive board in December. Cardinal O'Connor and other prominent bishops publicly repudiated the document, virtually an unheard-of occurrence in episcopal circles, and the bishops are scheduled to discuss it in June.

In October the same board issued a statement endorsing Cardinal Bernardin's "consistent ethic." The bishops repudiate any effort to turn Catholics into a "voting bloc" and urge them to evaluate candidates from a standpoint of a series of issues all of which, with the exception of abortion, are in harmony with the likely 1988 Democratic platform.

Except for incorporating the phrase "consistent ethic of life," the 1988 statement is essentially the same as one issued in 1984 and, like the earlier one, is obviously designed to deemphasize the importance of abortion. As the membership of the hierarchy continues to change, and as leadership passes into other hands, this may be the last election in which the bishops will have the opportunity to do this.

Typical of what the statement is likely to achieve, and what it is in fact intended to achieve, was an editorial in the Steubenville (Ohio) diocesan newspaper. The editor, Father James A. Boehm, celebrated the bishops' statement as "post-Vatican II talk" in that it supposedly eschewed any attempt by the Church to instruct Catholics on how to vote. But the editor then invoked episcopal authority in urging his readers to reject "single-issue politics," even though as citizens Catholics surely have a right to engage in such politics if they choose. Also ignored was the fact that, as it is now formulated, the "consistent ethic" is tantamount to telling voters, "The Democratic platform is humane and just; the Republican platform is not."

As in 1984, an attorney for the U. S. Catholic Conference has warned dioceses not to evaluate candidates on the basis of a single issue, lest the Internal Revenue Service conclude that the Church is a political organization. (If the IRS might indeed reach such a conclusion, it seems a principle for USCC lawyers to fight in the courts rather than merely acquiescing in what amounts to a loss of religious liberty.) The attorney, Deidre A. Halloran, suggested that candidates be evaluated on the basis of the fourteen issues mentioned in the bishops' October statement, in which abortion ranks first only in the alphabet.

The legal point—that non-profit organizations cannot function as

political lobbying groups—is clear enough. Less clear is why the IRS should reach that conclusion about an organization which is interested in only one public issue but would exempt a group interested in fourteen. Arguably, the list of fourteen “key” Catholic issues makes the Church more political, not less.

Cardinal O’Connor’s open letter to Senator Moynihan is not known to have had any effect, but it would be wrong to despair of converting Catholic politicians on the abortion question. Such conversions do occur, at least when the politician is no longer subject to party discipline—former Governor Jerry Brown of California, unwaveringly pro-abortion when he was in office, recently announced such a change of heart after returning from working with Mother Teresa in India.

Father Hehir has now left the United States Catholic Conference for a research position at Georgetown University. His replacement at the USCC is one John Carr, whose selection indicates that abortion will rank no higher on the bureaucratic agenda than it did under Father Hehir. Carr previously served a term in the USCC, then went to work for President Jimmy Carter’s White House Conference on Families in 1980. Anti-abortionists and others committed to strong family values complained from the beginning that the WHCF process was stacked against them, which indeed turned out to be the case. Throughout, however, Carr blandly defended the process and showed no concern over the pro-abortion and anti-family positions which the conference eventually took.²

Further indication of abortion’s steadily-declining importance in the USCC was the resignation, near the end of 1987, of Father Edward Bryce, who had been the bishops’ director of pro-life activities for many years. No replacement was named.

Meanwhile, in this as in other matters, Pope John Paul II has been shouldering some of the responsibilities which it might be thought American bishops should carry. Recently he met a delegation of eleven American congressmen and urged them to protect life at all its stages, including the life of the unborn. Several of the legislators were pro-abortion, including at least one Catholic, Tony Coelho, Democrat of California.

And, although both Cardinal Bernardin and Father Hehir resist establishing a priority of moral issues, before leaving America last Fall

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the Holy Father seemed to establish one: while encouraging the nation to do justice to all its citizens, especially the weakest and most oppressed, he warned that “all this will succeed only if respect for life and its protection by the law is granted to every human being from conception until natural death.”

NOTES

1. Kenneth Overberg, S.J., *An Inconsistent Ethic?: Teachings of the American Catholic Bishops* (Lanham, Md.: University Press of America, 1980).
2. See Hitchcock, “Family Is as Family Does,” *Human Life Review*, vol. VI, no. 4 (Fall, 1980), pp. 52-70.

Walker Percy writes:

A Letter to the *Times*

January 22, 1988

The Editor
The New York Times
229 West 43rd Street
New York, N.Y. 10036

Dear Sir:

The fifteenth anniversary of the *Roe v. Wade* decision of the Supreme Court seems as good an occasion as any to call attention to an aspect of the abortion issue which is generally overlooked.

The battle lines between the “pro-life” and the “pro-choice” advocates are so fixed, the arguments so well known, indeed so often repeated, that it hardly seems worth the time to enter the controversy on the present terms. Thus, while it may indeed be argued that in terms of Judeo-Christian values individual human life is sacred and may not be destroyed, and while it is also true that modern medical evidence shows ever more clearly that there is no qualitative difference between an unborn human infant and a born human infant, the argument is persuasive only to those who accept such values and such evidence. Absent these latter, one can at least understand the familiar arguments for a “woman’s rights over her own body,” including “the products of conception.”

The issue then seems presently frozen between the “religious” and the “secular” positions, with the latter apparently prevailing in the opinion polls and the media.

Rather than enter the fray with one or another argument which, whether true or not, seems to be unavailing, I should like to call atten-

Walker Percy is, in the opinion of many (including us), the nation’s *premier* novelist. His latest book is *The Thanatos Syndrome* (Farrar, Straus & Giroux, New York, 1987).

WALKER PERCY

tion to certain social and historical consequences which may be less well known—call the attention, that is, of certain well-known and honorable institutions such as *The New York Times*, the United States Supreme Court, the American Civil Liberties Union, the National Organization of Women, and suchlike who, while distinguished in their defense of human rights, may not accept the premise of the sacred provenance of human life.

In a word, certain consequences, perhaps unforeseen, follow upon the acceptance of the principle of the destruction of human life for what may appear to be the most admirable social reasons.

One does not have to look back very far in history for an example of such consequences. Take democratic Germany in the 1920s. Perhaps the most influential book published in German in the first quarter century was entitled *The Justification of the Destruction of Life Devoid of Value*. Its co-authors were the distinguished jurist Karl Binding and the prominent psychiatrist Alfred Hoche. Neither Binding nor Hoche had ever heard of Hitler or the Nazis. Nor, in all likelihood, did Hitler ever read the book. He didn't have to.

The point is that the ideas expressed in the book and the policies advocated were not the product of Nazi ideology but rather of the best minds of the pre-Nazi Weimar Republic—physicians, social scientists, jurists and the like who with the best secular intentions wished to improve the lot, socially and genetically, of the German people—by getting rid of the unfit and the unwanted.

It is hardly necessary to say what use the Nazis made of these ideas.

I would not wish to be understood as implying that the respected American institutions I have named are similar to corresponding pre-Nazi institutions.

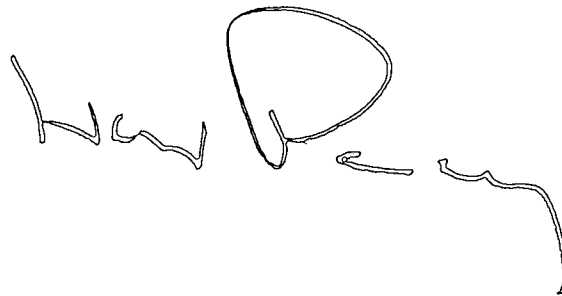
But I do suggest that once the line is crossed, once the principle gains acceptance—juridically, medically, socially—that innocent human life can be destroyed for whatever reason, for the most admirable socio-economic, medical or social reasons—then it does not take a prophet to predict what will happen next, or if not next then sooner or later. At any rate a warning is in order. Depending on the disposition of the

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majority and the opinion polls—now in favor of allowing women to get rid of unborn and unwanted babies—it is not difficult to imagine an electorate or a court ten years, fifty years from now, who would favor getting rid of useless old people, retarded children, anti-social blacks, illegal Hispanics, gypsies, Jews . . .

Why not?—if that is what is wanted by the majority, the polled opinion, the polity of the time.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Howard Percy". The signature is fluid and cursive, with a large, prominent loop in the middle.

[Postscript: the eminent writer's letter did not appear in The Times. Nor was it acknowledged. On February 15, Mr. Percy wrote again:

I am sorry that you have evidently not seen fit to publish my letter of January 22 in your Letters-to-Editor section.

I should have thought that you would want to publish it, since it addresses what is a very controversial issue these days—even though the letter may run counter to your editorial policy. You are not known for suppressing dissent.

In the unlikely circumstance that you somehow did not receive the letter, I would be glad to furnish you with a copy.

The purpose of this letter is to establish for the record that you did in fact receive the first letter. For, if I do not receive an answer to this letter, it is fair to assume that you did.

As we write (early April), Mr. Percy has received no reply.—Ed.]

Special Supplement:

Nat Hentoff on 'life not worthy to be lived'

It is hardly news that, when the Supreme Court legalized abortion on demand in 1973, many predicted that infanticide, euthanasia, and other horrors would soon follow. The logic of the Court's "quality of life ethic" clearly applies to human life at *any* stage. It only remains to legalize the "right to die" of "competent" persons, and the "right" of parents to be rid of offspring that fail to meet their expectations, etc. It has long been obvious that there are plenty of doctors willing to collaborate (even instigate) the process of deliberately killing those whom German doctors—pioneers in the advocacy of such "treatment" even before Hitler came to power—once described as living lives "not worthy to be lived."

Said legalization is not only well under way, but also gaining momentum. As with abortion, the courts are simply ignoring the *democratic* process: neither American citizens nor their elected representatives have been allowed to *vote* on the "new ethic," which the news media generally favors *via* sensationalized reports lauding the "compassion" of the killers.

Not Mr. Nat Hentoff. In our Spring, 1984 issue, we reprinted his remarkable series of articles on the "Baby Doe" cases, in which courts were intervening to allow the killing of *born* citizens previously considered to enjoy full civil rights, including protection against infanticide on parental demand.

At that time we described Hentoff as "an unusual journalist by any standard. A prolific writer on a broad range of subjects, he considers himself what used to be called a Man of the Left, and, preeminently, a civil libertarian, allegiances which would seem to fit him comfortably for his journalistic base, *The Village Voice*, New York City's 'radical' weekly." All that remains accurate. We might have added that Hentoff is also an old-fashioned *reporter*, who digs deep into a story, and tells you a great deal that "modern" journalists either don't find, or fail to report.

Last fall, Mr. Hentoff did another impressive *Village Voice* series on what used to be called "mercy killing," but is now promoted as a generalized "right to die." As before, we reprint the entire series here, for what we consider at least two good reasons: the *Voice* is probably not widely read outside Manhattan, while our journal is surely the "paper of record" of the defense-of-life movement—and the job Mr. Hentoff has done richly deserves to become a part of the permanent record we provide. Read on.

The Editors

The 'Small Beginnings' of Death

Nat Hentoff

I. The American Death Squads

If the physician presumes to take into consideration in his work whether a life has value or not, the consequences are boundless and the physician becomes the most dangerous man in the state.

—DR. CHRISTOPH HUFELAND (1762-1836)

LEO ALEXANDER, BORN IN AUSTRIA, EMIGRATED to the United States where he became a professor of psychiatric medicine in Boston. Surgeon General C. Everett Koop was a friend of Dr. Alexander and notes that Alexander “served as an expert at the Nuremberg trials of those physicians who had engineered the German euthanasia program and, eventually, the infamous medical experiments and genocide carried out by the Nazi regime.”

Since his first language had been German, Dr. Alexander gained the confidence of the physician-defendants and thereby uncovered a large amount of new information concerning the origins of the Holocaust in the German medical community and court system.

In the July 14, 1949, issue of the *New England Journal of Medicine*, Leo Alexander wrote an article, “Medical Science Under Dictatorship,” distilling his discoveries.

Alexander intended his essay as both an analysis of the beginnings of an unparalleled social malignancy and also as a warning to his adopted country. The killing of those who are no longer productive, no longer useful to their families or to the state, can happen here too, he said.

Dr. Alexander’s warning has been ignored.

Writing of the Third Reich, he emphasized that “whatever proportions these crimes finally assumed, it became evident to all who investigated them that they had started from small beginnings.”

“The beginnings at first were merely a subtle shift in emphasis in the basic attitude of the physicians. It started with the acceptance, basic in the euthanasia movement, that there is such a thing as life not worthy to be lived.”

“This attitude in its early stages concerned itself merely with the severely and chronically sick. Gradually the sphere of those to be included in this category was enlarged to encompass the socially unproductive, the ideologically unwanted [and] the racially unwanted. . . .”

“But it is important to realize that *the infinitely small wedged-in lever from which this entire trend of mind received its impetus was the attitude toward the non-rehabilitable sick.*” (Emphasis added.)

Not long before he died, Leo Alexander was greatly disturbed by an article he read in the April 12, 1984, *New England Journal of Medicine*, which had become the most influential medical publication in the country. Indeed, some of its pieces often break into the daily papers. This was one such article. When he’d finished the essay, Dr. Alexander shook his head, and said to a friend, “It is much like Germany in the ’20s and ’30s. The barriers against killing are coming down.”

The article was by 10 physicians from such prestigious institutions as Harvard Medical School, Johns Hopkins University School of Medicine, and the University of Virginia Medical Center. The title was: “The Physician’s Responsibility Toward Hopelessly Ill Patients.” With courtly expressions of great sympathy, these healers advocated the withdrawal of artificially administered nutritional support, including fluids, from various kinds of patients, such as those seriously and irreversibly demented. They were to be starved to death.

The 10 doctors, part of the the growing “death with dignity” brigade, added that it is also “morally justifiable”—when a patient is in a “persistent vegetative state”—to “withhold antibiotics and artificial nutrition (feeding tubes) and hydration, as well as other forms of life-sustaining treatment, allowing the patient to die.”

The last five words are, of course, classic newspeak. In situations like this—George Orwell could have told the 10 doctors—the patient is being killed. As University of Michigan law professor Yale Kamisar has been saying for nearly 30 years, the much revered “right to die”—whenever that decision is being made for, rather than by, a patient—is actually the right to kill.

The 10 doctors did go on to say that persistently vegetative patients ought not to be starved to death without first finding out “the patient’s prior wishes” and obtaining the agreement of the family. But a fundamental question, as we shall see, is whether in a civilized society, *any* human being, in *whatever* state, should be denied nutrition and fluids,

no matter what *anybody* says. Second, what can really be determined from the patient's prior wishes, even if the patient has made out a "living will"?

Sitting at home, watching Johnny Carson and sipping blackberry brandy, a healthy person making out a "living will" may not have the slightest idea what his or her wishes would actually be when death is no longer a word that applies only to everybody else. More of that as we go on.

What depressed Leo Alexander about that article, and about many other developments in American medicine and in the courts in the last 15 years, was that the "small beginnings" of euthanasia in this country were now leading to more and more judicial killings.

A recent victim was Nancy Ellen Jobes in New Jersey. She died on August 7 after the Supreme Court of that state—which leads the nation's courts in sanctifying the right-to-kill—ordered that her feeding tube be removed.

In this series, we shall see how we got to this point, as well as where we are going unless state legislatures wake up. (The courts, with few exceptions, are like Lewis Carroll's Walrus, weeping over the fate of the oysters he is devouring on his walk along the beach.)

A preliminary view of what's ahead can be found in "Against the Emerging Stream: Should Fluids and Nutritional Support be Discontinued?" in the January 1985 *Archives of Internal Medicine*. The authors are Alan J. Weisbard, now the director of the New Jersey Bioethics Commission, and Dr. Mark Siegler, Professor of Medicine at the University of Chicago. They say something you will not see in a *New York Times* editorial. For that matter, the *Times*, in its news pages as well, practices advocacy journalism when it comes to euthanasia. The paper's theme song is Bach's "Come, Sweet Death."

"We have deep concerns," say Siegler and Weisbard, "about accepting the practice of withholding fluids from patients because it may bear the seeds of unacceptable social consequences. We have witnessed too much history to disregard how easily a society may devalue the lives of the 'unproductive.' The 'angel of mercy' can become the fanatic, bringing the 'comfort' of death to some who do not clearly want it, then to others who 'would really be better off dead,' and finally, to classes of 'undesirable persons,' which might include the terminally ill, the per-

manently unconscious, the severely senile, the pleasantly senile, the retarded, the incurably or chronically ill, and perhaps, the aged.”

And remember, most of these folks cost a lot to keep alive. Aren't there better ways to spend the money? Like on education, more middle-income housing, cleaner air? Put the choice to a vote, anywhere in the United States: money for good things for the majority of society as against money for those who would be “better off dead.” Which side would win?

But we're not quite ready to put that sort of stuff on the ballot—yet.

Apart from how such a plebiscite would come out, the herd journalism of the press in covering the national slide toward euthanasia results in a general sigh of sympathetic relief among the citizenry when any of these “vegetables” dies.

I'll be going into some detail on the case of Nancy Ellen Jobes as this series goes on, but preliminarily, the brief news accounts of her forced departure from among us noted that she had been in a vegetative state since 1980. Pregnant, she had been involved in a car accident and during surgery to remove the dead fetus, a loss of oxygen and blood flow to the brain caused her to fall into a coma-like condition. Her family had been trying to get her feeding tube removed against the wishes—on ethical grounds—of the Lincoln Park Nursing Home, where Nancy Ellen Jobes had lived for nearly all the past seven years. At last, the New Jersey Supreme Court had approved the removal of the tube, and the United States Supreme Court refused to intervene.

Editorially, the *New York Times* hailed the decision of the New Jersey Supreme Court to let Nancy Ellen Jobes be killed. The court, said the *Times*, had released “Mrs. Jobes from tragic burdens of life on the threshold of death.”

Well, now, *was* Nancy Ellen Jobes in a persistent vegetative state? Was she “on the threshold of death?” During attempts by the Lincoln Park Nursing Home and others to prevent the state from killing her, two nationally renowned neurologists testified. One, Dr. Alpert E. Ropper, professor of medicine at Harvard Medical School and director of the Neurosurgery-Neurology Intensive Care Unit at Massachusetts General Hospital, said he had examined Mrs. Jobes and that she had followed a number of his commands (like, on request, moving her foot and toes, her legs, and sticking out her tongue). She followed his fingers, and from other indices, he concluded that while she was severely

brain-damaged, she was *not* in a persistent vegetative state.

A similar conclusion was made by Dr. Maurice Victor, professor of neurosurgery at Case Western Reserve University School of Medicine. He too had examined Nancy Ellen Jobes, and he too had concluded that while seriously brain-damaged, she fell outside the category of a persistent vegetative state.

“I gave her a number of verbal requests,” Dr. Victor testified last year, “and it became apparent the patient could hear and understand what I was saying. . . . As I asked her to perform the tasks, I saw a look of intentness. She looked attentive . . . [to] what she was doing. I am convinced this patient has a repertory of emotional expressions.”

There was contrary testimony by such opposing experts as Dr. Fred Plum, professor and chairman of the Department of Neurology of New York Hospital-Cornell Medical Center. And another neurologist said: “She died a long time ago. . . . She should have a funeral.”

While this was going on, I received a letter from a friend of mine who visited Nancy Ellen Jobes last year. This observer, a researcher, is uncommonly precise, as I’ve had reason to learn in my work through the years. This is what my friend wrote:

I am more appalled than ever that anyone would consider starving Nancy Ellen Jobes to death. She is not comatose. She is severely disabled and very vulnerable.

Nancy appeared alert and aware of people entering her room and showing things to her. She looked directly at me and then at others and then back to me as I spoke to her. She has a lovely smile. When I told her so and that it would be nice to see that smile again, she smiled more broadly.

Yes, there was conflicting testimony. Yet, as Dr. Norman G. Levin-sky, Chairman of the Department of Medicine at Boston University’s School of Medicine says, “given any reasonable doubt about the choice between life and death [with regard to] a specific patient, doctors should choose to fight for life.” And Nancy Ellen Jobes could have lived for many years.

As we shall see, fewer doctors each year are fighting for certain patients’ lives. Instead, they are helping the courts ease the removal of more barriers to killing. When Nancy Ellen Jobes died, the United Handicapped Federation—but not any medical association—protested her having been starved to death. “She was welcome in the disability rights community,” these mourners said.

“It is now a capital offense,” said an anti-euthanasia group, “to be young, brain-damaged”—and too tenacious to die.

II. The Deadly Slippery Slope

In five or 10 years, maybe sooner, one or more states will have made active euthanasia legal. That is, a physician will have the authority—on request of an “irreversibly ill” patient—to kill him or her. Not just, as is increasingly legal now, “letting the patient die” by starvation or by removing a respirator. What is coming here, as is already in place in Holland, is the power to actively remove the patient by an injection of barbiturates along with curare. Swiftly and painlessly.

The Hemlock Society has already planned three “Physician Aid in Dying Bills” for California, Arizona, and Florida. Lots of old folks there. And there has been considerable admiring press coverage throughout America of how advanced the Dutch have become in welcoming death.

A *60 Minutes* segment last year estimated that a sixth of those who die every year in Holland—some 20,000—are dispatched by doctors. Oh, there are safeguards against abuses of that final injection. The instruction to end it all must come from a fully conscious patient. A second physician must agree. There must clearly be no hope of the patient’s recovery, and the patient’s physical or mental suffering must be unbearable. All pain-killing remedies must have failed.

Moreover, relatives do not have the power to make this final decision on behalf of patients who are no longer competent. The last word can come only from the patient.

Some physicians in the Netherlands are rather uncomfortable at assisting suicides. “It goes against the grain,” one of them says. Physicians, after all, are trained to heal, not to kill. Still, physicians, like the rest of us, can find noble reasons for going against the grain. Here, it is the ending of human misery. Surely, that’s a form of healing.

Other Dutch physicians have darker fears. Cardiologist Dr. Van der Does told Ed Bradley of *60 Minutes* that he believes this opening to lawful killing by doctors could lead to active euthanasia in such other cases as handicapped newborns or patients in comas.

“I think it is a point of no return,” says the cardiologist. “Once you say euthanasia is permitted in certain cases, I don’t think it will be possible to stop somewhere along that track.”

The Netherlands, however, is a very civilized country. Surely the

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medical establishment and the courts will be able to keep euthanasia in its place.

Well, let's look at the American experience. By some reports, this is a civilized country. How successful have we been in keeping euthanasia contained? People who thought about these things in 1976 could never have imagined how far down the deadly slippery slope we would slide in just 11 years. In 1976, the New Jersey Supreme Court agreed to the request of Karen Ann Quinlan's parents that her respirator be disconnected. She was 21, and the year before she had fallen into a coma after consuming a combination of alcohol and tranquilizers.

A lower court had refused to disconnect the respirator even though doctors had testified that she was brain dead and was "dying." Actually, Quinlan was not dying and she was not "brain dead." Psychology professor Daniel Robinson of Georgetown University, an expert in these matters, noted at the time that the clinical picture "will not and cannot support a claim of 'brain death,' even on the loosest acceptance of the term."

But New Jersey's highest court, as a first step toward leading the nation's courts into the fathomless depths of euthanasia, ordered the respirator turned off because of Karen Ann Quinlan's "right to privacy." That is, if she were conscious, the court said, she would have the privacy right to hasten her own death. But since she was not competent, her family had the right to exercise their "substitute" judgment as to what she would have decided under those circumstances. As it happened, she lived—without the respirator—until June 1985.

It is important to note that in 1976, while turning off a respirator was not entirely shocking to some Americans, the prospect of ever depriving Karen Ann Quinlan of artificially administered nutrition and fluids repelled a lot of people. Including Karen Ann Quinlan's family. When asked if he also wanted her intravenous feeding ended, her father said, "Oh no, this is her nourishment!" The court agreed.

But that was when Americans were still quite unsophisticated in dealing with the soft killing fields of euthanasia.

Yale Kamisar, more usefully than anyone else, has illuminated the historic significance of the Quinlan case. He is the country's leading expert on the Fourth and Fifth Amendments, among other areas of Constitutional law. And when a search and seizure or *Miranda* decision comes down from the Supreme Court, Kamisar is usually the first name

on the list for Supreme Court reporters to call for comment. But he is seldom called by the press when there are new legal developments in euthanasia.

Kamisar's views on this kind of killing are against the grain these days. He is, to begin with, an unrelenting enemy of newspeak; and like the cardiologist in Holland, Kamisar is not at all sure that it is possible to stop euthanasia "somewhere along" the slippery slope once the momentum is really rolling. And it sure is rolling in the United States. So Kamisar, in his analytical way, keeps sounding warnings.

With regard to Karen Ann Quinlan, Kamisar has pointed out that until the 1976 Quinlan case, proponents of euthanasia—to show how cautious and responsible they were—used to emphasize that they wanted to quicken death only for patients: (1) who themselves asked for death; (2) who were suffering unbearable pain; and (3) who were already close to death.

Karen Ann Quinlan, however, was not capable of speaking on the question, so the request to remove her respirator was not made by her. Also, she was not in pain, and she was not near death. Yet the respirator was removed.

Kamisar makes another point that underscores the remarkable resiliency of some of the advocates of euthanasia. Norman Cantor, a professor at Rutgers Law School, was much pleased by the *Quinlan* decision. Yet two years before the same Professor Cantor had written:

The most serious argument against voluntary euthanasia—that it would eventually lead to involuntary euthanasia—is not convincing because so long as careful attention is paid to the capacity of a person to request euthanasia, there is a large gap between voluntary euthanasia and involuntary elimination of societal misfits.

So what happened to that "large gap" in 1976, when the court ruled that Karen Ann Quinlan's parents could decide for her when she would die? It has greatly narrowed, Yale Kamisar points out.

Professor Cantor continues to speed down the slope. In a recent *New Jersey Law Journal* article, Cantor mightily approved of this year's New Jersey Supreme Court decision which allowed a feeding tube to be removed from Nancy Ellen Jobes. The decision also said that the nursing home where she lived could be forced to kill her by removing the tube. The Lincoln Park Nursing Home has a strange ethical reluctance to kill its patients, and refused to take away the tube. (The issue

became moot when Nancy Ellen Jobses was transferred to Morristown Memorial Hospital, where she died.)

Well, Professor Cantor notes, "It has often been held that even individual conscience must yield to important public policies."

The state orders a killing, and everyone must obey. Sound familiar?

Then there was another landmark case, that of Claire Conroy. She was 84, lived in a nursing home, had a number of ailments, was senile, experienced pleasure when receiving care, smiling during a back rub, for instance. She was fed through a nasogastric tube that went through her nose and down into her stomach.

Claire Conroy's nephew (her guardian) went to court to have the tube removed. Her second, court-appointed guardian and her physician disagreed, the latter because he did not believe that it would be acceptable medical practice to starve the old woman to death. A Catholic priest—Claire Conroy was Catholic—supported the nephew. Oh, it would be a painful experience for Ms. Conroy but, in the end, all to the good. (There are deep divisions among Catholic bioethicists and theologians concerning euthanasia, as we shall see, with one, Father John J. Paris of Holy Cross College, a familiar witness for death.)

Claire Conroy died while all the learned souls argued her fate, but the New Jersey Supreme Court kept the case alive because the judges figured it was more important than Claire herself. At the time, various authorities praised the Court's eventual ruling for the strictures it imposed on too sweeping a use of euthanasia. But these limitations have largely proved porous.

Legally, the most significant element of the Conroy decision was the declaration—for the first time by any state Supreme Court—that feeding tubes can be considered optional treatment, just as optional as respirators. Until then, nutrition had been considered basic—not optional—to care.

No longer was nutrition to be continued, no matter what else was decided. Starving certain kinds of people to death had become legal! So much for what Daniel Callahan, director of the Hastings Center (of bioethics) has called "the most fundamental of human relationships"—feeding the hungry. "It is the perfect symbol of the fact that human life is inescapably social and communal. We cannot live at all unless others are prepared to give us food and water when we need them."

The New Jersey Supreme Court had used the Conroy case to smash that “perfect symbol.” Before it rested that day, however, the court tried to narrow the application of its ruling. Feeding tubes could be removed only from nursing home patients expected to die within a year, and only if those patients clearly wanted the tubes removed. And if the benefits of continued life were outweighed by the burdens of treatment. The burden of intractable pain, for instance.

Claire Conroy hadn’t given permission to remove the tube; and was not in unbearable pain. Whether her death within a year could have been predicted when the case started is not clear. But she did die before the court could weigh her own life, though it used her case to set regulations for our lives.

In fairness, it has to be said that the *Conroy* court made an important promise about future cases in which families or guardians of incompetent patients want the legal authority to kill them:

We expressly decline to authorize decision-making based on assessments of the personal worth or social utility of another’s life, or the value of that life to others.

We do not believe that it would be appropriate for a court to designate a person with the authority to determine that someone else’s life is not worth living simply because, to that person, the patient’s “quality of life” or value to society seems negligible.

The mere fact that a patient’s functioning is limited or his prognosis dim does not mean that he is not enjoying what remains of his life or that it is in his best interests to die. . . .

More wide-ranging powers to make decisions about other people’s lives, in our view, would create an intolerable risk for socially isolated and defenseless people suffering from physical or mental handicaps.

The Conroy case, therefore, resulted in a bizarre split decision by the New Jersey Supreme Court. On the one hand, it overturned many thousands of years of human values by legalizing starvation. On the other hand, the court showed a rare sensitivity to the flood-like dangers of legally killing people on the basis of their “quality of life”—like those suffering physical and mental handicaps.

This year, the New Jersey Supreme Court broke its promise not to authorize life-and-death decisions on the basis of an individual’s “quality of life.” It authorized the killing of Nancy Ellen Jobes because her “quality of life” wasn’t good enough.

See how far we have come in only 11 years. And consider how many more people are not, some say, worth keeping alive.

III. The Death Doctors

Margaret Mead used to point out that before the fifth century B.C., when the doctor came calling, the patient could not be sure whether he was going to be cared for or killed.

“Throughout the primitive world,” she noted, “the doctor and the sorcerer tended to be the same person. . . . He who had the power to cure would necessarily be able to kill.” Depending on who was paying the bill, the doctor-witch doctor could try to relieve the pain or send the patient to another world.

Then came a profound change in the consciousness of the medical profession—made both literal and symbolic in the Hippocratic Oath:

“. . . I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrongdoing. Neither will I administer a poison to anybody when asked to do so, nor will I suggest such a course. Similarly I will not give a woman a pessary to cause abortion. . . .”

It was an extraordinary moment in the history of civilization. As Margaret Mead said, “For the first time in our tradition there was a complete separation between killing and curing. . . . With the Greeks, the distinction was made clear. One profession . . . was to be dedicated completely to life under all circumstances, regardless of rank, age, or intellect—the life of a slave, the life of the Emperor, the life of a foreign man, the life of a defective child. . . .”

“This is a priceless possession which we cannot afford to tarnish,” Mead emphasized, “but society always is attempting to make the physician into a killer—to kill the defective child at birth, to leave the sleeping pills beside the bed of the cancer patient. . . . It is the duty of society to protect the physician from such requests.”

During 25 centuries, there have been backslidings—as in times of war and conquest—but by and large, the Hippocratic ideal, however dented from time to time, prevailed. The job of the physician was to heal, not to kill.

In 1920, however, a small book, *Consent to the Extermination of Life Unworthy To Be Lived*, was published in Germany. The authors were a distinguished psychiatrist (Alfred Hoche) and a prominent jurist (Karl Binding). The book was enormously influential. It smashed the

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Hippocratic Oath, once again giving doctors permission to kill. To kill those whose lives were not worth living.

Dr. Leo Alexander, who served with the Office of the Chief of Counsel for War Crimes in Nuremberg, described in a 1949 *New England Journal of Medicine* article how far down the killing slope the German medical profession had gone by September 1, 1939, when Hitler gave his first direct order for euthanasia. Wrote Dr. Alexander:

All state institutions were required to report on patients who had been ill five years or more and who were unable to work, by filling out questionnaires giving name, race, marital status, nationality, next of kin, whether regularly visited and by whom, who bore financial responsibility, and so forth.

The decision regarding which patients should be killed was made entirely on the basis of this brief information by expert consultants, most of whom were professors of psychiatry in the key universities. These consultants never saw the patients themselves. . . .

There was a parallel organization “devoted exclusively to the killing of children.”

In Germany, as everywhere euthanasia has been practiced, the authorities were skilled at euphemism. Patients were transported to the killing centers by “The Charitable Transport Company for the Sick.”

Dr. Alexander had access to many records of the Nazi regime, and one of the most illuminating documents is a report by a member of the court of appeals at Frankfurt-am-Main in December 1939. It adds proof that the Holocaust began with the mass killing of the old, the “feeble-minded,” the chronically ill, and those with multiple sclerosis, Parkinsonism, and brain tumors. Also severely handicapped children. Unwanted, 275,000 of them were exterminated. This was a dress rehearsal for the annihilation of six million Jews and millions of others.

Carrying out this genocide were the death doctors, the finely trained ornaments of German medicine. They truly believed, as many American doctors do now, that certain lives are not worth living—and besides, are too costly to sustain.

The German court of appeals judge wrote in 1939:

There is constant discussion of the question of socially unfit life—in the places where there are mental institutions, in neighboring towns, sometimes over a large area, throughout the Rhineland, for example. The people have come to recognize the vehicles in which the patients are taken from their original institution and from there to the liquidation institution. I am told that when they see these buses, even the children call out: “They’re taking some more people to be gassed.”

In 1987, we, of course, have no such vehicles in the streets. Nancy

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Ellen Jobs and others who have been starved to death die far from the crowd. The children are spared from seeing the tumbrils. And patients are not gassed in this country. What an uproar there would be if that were so! But we are eminently civilized. We kill one at a time.

When the buses, with shades drawn, pulled up to the liquidation institutions in Germany, arrivals were “immediately stripped to the skin, dressed in paper shirts, and forthwith taken to a gas chamber, where they are liquidated with hydrocyanic acid gas and an added anesthetic. The bodies are reported to be moved to a combustion chamber by means of a conveyor belt, six bodies to a furnace. The resulting ashes are then distributed into six urns which are shipped to the families. . . .

“There is talk, furthermore, that in some cases heads and other portions of the body are removed for anatomical examinations. The people working at this liquidation job in the institutions are said to be assigned from other areas and are shunned completely by the populace. This personnel is described as frequenting the bars at night and drinking heavily.”

There is certainly no parallel between what has just been described and the practitioners of euthanasia in America, 1987. Our retail killers are among the most honored physicians in the land and they are supported in their work of compassion by bioethicists, some of them priests, who are also festooned with advanced degrees. And instead of being pariahs at run-down bars, these physicians and bioethicists testify before legislative committees and are deferred to on television and in the print press.

The Germans at least had the good grace to feel queasy—at this early stage—in the presence of the killers of the old, the unfit, the schizophrenic, the too expensive to keep alive. And people in the towns, said the appellate judge in Frankfurt-am-Main in 1939, were “disquieted by the question of whether old folk who have worked hard all their lives and maybe have come into their dotage are also being liquidated. There is talk that the homes for the aged are to be cleaned out too.”

New York’s Society for the Right to Die, as its name makes clear, believes in “death with dignity”—a common way these days of advocating euthanasia. In its summer 1987 newsletter, there is this note:

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There are about 3 million Americans over 85 and the number is rapidly growing. Of those institutionalized, the American Health Care Association represents some 8,000 facilities, which now shelter 800,000 people, with an average age of 84. Most suffer from more than one ailment and require help in several activities of daily living. Some 50% are mentally or decisionally impaired to some degree.

Now why do you suppose the Society for the Right to Die felt it useful to give its members this information? Is it to show how much merciful work has yet to be done? I got a chill seeing this data in that place. I think that Dr. Leo Alexander would have felt a chill too. As he said not long before he died in 1984, "It is much like Germany in the '20s and '30s. The barriers against killing are coming down."

As the barriers fall in America, there is no particular drama. No buses, with shades drawn, go through your neighborhoods to the killing centers. The American way of putting Hippocrates into a broom closet was best described in an April 1986 article in *Commentary*, "Therefore Choose Death?" One author is Paul Appelbaum, professor of psychiatry and director of the Law and Psychiatry Program at the University of Massachusetts School of Medicine. The co-author is Joel Klein, a lawyer.

They claim, with illustrative accounts, that there has taken place in America, "the abandonment by the medical profession of an unambivalent commitment to the treatment of the ill."

And they quote a physician disinclined to use his name: "The old, chronically ill, debilitated, or mentally impaired do not receive the same level of medical evaluation and treatment as do the young, acutely ill, and mentally normal. We do not discuss this reality or debate its ethics, *but the fact remains that many patients are allowed to die by the withholding of 'all available care.'*" There seems to be, however, a general denial of this reality." (Emphasis added.)

Recently, the medical director of the Long Term Care Division of Pima County's Department of Aging and Medical Services in Arizona testified that "the vast majority" of nursing home deaths in Pima County were caused by dehydration. The patients' physicians had decided to care for them by cutting off all fluids. There are no gas chambers in Arizona. But it could be said that there, and everywhere else in the United States, there are liquidation institutions for certain old folks.

Another index of the state of the Hippocratic Oath in America—

doctor or witch doctor?—was a startling decision last year by the seven-member council on ethical and judicial affairs of the American Medical Association. The ruling, which is supported by the A.M.A. itself, says that it is ethical for doctors to withhold “all means of life-prolonging medical treatment,” *including food and water*, if a patient is in a coma that “is beyond doubt irreversible and there are adequate safeguards to confirm the accuracy of the diagnosis.” This holds “even if death is not imminent.”

This ruling—described as “welcome” in a *New York Times* editorial—is full of lethal holes. To begin with, Dr. Nancy Dickey, chairman of this A.M.A. council that says starving a patient to death is ethical, admits that “there is no definition of adequate safeguards . . . no checklist” that doctors would have to fill out in each case. As University of Michigan law professor Yale Kamisar notes, it’s hardly unknown for doctors to make “all kinds of mistakes in their diagnosis.” As has been abundantly evident in malpractice cases.

But some mistakes can’t be taken back.

I was particularly intrigued by the statement of Dr. Dickey’s council that on the one hand it’s okay for doctors to starve a patient to death, but a doctor “should not intentionally cause death.”

Come again?

Why are Dr. Dickey and the A.M.A. afraid of honest language? Why not say, “We have decided that doctors have permission to kill?”

When the A.M.A. license to starve patients was announced, I talked to Dr. Norman Levinsky, chief of medicine at Boston University Medical Center, and one of the relatively few bioethicists with a presumption for life.

The A.M.A. ruling, Dr. Levinsky said, “gives doctors and other care-givers a message that it’s okay to kill the dying and get it over with. It ought to be difficult for doctors to stop doing things for their patients, but this makes it a little easier. Also, it is not a huge step from stopping the feeding to giving a patient a little more morphine to speed his end. I mean, it is not a big step from passive to active euthanasia.

“Also,” Dr. Levinsky added, “I have no question that some physicians and other care-givers consider the life of someone over 80 to be less worthy than that of someone who is 28. This approval by the A.M.A. of withholding food and water could accelerate that kind of medical care.”

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In the Germany of 1939, the staff of the euthanasia centers would drink too much in the bars at night because they were ashamed of their work. Is anybody ashamed here? Now?

IV. The Useless Eaters

One thing we haven't mentioned here, and it's almost a dirty thought. Doesn't society have the right to question spending all those vast resources for old people—some of whom may be in a chronic vegetative state—when the money might be spent to educate the young and in other ways?

FRED GRAHAM, moderator, *Face the Nation*, CBS-TV, September 1, 1985

After the first column in this series, I received a note from Doc Pomus, an evocative and long-playing songwriter (“Save The Last Dance for Me,” “Little Sister,” “Young Blood”). He’s also an astute judge of emerging talent—including, as I’ve had reason to discover—in the country music field.

Doc wrote:

“You verbalized everything on the subject of ‘euthanasia’ that has frightened me for years. Where or when does the cessation of life begin or end when it’s put in the hands of another person? Next, it’s the death of old people because they’re aging, and that’s followed soon afterwards by killing off the physically handicapped.

“As you know, I’m in a wheelchair and I can feel those bastards breathing down my neck.”

Doc has been in a wheelchair since a bad fall in 1965. He’s still very much a part of the scene. Practically every time I’m in the Lone Star, Doc’s there, grooving.

His note reminded me of a close friend, Charles Mingus. He had amyotrophic lateral sclerosis (“Lou Gehrig’s disease”) and, in time, Mingus, in a wheelchair, could no longer speak. But his eyes were saying a lot. He wanted to live. He and his wife, Susan, traveled wherever there might be hope, and he died in Mexico where he had gone on another chance.

There are people, though, with a clear mind locked in a frozen body, who want to die. Murray Pitzer, for instance, in New Jersey. After a stroke three-and-a-half years ago, the only physical functions he could perform were nodding his head and blinking his eyes. By nodding, he spelled out “euthanasia” to his wife, and in July, an Essex County judge gave his wife permission to remove the feeding tube from her husband’s stomach.

According to a previous ruling by the New Jersey Supreme Court, in June, a family member who, in “good faith,” implements such a decision by a competent patient is not criminally liable for his death.

If you’re against euthanasia, how do you deal with patients with clear minds who want to die?

To begin with, according to common law, a conscious, competent patient can refuse treatment, including surgery, no matter what his doctor advises and even if that refusal will result in his death. But there are qualifications. The adult—and we’re talking about adults—has to have the ability to understand the consequences of his decision. If, let’s say, the patient is clinically depressed (not just in low spirits), his ability to decide anything is badly clouded.

For example, in 1984, Andrew Malcolm, the *New York Times* specialist in euthanasia, wrote a piece about suicide among the ailing elderly. It was one of Malcolm’s characteristically lyrical prose poems welcoming death. You could almost hear the musical background—Brahms, with a touch of Paul McCartney. What a lovely way to go gentle into that good night.

The *Times* printed a letter commenting on the piece by Dr. George L. Ponomareff of Hayward, California:

A September 24 news article described the tragic circumstances of several elderly people who committed suicide, but it failed to note that most suicides by the elderly are not a reasoned response to unremitting pain or the prospects of total physical dependency. In fact, *suicide in the elderly, as in any other age group, is most often related to depressive illnesses.*

Substantial advances in both the pharmacologic and psychotherapeutic treatments of depression have resulted in a situation in which the majority of patients suffering from depression can be relieved of their symptoms. Unfortunately, in too many cases, both families and treating physicians fail to recognize that clinical depression—and not “old age”—is at the root of the patient’s despair. (Emphasis added.)

So, being conscious does not necessarily mean being competent to decide to die.

Another caveat. While a truly competent patient does have the right to refuse treatment, suicide is something else. That is, if the patient asks for enough barbiturates or morphine so that he can commit suicide, a physician who goes along with the request may be liable to civil and criminal penalties.

But if some of the right-to-die societies, now on a roll in the courts, have their way, physicians will be legally permitted by state legislatures to practice active as well as passive euthanasia. Sooner rather than later.

But what about a non-depressed competent patient, like Murray Pitzer, who wants a form of treatment, his feeding tube, removed, entirely aware that it will result in his death? He's not asking for morphine. He's pressing for his common law right to refuse treatment.

One very active opponent of euthanasia, Jane Hoyt, chairperson of the Nursing Home Action Group in St. Paul, Minnesota, tells me:

For informed, competent persons who do demand death, the issue is complex. While respecting the autonomy of the person, we have an affirmative duty to inquire *why* a person would view dying as being preferable to living. If there is some reason which society can ameliorate, we should of course provide help so the person continues living with us in our community. Failure to question a desire for an expeditious death constitutes neglect.

I agree that patient decisions to stop treatment ought not to be instantly granted. Not only should it first be determined whether clinical depression has shaped the decision but also, as Jane Hoyt says, other questions ought to be asked. For instance, especially among the elderly, does the patient feel a "duty" to die? It's costing his family so much money to keep him in that bed. And it looks as if he'll never be able to work, to be productive, again. He has become, as officials of the Third Reich used to say, a "useless eater."

In a phone conversation, University of Michigan law professor Yale Kamisar adopts for me the tone of a financially burdened son visiting his 80-year-old, institutionalized father: "I see Mr. Smith in the next room stopped his treatment last week. Too bad, but it's a brave way to go, dad."

When the son leaves, Kamisar adds, his dad wonders, with renewed guilt, "Am I being a coward? Am I being selfish?"

This kind of death wish is suspect. The guilt could lift. Indeed, there

are care givers—not just psychiatrists—who might be able to get the life forces flowing again, despite the children.

In any case, the pressures on the old in America are there, and they're rising all the time. (An impatient child of a parent over 80 might well be able to speed his parent's departure by leaving in his hospital room a copy of Daniel Callahan's "Limiting Health Care for the Old" in the August 15-22 *Nation*. Callahan is director of the Hastings Center, and his piece—in the wintry spirit of former Governor Richard Lamm of Colorado—shows what can happen to you if you hang out with bioethicists too long.)

But what about a fully conscious patient like Murray Pitzer—who is not clinically depressed and is not being pressured to die? Nonetheless, he or she wants it over with. Period. Under those circumstances, it seems to me, the fundamental right to self-determination includes the right to end the self.

The great majority of euthanasia cases, however, do not involve a truly conscious and competent patient. At risk of being killed are people in the kinds of conditions described in previous columns in this series. They are in a "persistent vegetative state" or senile or otherwise incompetent.

Yet, because of relatively recent court decisions, the incompetent now also have the right to refuse treatment. How? Through the "substituted judgment" of family members or others whom the patient, when competent, has designated. This—as we have seen and will see again—leads to many problems. And deaths.

Many of those marked for euthanasia by the "substituted judgment" of others are elderly. The Surgeon General, C. Everett Koop, has been warning for years about the rapid rise in the killing of those "who do not die within an acceptable time frame as determined by their families or society." (According to polls, American society is overwhelmingly in favor of euthanasia.)

In a talk last year at Notre Dame University Law School, Dr. Koop focused on the dangers to the elderly from this national impatience with their "biological tenaciousness." Looking ahead, Koop noted:

During the next 45 years, the number of persons above the age of 65 will increase 100 per cent, from 29 million to at least 64 million. During the same time, the number of persons in the range of ages 20 to 64—the likely wage earners—will increase only 30 per cent, from 145 million to 185 million.

Thus, where there are now five young and middle-aged adults to care for every

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elderly person, there will only be three by the time the students among you reach your retirement.

And by 2040, 45 per cent of all health expenditures will be spent on the elderly.

Koop also mentioned—and any doctor will confirm this—the increasingly intense focus on the costs of medical care. The Federal government is keeping a cold eye on those costs, as are the hospitals and the third-party payers of those costs and fees.

In “Life, Death and the Dollar Sign,” an article in the July 13, 1984, *Journal of the American Medical Association*, Dr. Dana Johnson of the University of Minnesota Medical School wrote with apprehension of how financial considerations have entered into “life-and-death decisions.”

For instance, until fairly recently, the “astronomical costs of long-term life support made most families liable for some costs and frequently resulted in extremely burdensome debts, despite third-party reimbursement. Nevertheless, in situations wherein the prognosis was truly gray, a decision in favor of supporting life despite the cost usually could be ensured through the strong emotional bond of the family and the advocacy of the patient’s physician.”

But now, with doctors, hospitals, and families increasingly squeezed by cost controls—as third-party reimbursers have come to frown on the biologically tenacious—the climate has markedly changed. As Dr. Johnson points out, “In cases wherein the patient’s best interests are unclear and the prognosis is truly gray, decisions may be . . . subtly tipped in favor of discontinuing life support on the basis of financial considerations.”

And as time goes on the tipping toward death will become a lot less subtle, what with the respectability of euthanasia having come along at just the right time to “solve” the costs of long-term care.

Dr. Dana Johnson asks: “What patient groups will be the first victims of this burden of cost containment? The same groups that are now most vulnerable—the handicapped, the retarded, the chronically ill, and the poor.”

And the elderly.

Albert Camus’s *Neither Victims Nor Executioners* begins:

“The 17th century was the century of mathematics, the 18th that of

the physical sciences, and the 19th that of biology. Our 20th century is the century of fear.”

To which Dr. Koop adds that, as the Third Reich should have taught us, “no society can risk the profound evil of devaluing the life of any human being, no matter how profoundly that life may be impaired.”

V. Should Paul Brophy Have Been Put to Death?

There is always hope for a tree: when felled, it can start its life again; its shoots continue to sprout. Its roots may be decayed in the earth, its stump withering in the soil, but let it scent the water, and it buds, and puts out branches like a new plant. . . .

But man. . . . Once in his resting place, [he] will never rise again.

BOOK OF JOB, Chapter 14, verses 7-11

If I were teaching a course on the moral, legal, and medical thickets of euthanasia, the case I would begin with—and end with—is *Brophy v. New England Sinai Hospital*. It includes particularly compelling arguments for no longer providing food and water to a patient. The same case provides particularly compelling arguments for not denying a patient food and water.

How is this possible in the same case? That’s why it is such a landmark case. As Father John Paris, a Jesuit and a professor of ethics at Holy Cross College, said outside the courtroom during one of the hearings, the decision would affect thousands of other patients across the country.

The Brophy case has also been the most widely reported euthanasia litigation so far. In addition to intensive coverage in the *Boston Globe*, it was reported on in detail in the *New York Times* and other papers across the country, and segments of the *Today* show and *20/20* were devoted to it.

This press coverage will also affect thousands of other patients around the country for, with few exceptions, the stories—especially on the national television programs—were heavily weighted against Paul Brophy’s right to live. The focus instead was on his wife who, after much agony and prayer, had asked that he no longer receive food and water. The rest of Paul Brophy’s family agreed with her.

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Another dimension of this case—only cursorily covered in the press—was the refusal of the Physician-in-Chief at New England Sinai Hospital—and the refusal as well of Brophy’s attending physician—to participate in the removal of food and water from this or any other patient. In the background of one of those physicians was a reason for this unalterable stand, which, I expect, will startle you when we get to it.

I intend to present the medical facts, followed by the strongest arguments on both sides. And I welcome responses from you. After hearing it all, I want to know: do you think Paul Brophy should have been put to death?

Paul Brophy lived in Easton, Massachusetts, with his wife, Patricia. They had five children, the youngest 19. Brophy worked two jobs—he was a fire fighter and an emergency medical technician. A vigorous man, Brophy enjoyed deer hunting and fishing, and he owned a camp on Great Moose Lake in Hartland, Maine.

Brophy had never made out a Living Will, but he had forcefully expressed his views on what kind of life he did *not* want if he should become incompetent. The following is from the findings of fact by the trial judge of the Probate and Family Court Department, Norfolk division (October 2, 1985):

Approximately ten years ago, Brophy and his wife discussed the Karen Ann Quinlan case. During this discussion, Brophy told his wife: “I don’t want ever to be on a life-support system. No way do I want to live like that; that is not living.”

Brophy had a favorite saying about life, which he expressed to his wife: “When your ticket is punched, it is punched.”

Approximately five to six years ago, Brophy and his partner dragged a man with extensive burns from a burning truck and transported him to a Boston hospital. The victim lived approximately two to three months. The Town of Easton gave Brophy and his partner a commendation for bravery. Brophy subsequently threw the commendation into the waste basket and explained to his wife: “I should have been five minutes later. It would have been all over for him.”

In March of 1983, approximately a week prior to [Brophy’s] illness, a teenage pedestrian was struck by a motor vehicle in Brophy’s community. The teenager survived two or three days on a life-support system. In discussing this incident, Brophy told his wife “No way, don’t ever let that happen to me. No way.”

At about midnight on March 22, 1983, Paul Brophy told his wife he had a terrible “splitting” headache. He rolled over in bed and lost consciousness. Unable to waken him, Patricia Brophy called the Easton Fire Department and he was taken to the Goddard Hospital in Stoughton. On the way, Brophy regained consciousness.

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The next day, one of his children, Karen Olson, visited him at the hospital. According to the subsequent court record, "When Brophy pulled himself up to a half-sitting position in order to kiss his daughter, she scolded him for not lying still. On that occasion, Brophy told his daughter: 'If I can't sit up to kiss one of my beautiful daughters, I may as well be six feet under.'"

A CAT scan disclosed a rupture of a blood vessel at the base of Brophy's brain, a basilar artery aneurysm. On April 6, 1983, having been transferred to the intensive care unit of the New England Medical Center, Brophy was operated on and a clip was inserted across the basilar aneurysm.

Following that operation, said the court, Paul Brophy never recovered consciousness.

On June 28, 1983, Brophy was transferred to New England Sinai Hospital, a chronic care hospital in Stoughton, Massachusetts. For nearly four weeks, the patient received intensive physical and speech therapy, but he showed no response, and the therapy was discontinued.

On July 7, 1983, during a neurological consultation, Brophy did not respond to any verbal stimuli, but when something pained him, his right eye opened at times. When pressure was put on his breastbone, there was a "slight but appropriate movement in both upper extremities." A pin prick to the soles of his feet resulted in the withdrawal of both feet. These responses may have been reflexive, rather than cognitive.

In August 1983, Brophy contracted pneumonia, running a 104-degree temperature. The hospital asked his wife what she wanted done if her husband were to experience cardiac arrest. Should everything possible be tried to revive him? Or should no extraordinary means be used?

Patricia Brophy talked to her children, and then told the hospital to enter a do-not-resuscitate order (a DNR) on Brophy's chart. If he suffered a cardiac arrest, nature would take its course. The hospital agreed to abide by her wishes. Both agreed Brophy would be kept warm and comfortable, and provided with food and water.

When intravenous feeding was no longer possible, Mrs. Brophy authorized a surgical procedure—a tube gastrostomy—by which a hole is created through the abdominal wall into the stomach. On December 21, 1983, through that hole, a gastrostomy tube (a G tube) was

inserted, and the tube provided Brophy with nutrition and hydration directly into his stomach.

Later, when Mrs. Brophy changed her mind about giving him food and water, the courts had to decide whether this G tube was to continue to function.

As a friend of mine, a Massachusetts physician, put it, Paul Brophy had become “totally dependent on society and society’s values.”

The trial judge, David Kopelman—during the hearing on whether the G tube was to be removed—declared, as fact:

All of the medical experts agree, and I so find, that Brophy is not brain dead. . . . The three basic criteria for brain death are:

- a) unresponsiveness to normally painful stimuli;
- b) absence of spontaneous movements or breathing; and
- c) the absence of reflexes.

But, the court went on, Brophy has indeed “suffered serious and irreversible damage to his brain.” Relying on examinations by two neurologists brought in by Mrs. Brophy, the trial court ruled that Paul Brophy, though not brain dead, was in “a chronic persistent vegetative state.” That is, the patient:

- a) shows no evidence of verbal or nonverbal communication;
- b) demonstrates no purposeful movement or motor ability;
- c) is unable to interact purposefully with stimulation provided by his environment;
- d) is unable to provide for his own basic needs;
- e) demonstrates all of the above for longer than three months.

The two neurologists asked to testify by Patricia Brophy predicted that it was highly unlikely that Paul Brophy would ever regain the cognitive ability to purposefully interact with his environment.

Another perspective was that of Dr. John F. Sullivan, former chief of neurology at New England Medical Center. I am told that Dr. Sullivan has long been known as a “doctor’s doctor”—the kind of neurologist to whom referrals are made even by specialists with regard to cases whose etiology they’re not sure of. Sullivan testified that Paul Brophy, rather than being in a “persistent vegetative state,” may instead have been suffering from “Locked-In Syndrome.”

(As defined by Dr. Dana Johnson, Associate Professor of Medicine at the University of Minnesota, “Locked-In Syndrome” is “caused by a destructive lesion in the brainstem which interrupts motor pathways to the extremities and the muscles involved in speech. These individuals are intellectually aware. . . . However, they are completely unable to

vocalize their thoughts, wants, and needs.”)

Dr. Sullivan believed that Paul Brophy may have had some sensory recognition of what was going on around him, even though he couldn't communicate.

The trial judge did not agree, but did state that “Apart from the injury to his brain, Brophy's general state of health is relatively good. He is not terminally ill, and he is not in danger of imminent death from any underlying medical illness. He is able to breathe entirely on his own, without assistance from a respirator or other mechanical life-support system.”

Patricia Brophy, who had been a nurse—and is currently a nurse again—visited her husband continually. (“I still thought there was some bond between us,” she told Peter Anderson of the *Boston Globe*. “I could never just leave him there.”)

A year after the surgery on her husband, Patricia Brophy, convinced her husband's “life was over,” asked New England Sinai Hospital to remove the G tube that was providing her husband with nutrition and hydration. She had first gone to Father John Paris, the ethicist from Holy Cross College, and he had said to her, according to the *Boston Globe*: “Are you convinced Paul's condition is irreversible? Are you convinced he would not want to be maintained in this condition? Are you convinced the family is agreed on this?” When she said, “Yes,” to all three questions, Father Paris said: “What's the problem?”

But there *was* a problem. Paul Brophy's attending physician refused to comply with Mrs. Brophy's request, nor would the Hospital's Physician-in-Chief. Nor would the medical and nursing staff. They would not participate, they said, in any willful taking of the life of a human being.

So Patricia Brophy went to court. The trial judge, David Kopelman, said it was okay to have a do-not-resuscitate order in Brophy's file. It was also okay to have a “non-aggressive treatment plan” whereby life-threatening infections would not receive aggressive and invasive treatment. But the judge refused to order the denial of food and water—even though he acknowledged that Brophy, had he been competent, would have wanted them removed.

Next: What did the judge hear during the trial to make him decide as he did? What did the judges of Massachusetts's highest court then go on to decide? And why?

VI. Come Sweet Death

He is, in the last analysis, to be killed because his presence is inconvenient and costly to society and a source of anguish to his relatives.

DAVID B. WILSON, columnist, Boston *Globe*, September 30, 1986

My husband is not the man I married. . . . In essence his life is over. . . . There is no quality of life.

PATRICIA BROPHY, testifying before the Trial Court, Probate and Family Court Department, Massachusetts, 1986.

We start off with dispatching the terminally ill and the hopelessly comatose, and then perhaps our guidelines might be extended to the severely senile, the very old and decrepit and maybe even young, profoundly retarded children.

DR. MARK SIEGLER, director, the Center of Clinical Ethics, University of Chicago, *Time*, March 31, 1986.

The trial judge had decided that Paul Brophy—a fireman who had suffered a ruptured blood vessel at the base of the brain—was in a persistent vegetative state. There had been medical testimony questioning that diagnosis, but the judge had been convinced by the neurologists called into the case by Patricia Brophy, who wanted her husband's feeding tube cut off so that he could die with dignity.

The judge had concluded that the chances of Paul Brophy ever being able to interact meaningfully with the world were practically nonexistent. But he also noted that Brophy was by no means imminently dying, and if the feeding tube were to stay in place, he might live another 30 years or more. Furthermore, the tube was not causing him any pain or discomfort.

There was another thing the judge wanted to know. If he ruled that all nutrition and hydration should be stopped, what would happen to Paul Brophy? He would die within five days to three weeks. But how would he die?

In his findings of fact, the trial judge, David Kopelman, listed the

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effects “Brophy’s body would be likely to experience” if he were to be deprived of all nutrition and hydration.

This is what the judge found out:

- a) His mouth would dry out and become caked or coated with thick material.
- b) His lips would become parched and cracked or fissured.
- c) His tongue would become swollen and might crack.
- d) His eyes would sink back into their orbits.
- e) His cheeks would become hollow.
- f) The mucosa (lining) of his nose might crack and cause his nose to bleed.
- g) His skin would hang loose on his body and become dry and scaly.
- h) His urine would become highly concentrated, causing burning of the bladder.
- i) The lining of his stomach would dry out, causing dry heaves and vomiting.
- j) He would develop hyperthermia, a very high body temperature.
- k) His brain cells would begin drying out, causing convulsions.
- l) His respiratory tract would dry out, giving rise to very thick secretions, which could plug his lungs and cause death.
- m) Eventually his major organs would fail, including his lungs, heart, and brain.

This information disturbed the judge. So did testimony by Dr. Richard Field, the chief of staff at New England Sinai Hospital, where Paul Brophy was a patient. Dr. Field was asked if he had ever seen a person dehydrate and starve to death.

Yes, he had. When?

During World War II, Dr. Field explained, he had been attached to an infantry division, and it was his division that liberated Dachau.

The courtroom became very quiet.

“I saw,” Dr. Field said, “literally thousands of people who had been subject to both dehydration and starvation—both dead and dying. . . . Bringing about death through dehydration and starvation is a barbaric and savage way to induce death, and as such is cruel and abusive and not conscionable.”

Dr. Field made it clear that if the court ordered him to remove Paul Brophy’s feeding tube, he would, in conscience, refuse. And so would

the other doctors and the nurses at New England Sinai Hospital. "This would be done," he testified, "with the willful intention of producing a man's death, and for no other reason."

It is killing, Dr. Field said in answer to a question by Mrs. Brophy's lawyer, Frank Reardon.

On the other hand, physicians supporting Patricia Brophy testified that it was entirely ethical to remove food and water from a patient in Paul Brophy's condition. Dr. Joseph Alpert, director of the cardiovascular unit at the University of Massachusetts Medical Center in Worcester, said there was nothing cruel about removing the feeding tube. He added that his own hospital's policy was to cut off nutrition tubes when appropriate.

Then there was this exchange—as reported in the May 24, 1985 *Quincy Patriot Ledger*—between Patricia Brophy's attorney and Dr. Alpert.

Reardon asked Alpert if he himself had ever removed a feeding tube.

"I have—in patients who are hopelessly or terminally ill . . . on many occasions. The process is very simple. The food or fluids are administered by gravity or by a small pump. One just stops the flow."

"Eventually," Frank Reardon asked, "the patient will die, is that correct?"

"Yes, that's correct," said Dr. Alpert. "But the cause of death is the patient's underlying cause of illness. We do not look at the final blow."

Listen again to that last line. Let it reverberate down the slippery slope of euthanasia in America.

One part of Dr. Alpert's testimony struck some observers as particularly, chillingly, revealing. It's in Peter Anderson's "The Final Days of Paul Brophy," *Boston Globe Magazine*, January 25, 1987:

I might add that almost always, these kinds of cases don't end up in courtrooms. They get decided day in and day out, almost on a daily basis, in every hospital in the United States. . . . It is very common for one to not administer any further medicine, to stop intravenous infusions, to stop tube feedings. . . .

Whatever happened to due process of law, especially when life-and-death decisions are being made? Are physicians and hospitals—and families of the patient, for that matter—allowed to make such decisions outside the Constitution?

Peter Gubellini, the court-appointed attorney trying to keep Paul Brophy alive, was outraged at what Dr. Alpert disclosed had been

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going on inside hospital walls. “No court in this commonwealth,” Gubellini said, “ever sanctioned the taking of a human life by cessation of food and water.”

So, did anyone perform a citizen’s arrest of Dr. Alpert? Don’t be silly. Anyway, when the Brophy case was over, the highest court in that state had at last sanctioned the taking of a human life by cessation of food and water. As has New Jersey, among other states. And in New York, Gov. Cuomo’s State Task Force on Life and the Law will release a report this fall on the withdrawal and withholding of life-sustaining treatment. I have not seen it yet, and I hope I’m wrong, but I will not be surprised if the New York Task Force goes along with the current euthanasia tidal wave by recommending that it’s okay to cut off food and water—as forms of “medical treatment”—from certain patients.

In the Massachusetts trial court, Dr. Lajos Koncz, Paul Brophy’s attending physician, vigorously opposed the removal of his patient’s feeding tube. “Nutrition is not treatment, because I don’t think you would characterize a mother who is feeding her baby, either through breast or with spoon, as treating that baby.”

A hopeless sentimentalist, Dr. Koncz. He will soon be obsolete in the new world of medicine where Bach’s “Come Sweet Death” will be piped into selected hospital rooms, and certain patients will be given handsomely printed booklets on one’s duty to die to make room for the younger generation. As for the incompetent patients, they will not stay in their beds long.

The trial judge in Massachusetts, having found out what it is like to die of dehydration and starvation, had one more question. Would Paul Brophy be able to *feel* any of the horrible things going on inside his body? The neurologists who testified for Brophy’s wife said that since he was in a persistent vegetative state, he would not have the capacity to experience pain and suffering.

Father John Paris, the medical ethicist from Holy Cross College—and a witness for Mrs. Brophy—said sardonically, “Some people are getting very, very excited about starving someone to death.”

Dr. John F. Sullivan, a neurologist of considerable standing, wasn’t even sure that Brophy was in a persistent vegetative state. As for how Brophy would take starvation, Dr. Sullivan testified, “I can’t rule out his ability to have cognitive function or to experience pain.”

Sullivan may be prejudiced, however. Years ago, he was assigned to

a hospital ward at Buchenwald 24 hours after the Americans liberated the death camp. Somehow Dr. Sullivan has not been able to forget the experience of seeing all those dehydrated Jews.

Dr. Richard Field, chief of staff at New England Sinai Hospital, said he could not give an opinion on whether Brophy would suffer, or how much. Elaine Moriarty, the lawyer for New England Sinai, said that the other physicians at the hospital also “do not know whether Brophy would feel pain or discomfort or would otherwise suffer from death in this manner, *but the possibility is not foreclosed.*” (Emphasis added.)

I decided to ask the opinion of someone removed from the case—one of the country’s preeminent physicians and medical educators. Dr. Edmund Pellegrino is the director of the Kennedy Institute of Ethics at Georgetown University, and he is also John Carroll Professor of Medicine and Medical Humanities at Georgetown University Medical Center, Washington.

“I am not sure a patient in that state does not suffer,” Dr. Pellegrino said. “I can tell you that I have had a few patients who have recovered from such a condition. I mean a so-called comatose, persistent vegetative state.”

Dr. Pellegrino cautioned that the definition of this condition is not very precise or agreed on in medicine.

(Arguing for Paul Brophy, his lawyer, Paul Gubellini, who has become well-versed in medical matters, emphasized that “the term PVS [persistent vegetative state] is a relatively new medical term; PVS is difficult to diagnose with certainty; the term itself means different things to different neurologists and doctors.” As was evident at the trial.)

Those few of his patients who came out of a persistent vegetative state, Dr. Edmund Pellegrino told me, “had memory. They could tell me what happened during that time. Experienced clinicians will tell you the same thing.”

Accordingly, Dr. Pellegrino refused to say that it would have been impossible for Paul Brophy not to feel pain, not to be aware of the disintegration of his body after all food and hydration had been taken from him.

Well, we will never know what Paul Brophy felt, if anything, because he is dead. The trial judge decided that his feeding tube could not be withdrawn; but a bitterly divided Massachusetts Supreme Judicial Court reversed that judge and gave Patricia Brophy the power to

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remove her husband from New England Sinai Hospital to another institution which would finally close the books.

But the case, as we shall see, remains very much alive.

VII. Rx: No Food/No Water

On March 8, 1941, the Catholic bishop, Clemens von Galen of Münster, in Westphalia, spoke from the pulpit against the "euthanasia" action. He said:

"These unfortunate patients must die because, according to the judgment of some doctor or the expert opinion of some commission, they have become 'unworthy' to live. . . . Who, then, from now on, could still have confidence in a physician?"

DR. FREDERICK WERTHAM, *A Sign for Cain*, Macmillan (1966); reprinted in *The German Euthanasia Program*, Hayes Publishing Company, 1976.

It will take time, but society must come to accept that merely individual existence is meaningless when compared to the interest of the whole. . . . Once upon a time, barbarians eliminated all unfit lives; now we preserve unfit lives. As society progresses in a spiral, we will again come to see the higher morality of destroying the unfit.

KARL BINDING, Professor of Law and Philosophy, co-author of *Permitting the Destruction of Unworthy Life, Part I*, Germany, 1920

The whole undertaking went by different designations: "help for the dying," "mercy death," "mercy killing," "destruction of life devoid of value," "mercy action." . . .

[The killing] was carried out by individual institutions and individual doctors. . . . [Among the] methods employed [was the] deliberate withdrawal of food. . . . This was called euthanasia too. "Euthanasia" by starvation. Such methods had the advantage of more discretion: patients who were destroyed in this way could be more easily counted as "natural deaths."

DR. FREDERICK WERTHAM, (*ibid.*)

The Hastings Center in Briarcliff Manor, New York, may be the most influential of all the American think tanks specializing in the new secular religion, bioethics. As defined in the just released unabridged second

edition of *The Random House Dictionary of the English Language*, this misty discipline is defined as: “a field of study concerned with the ethical and philosophical implications of certain biological and medical procedures, technologies, and treatments, [such] as organ transplants, genetic engineering, and care of the mentally ill.”

The term, bioethics, is only about 15 years old, but its priesthood has been steadily growing. It is wise to pay attention to what the bioethicists do and say because one day, you may lose your life as the result of a policy guide designed by one or more of their number. Some bioethicists are concerned with preserving life, but the majority of them have become skilled in finding reasons for ending lives. They see themselves as compassionate but practical.

Many of these bioethicists are in the tradition of the distinguished German psychiatrist, Dr. Alfred Hoche, co-author of the 1920 book, *Permitting The Destruction of Unworthy Life*, who boldly declared: “We ask, openly, *Are there human lives which have no value to society or to their bearer?*”

The Hastings Center would not put the question in quite those terms, but those who do will find much of use in the Center’s new report, *Guidelines on the Termination of Life-Sustaining Treatment and the Care of the Dying*.

Susan Wolf, director of the project that resulted in this report, describes it as offering “comprehensive ethical guidelines” in these matters. The guidelines, she notes, have no legally binding authority, but the recommendations “may be incorporated into statutes, judicial decisions, administrative rules, or institutional policies.”

The Hasting guidelines surely will influence many judges, legislatures, and institutions that seek authoritative advice as to how to handle these “biologically tenacious” patients who will not die when they should. For the past three years, I have been reading court decisions from states round the country on speeding the deaths of certain patients. In most of those opinions, judges quote gratefully from the 1983 report, *Deciding to Forego Life-Sustaining Treatment: Ethical and Medical Legal Issues in Treatment Decisions*, by the President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. It was a pioneering study in how to end lives whose “quality” is not worth preserving.

Judges and legislators, moreover, quote even more frequently from

the 1986 decision by the American Medical Association that says physicians may ethically remove nutrition and hydration from certain patients “even if death is not imminent.”

Now, the Hastings Center’s *Guidelines* will buttress new court decisions and statutes on when it’s okay to withdraw treatment so that a patient will die. Or rather, when it is okay to kill a patient by not treating him or her any more.

In this column, I shall not examine all of the Hastings guidelines, being most concerned at this stage of this series by the effect on the society as a whole when physicians, ethicists, and judges decide that patients can be deprived of food and water.

The section on starvation in the Hastings report is not called that at all. The title is: “Guidelines on Medical Procedures for Supplying Nutrition and Hydration.” These bioethicists, as we shall see, have gardens in which they cultivate only euphemisms.

We are told that when food and water are supplied artificially, as through tubes, they are “medical interventions,” like respirators. And therefore, “the standards to be used for decisions concerning termination of these procedures are essentially those that apply for the termination of other forms of treatment.”

It’s very clever. If food and water are defined as being in the same category as respirators, dialysis, or some other formidable technological means of keeping someone alive, then food and water are thereby considered “extraordinary” means of medical treatment.

The Hastings folk say they do not recognize the distinction between “ordinary” and “extraordinary” means of treatment. But in reversing millennia of human experience by ruling food and water as no longer ordinary and basic to patient care, the Hastings cadre has indeed made food and water “extraordinary.” That is, surely respirators are not “ordinary,” and since nutrition and hydration are now on the same level as advanced medical technology, they are not “ordinary” either, and it’s no big deal to dispense with them.

The thrust of the section on food and water is that under certain conditions, they can be denied to the patient. “Denied” is not used; it’s too honest a word. “Discontinue,” for instance, is less disturbing.

In a particularly broad guideline that is a prelude to ending nutrition and hydration, the Hastings bioethicists say that “all invasive proce-

dures for supplying nutrition and hydration” not only require the patient’s or surrogate’s consent but can be *discontinued* if the patient or surrogate so decides.

Most of the cases explored in this series, and in the courts, concern patients without the capacity to make such a decision. So it’s up to a relative to decide. Or if the patient has no family, the decision is made by a friend designated beforehand as a surrogate.

But that was the problem in the Paul Brophy case, and in Ellen Jobes’s, and in many other cases that involved “invasive” feeding tubes. (Nearly all artificial feeding is “invasive,” one way or another.) The problem is: should a surrogate have the power to kill a patient by taking away food and water?

Increasingly, the courts say “Yes”—with the encouragement of the right-to-die societies and such institutions as the Hastings Center, which can also be described as a right-to-die society. And increasingly, the courts are both blurring and broadening the categories of patients who can be killed by “substituted judgments” of surrogates. A recent decision by Arizona Supreme Court—rigorously citing the 1983 President’s Commission for the Study of Ethical Problems in Medicine and the 1986 AMA ruling on the removal of food and water—indicates what’s coming.

In the case of Mildred Rasmussen, the Arizona Supreme Court’s language allowing the removal of life-saving treatment from patients who are incompetent is so expansive that it can reach all legal incompetents, including the mentally ill and the mentally retarded. Their surrogates may now be able to starve such patients to death. And like the Hastings Center, the Chief Justice, Frank Gordon Jr., emphasized that the court makes no distinction between “ordinary” and “extraordinary” treatment. That is, between “mechanical breathing devices” and “mechanical feeding devices.”

The Hastings *Guidelines*, for all their caveats, are broad enough to get a lot of people killed in the years to come. Dissenting from the food-and-water section of the guidelines, Leslie Steven Rothenberg, a lawyer and a clinical ethicist in Los Angeles, says in the appendix to this report that the *only* patients from whom food and water should be withdrawn are those “whose death is expected within a few days, or for whom nutrition cannot be provided successfully because they have lost the ability to metabolize.”

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Dr. Rothenberg also dissented from some of the other conclusions of the report about ending treatment of certain kinds of patients:

“I fear these *Guidelines*, if widely endorsed, may be used to give a moral ‘imprimatur’ to undertreating or failing to treat persons with disabilities; unconscious persons for whom accurate prognoses are not yet obtainable; elderly patients with severe dementia; and others whose treatment is not believed—to use the language [of another part of the report] ‘costworthy.’” (Keep that word, “costworthy,” in mind, as it relates to preserving human life.)

That is a powerful dissent. Yet, although there were 20 prominent physicians, professors, and ethicists who were members of that Hastings project, Leslie Steven Rothenberg was the *sole* dissenter on all those fundamental grounds. And there was only one other.

One member of the project, Daniel Callahan, director of the Hastings Center, wrote a compelling article in the October 1983 issue of *The Hastings Center Report*. He said that the reemergence of the debate on whether to take food and water away from certain categories of patients had come about “because a denial of nutrition may in the long run become the only effective way to make certain that a large number of biologically tenacious patients actually die.

“Given the increasingly large pool of superannuated, chronically ill, physically marginal elderly,” Callahan continued, “it could well become the nontreatment of choice. Second, because we have now become sufficiently habituated to the idea of turning off a respirator, we are psychologically prepared to go one step further.”

Callahan did not want to take that step. He asked: “Is it an extravagant exercise of the imagination to envision a time in the future when” it is decided that “feeding does an irreversibly comatose patient no good; therefore it must be stopped?”

That time, of course, has come—for the late Nancy Ellen Jobes, Paul Brophy, et al. In 1983, Callahan tried to prevent its arrival by arguing that “the feeding of the hungry, whether because they are poor or because they are physically unable to feed themselves, is the most fundamental of all human relationships. It is the perfect symbol of the fact that human life is inescapably social and communal. We cannot live at all unless others are prepared to give us food and water when we need them. . . .

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“It is a most dangerous business to tamper with, or adulterate, so enduring and central a moral emotion.”

In the newly released *Hastings Guidelines on Terminal Treatment*, including food and water, there is no dissent by Daniel Callahan, who was a member of this project. He is silent about what happens to a society when a highly respectable group of its healers and ethicists gather together and decide that it is no longer a dangerous business to starve people to death.

Fifty years ago, a number of the finest practitioners of German medicine and law could have been members of that Hastings Project. They had already devised one of their own.

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[Regular readers will recall that in our penultimate (Winter, 1988) issue we ran several articles from the London Spectator on the current "revival" of the abortion debate in Great Britain. The controversy was provoked by a single Member of Parliament, Mr. David Alton, who last year introduced a "Private Member's Bill" to amend the 1967 Abortion Act. Mr. Alton's bill would merely reduce the time limit on legal abortions from the current 28 weeks to 18 weeks (of gestation); in fact, his "modest proposal" has caused a new national controversy about the morality of abortion itself. Mr. Alton remains at the center of that controversy. His bill passed a crucial "second reading" last January 22 (ironically, the 15th anniversary of our Roe v. Wade), which means that Parliament must deal with it. At this writing it is in committee, and may well be weakened by amendments before it is finally considered, but such action would almost certainly make the debate even hotter. Mr. Alton seems to be a remarkable man—and a most unusual politician—as, we think, the following interview confirms. It was conducted in the House of Commons on December 16 last by Mr. Philip Groves, an anti-abortion activist associated with England's Society for the Protection of Unborn Children (SPUC), and first published in the January, 1988 issue of the Sceptre Bulletin, a small but impressive journal published in London "by and for" Catholic laymen.—Ed.]

Challenging the Climate of the Times

An Interview with David Alton, MP

Last September, I'm sure millions of people in this country were delighted to hear you announce at SPUC's annual conference that you were going to introduce a Bill to amend the 1967 Abortion Act. But it cost you an important post in the Liberal Party and it came after fourteen attempts, including one by yourself in 1981, which had failed to become law. What, therefore, was your motivation in making the sacrifice you made to introduce this Bill?

I don't think we should over-exaggerate the sacrifice. I took a calculated political decision. I believed that the climate was right to reopen the debate about abortion and I believed that by introducing a Bill of this kind there was a realistic chance of success; otherwise I wouldn't have introduced it.

Someone said to me that this was suicide. Well, I don't believe that either, so it wasn't just a question of immolation or self-sacrifice; I recognized that in order to be able to have the time to put over this Bill I would obviously have to set aside my other political interests for the duration of the passage of the Bill and the particular job I had as Party Whip was one where you really have to act as unifier and uniter and it's your job to try and bring cohesion inside your Party. Clearly this is a Bill that divides rather than unites; it's a Bill that does set friend against friend and it wouldn't have been appropriate for me to try and combine the job of Party Whip with that of promoting this Bill.

For twenty years, I've been opposed to abortion. Twenty years ago when

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my close friend, and the leader of my party, David Steel, brought in his abortion legislation, he said it was to try and end back-street abortions. It has actually allowed abortion on demand in Britain: there have been three million abortions in Britain over the last twenty years. As a schoolboy I wrote to him urging him not to introduce his Bill, and for twenty years I've wanted to see a reform of that legislation. It has pained me that my own Party has been so closely identified with the 1967 Act, even though it is not our Party's policy; it's a private member's conscience question.

Many of my colleagues in the party urged me not to introduce this Bill because they could see it was going to cause some friction and inevitably there would be political consequences and personal consequences. But since my announcement, I've been very heartened at how tolerant people have been within the Party about my introducing the Bill. I've had magnificent support in my constituency and from some very unexpected quarters as well. So at least the Liberal Party has lived up to its reputation of being a tolerant Party and there have been no motions of censure or vitriolic attacks or hysterical abuse from within my Party and I've been very heartened by that.

Challenging Materialistic Philosophy

In that speech as well you referred to the two opposing camps, between the rights of the child and the rights of the mother, and the need to try and build bridges. Do you think there is any common ground to be found with people who, perhaps very genuinely, do not understand why abortion is so wrong?

It isn't so much that I am trying to build bridges; it is more that I want not to appear judgemental. I think there is an important difference. I've deliberately not used words like "murder," but for me abortion is about the taking of life. Using very emotive language can be judgemental, it can be hurtful to the woman who's had an abortion. I think that we have a special responsibility as Christians to reach out in a compassionate and loving way towards those who have had an abortion—three million abortions have already taken place, a lot of people must be carrying a great load of guilt and the healing those people require will not come about through censoriousness on the part of those who are pro-life, so I think that our choice of words, the language we use, despite our powerfully held convictions, is important.

We also have to find radical alternatives to utility. It isn't good enough just to be opposed to abortion. If we're pro-life—and life may begin at conception, but it mustn't be seen to end at birth—for a mother who finds herself with an unwanted pregnancy an appropriate response is to provide care and love and provide a safe house for someone during the course of their pregnancy. I think it's always worth recalling that when Jesus was confronted

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with the adulterous woman and her accusers, He didn't condemn the adulterous woman; He turned the question back on the accusers. We must not allow ourselves to become Scribes, Pharisees and Sadducees. It's more important to take the side of those that no one else will speak for and, of course that means speaking up for the powerless, defenceless child, but it doesn't mean losing sight of the vulnerable woman.

Do you see abortion as part of the consumer society, of the materialistic society?

Yes I do. I think we live in a society where the 1960s' attitudes, when the catchphrase was "You've never had it so good," has now become a complete way of life for many people. Everything is given a Pound Sterling rating. Life is devalued to the level of the market place. If we put such a low premium on the value of a human being, is it any wonder that so much else goes by the way?

For me this debate is not just about whether you're pro- or anti-abortion. It goes a lot deeper than that. It's about our relationships with one another; it's about the way that society orders its affairs; it's about the attitude that we have towards those no one else will speak for. It's ironic that it was Mr. Macmillan who coined the phrase "You've never had it so good"; and then in his translation to the House of Lords as Lord Stockton he said it broke his heart to see what was happening to our country. I actually think that what has happened to our country has a lot to do with that materialistic philosophy that was developed in the 1960s, when everyone was encouraged to want bigger and faster and better and more, and to never mind the consequences. Today abortionism must be seen in that light; never mind the consequences for the child, never mind the consequences for the woman, never mind the consequences for the doctor or the nurse involved. We have got to challenge the idea that abortionism carries with it no consequences.

The Rights of the Disabled

One of the issues you've raised in this context is that of the rights of the handicapped. How has your own personal experience with handicapped people affected the stand you take?

I suppose like most people I was fairly frightened of disability and handicap. Certainly as a student, when I was thinking what I wanted to do with my life in the longer term, teaching had its attractions. I was trained to teach, and, at first, the idea that I should do anything other than teach history to secondary school children had never really occurred to me. And then I started to have a look at younger children and felt that maybe there was some work

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to be done there. Then I met some disabled children and realized that that was the most important place, for me anyway, to be working. I was very privileged between 1974 and 1979 to be employed by Sefton Education Authority working with children with special needs. They taught me a lot more than I was probably able to teach them; certainly they gave me a lot more love than I could ever have given them.

And that has been the story of so many of the letters which have poured in during the course of my promoting this Bill. I have been overwhelmed by the stories of love and self-sacrifice on the part of so many people who have had to come to terms with disability, either in their own lives or in the lives of their children. The recurring theme from so many has been that the disabled person has been able to give the so-called normal person far more than he or she has ever been able to give the disabled person. I think that our willingness to practise eugenics and dispose of persons with disabilities says more about us than it does about them.

I cannot understand how some people talk about the rights of the handicapped and go round demanding that ramps should be put in schools or in public buildings, and that we should provide this and provide that, and talk about equal opportunities for disabled people, and yet, without even blinking an eyelid, in the next breath say that it's perfectly legitimate to abort a child on the grounds that it's going to be disabled. Now, 92% of all late abortions do not involve disability, but surely we should be concerned about those 8% that do. Surely we should challenge this assumption that it's perfectly legitimate to abort a child on the grounds that it is going to have some form of disability.

I think that, at the very minimum, Parliament should insist that when doctors complete the green forms to allow an abortion, they should specify the nature of that disability. A consultant gynaecologist should have to sign that form as well. And if such an abortion is to take place then, at the very minimum, it should be in a National Health Service facility, so that the abuses that have been manifestly going on over the last twenty years might be better policed.

But I personally hope that Parliament will enact my Bill in its entirety and establish on the Statute books the right of disabled people to be treated the same as anybody else. And I hope that, if we were to lose on that issue, that there would be an opportunity to return to it in due course, because I think that, perhaps for the first time in twenty years, this particular debate has really been opened now and I sense that we are beginning to get public opinion more on our side. So we mustn't lose sight of this important question. It's a slippery slope that we're on when we impose a quality control on life and

when we start to say that this one may live but not that one. Who are we to play God in that way?

Campaigning Throughout the Country

When you spoke to the young people at the House of Commons in November, you mentioned a remarkable meeting in Northern Ireland with an astonishing range of political and religious colours represented. Has this Bill been a bridge between religions in some way?

Yes. All the meetings have been extraordinary and every one of them will live in my mind probably for the rest of my life. I set myself several objectives at the outset. If I was going to promote a Bill of this kind, it wouldn't be a half-hearted measure; I had to devote myself, my time and what political expertise and experience I had to giving it a fair chance of success. One of the objectives was to raise up a Gideon's army throughout the country, especially of young people. I've been very excited by the response of students. Although there's a vociferous minority who form their committees to oppose my Bill in most universities, nevertheless, when debates have been held, and motions have been put for or against my Bill, we have been winning those consistently up and down the land. At Cambridge Union, for instance, we won by a majority of 4 to 1, and that's been replicated at places like Bangor and Belfast.

The second objective was to take the campaign out into the country and so we've had mammoth meetings in places like Cardiff and Glasgow, Leeds, and, of course, in Belfast. We've also, incidentally, got planned meetings on January 9th at the Royal Albert hall, when Christian musicians will be coming to give their support in prayer and praise as well; on January 10th at the Liverpool Philharmonic Hall; January 11th at the Manchester Free Trade Hall; January 18th in Birmingham, so there are four major rallies still to come.

But undoubtedly the meeting so far that stands out most in my mind is the one in Belfast. It was the week after Enniskillen and there were some suggestions that we should cancel the meeting because of fear that there might be problems. Belfast is a volatile place and yet I thought about it long and hard and felt that it was right to proceed with it and I'm glad we did. And that we did for several reasons: the first is that this gave us a chance to unite a divided community. Northern Ireland is not two communities, it's one community, but it is very divided and we must look for issues that can unite people. This issue has done that. The meeting began that evening with a Presbyterian minister and a Catholic priest opening in prayer. On one side of me was the Rev. Ian Paisley's daughter who gave a brilliant speech, full of compassion and an understanding of the problems of young women. She works with people who've had unplanned pregnancies and she had some insights that moved

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many people in that audience. On the other side of me was Eddie McGrady who is the Catholic SDLP MP for South Down. To have on the same platform people like them, and the Rev. Martin Smith, the Official Unionist MP, meant that we were able to bring together people who on other occasions could only call each other enemies. If you can find some common ground, it's just possible that out of that might flow other good things as well.

Some might say there is a certain irony in bringing forward the issue of life in Northern Ireland: there have been 2,400 deaths there associated with the troubles in the last twenty years. More than that number lose their life in abortion in a single week under the 1967 Act. In a troubled community, where they've seen so much death, so much destruction, maybe they have a special appreciation of silence and of the taking of life; maybe that's why people felt so strongly about this issue.

A few hecklers turned up from Queens University and the Methodist who chaired the meeting thanked them at the end for coming. He told them that we loved them too and that he would be praying for them. They looked slightly taken aback by this. There were also many pro-life students from Queens University there supporting the Bill, and it was young people who went over at the end of the meeting to talk to the hecklers to tell them why they were wrong.

Simply the Beginning of the End

What would you say to people who look on the abortion issue as we do, as a black and white issue, but who say: "I'm against all abortion. I can't possibly support something which only goes to 18 weeks."?

I understand that position. If I could legislate for Utopia, then I would be introducing a Bill entitled "The Abortion (Utopia) Bill." I'm not in favour of abortion, late or early, legal or illegal. There have been attempts in the last twenty years to bring in omnibus bills which would have virtually brought about the repeal of the '67 Act, but because they were so long-winded, they fell foul of parliamentary procedures.

Although pro-life MPs have won every single vote since 1975, bills have never reached the Statute book because they've not been framed in a sufficiently pragmatic way. So, for me it's a question of combining principle and conviction, which is a determination to see an end to abortionism, with a sense of what is achievable through the political process. Nothing would do more good than to challenge the climate of the times through the successful enactment of a bill that pushes back the 1967 frontiers. Nothing would do more good for the pro-life cause than to see the enactment of this Bill. And what are those people saying? That they would rather see 8,000 abortions

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take place every year, which could be stopped if my Bill is successful, than take what they could get at this stage?

But my Bill isn't the end of the argument. It's simply the beginning of the end. Two hundred years ago, it took Wilberforce and those Christian reformers 40 years to end the slave trade and they did it piece by piece, and ultimately they brought about the repeal. Maybe in twenty years' time a Wilberforce will be raised up who will be able to bring about the repeal of the '67 Act. And hopefully by then there will have been such a change of climate in the country that people will see that, just like the owning of slaves is incompatible with a civilized country, the taking of life, legally or illegally, is something that we should be ashamed happens in our country.

The Bill and the Media

This is, in a sense a separate issue from your Bill, but what social changes do you think are needed in legislation in order to help create a climate of opinion which favours children, rather than a society which has a kind of anti-child mentality and foists that upon people through the media and through other means?

I think that the media have a lot to answer for. It's clear from some of the articles that people have written, where they try to justify having had abortions themselves, that they have their own hang-ups on this issue and they allow that to influence what should be an objective debate. It has required a lot of tenacity to keep fighting your corner to ensure that the argument moves off the personalities involved onto the issues involved, because once the child is centre stage it becomes very hard for them to defeat the arguments that you're offering.

And, yes, it still is about changing climate and getting people thinking differently about the position of the child. So often we lose sight completely of the child. People come out with their slogans and their invective and they talk about "the woman's right to choose" as though that were the only issue involved. Well, for me the right to life is paramount and any other claimed rights stem and spring from that right to life. The woman and the child are for me equally precious and both as important in this debate and both entitled to our love and our respect. Only the pro-lifer can argue that, because inevitably the pro-abortionist starts from the assumption that you're going to destroy the child, so only the pro-lifer can argue that both are equally important. We shouldn't get onto the tram lines that they try to push us onto in accepting that we only speak for the child. We speak for the child and its mother. They only speak for the mother, and that isn't good enough.

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Men Are Responsible, Too

What lessons do you think your Bill has for men in particular, because it's striking in opinion polls that more men have been against your Bill than women?

I'm very heartened by the Gallup Opinion Poll which shows that 4 out of 5 women back my Bill. I think it's men who've been taken in by some of the more militant propaganda that has stridently proclaimed that this is some great right that women have been given and in order to pander to the people who have claimed those rights some men have foolishly accepted that it is legitimate to do away with the child. Often that springs from the reluctance of the father to accept the responsibilities that go with the exercise of their sexuality.

We hear a lot about rights but not an awful lot about responsibility in this debate. Men must come to the debate with some sensitivity and humility because it's men who, through the exercise of their powerful sexual instincts, often force a woman into a pregnancy and then the woman is left to decide whether she is going to bring up the child by herself after the man has left her in the lurch and walked away from his responsibility. It's the woman who is often pressurized by a man to go and have an abortion because he doesn't want the responsibility of a child. This is to misuse our sexuality and it is also a gross denial of the rights of the unborn child. Whoever else's fault it might be, it wasn't the child's, and yet it's the child who's the victim of other people's irresponsibility.

I'll never forget the first time when on television you held up the picture of the 18-week-old baby which had caught your eye from a photography magazine. What would you say to people who claim that it is emotive to show a picture of an unborn child?

It's even more emotive to deny the humanity of the child, even more emotive to ignore the reality of the operation that is used in a late abortion. People tell the lie that abortionism carries no consequences, that it's almost as easy as going to the dentist and having your tooth out. Doctors and nurses—and I've had many letters from nurses who say that they are repelled by what they are expected to do—have to destroy the child at 18 weeks' gestation in a most appalling, barbaric operation, which involves the breaking of the baby's skull, the breaking of its spine, the removal of the child in parts and then its reassembly by the nurse to make sure that nothing's been left behind that causes infection.

I think that people have to be brought to terms with what it is that they allow to be done in their name by Statute. That is why it is right that people should see that at 18 weeks we're not talking about a blob of jelly or a lump

of tissue, that this is a highly developed child, pumping 50 pints of blood a day; it has sentience, it can feel pain, and that's important. No anaesthetic is used when this gruesome operation is carried out. We don't show a photograph of a child having been dismembered, we use the photograph of a child at its most vulnerable and we show people what the child is like before they allow that destruction to take place. One might argue that we really ought to be showing people what it is that they allow to be done as well. Maybe the British public isn't ready for that yet.

Mother Teresa's Promise

I read that Mother Teresa is praying for you and for the success of your Bill. What is the role of prayer in this fight? It must seem to overwhelm you at times.

Prayer is central to what we're doing. Again, from day one, one of the other objectives that I asked to be established in the campaign was that prayer should run hand in hand with political pressure, that the two things had to go together. I've been overwhelmed with letters from people who have committed themselves and said that they are praying for me, for the other sponsors of the Bill and for the success of the Bill.

Every couple of weeks we produce a letter which goes out to many of the people who are now praying for the Bill telling them what to pray for over the next couple of weeks, the meetings that are taking place, and so on. Some of these meetings have been quite violent: there were four arrests at Leeds, my house has been picketed, my advice centre has been disrupted, a policeman was injured two weeks ago . . . It's important, obviously, that we pray for the people who were involved in those actions; it's important that we pray for the people who are carrying a load of guilt as the result of having had an abortion; it's important that we pray for the people who are involved in promoting this Bill, that they shouldn't use language which is unnecessary, that we be measured and responsible in the way we present our arguments. Throughout the country, from the house churches of the Evangelical Church, right the way through to whole monasteries of monks and convents of nuns, we have people praying vigorously for this Bill.

One of my friends, who's a priest and who was on holiday with me this summer, was talking about how we might enlist the support of Mother Teresa and I suggested that he should write to her. So he did. He sent three or four letters just in case the first one didn't get through. Two weeks ago I went to see the Poor Clares at their monastery in Green Lane, Liverpool, and they asked me what they should pray for. One of the things I asked them to pray for was that Mother Teresa would commit herself publicly to support the Bill and that her sisters would agree to pray for it.

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The following day my friend Paul, who had written the letters, came to my home (it was the day that the house had been picketed all day). I had a group of friends round who had been involved in the Bill and we celebrated a house Mass; we had supper in my kitchen afterwards. After he'd gone home, he rang me up in great excitement and agitation, saying that he'd just been playing back the messages on the telephone answering machine and there was a message from Mother Teresa. She asked that he ring back, so he did ring her back in London where she was staying overnight on her way to New York. She told him she was committing her sisters all over the world to praying one hour every day between now and the second reading of the Bill. And on the night of the second reading when we have a vigil of prayer, which Christians all over the country can take part in, but it will be here in London at Westminster Chapel and at Westminster Cathedral on the 21st of January, her sisters throughout the world will be stopping whatever they're doing to take part in that vigil.

I think this is a way of uniting Christians. It's a way for us to recognize that our own efforts are really not very important in all this, that we must trust in God and that it will be by very powerful prayer that change will be brought about. I have sensed at times during the last few weeks that when things have potentially been going very badly wrong that the prayers of some of the people involved have been very effective indeed.

An Interesting Answer to Prayer

Does prayer help you in moments when humanly what you're doing is leading to great pressures and, when you face the violence and the hatred as I saw at the National Life Lobby on the 27th? It must be very awesome in one sense to see so much concentration of hatred.

It's been hurtful at times, and that's where prayer helps. Looking at some of the people who have had to go down this road before, they have not come out of it in one piece and some of them have been broken by their experience. Having been brought up in the hard political school of Liverpool politics, I had a good apprenticeship and I hope that I have long since learned not to get bitter. Whatever else I pray for, I hope that by the end of this experience, whatever happens to the Bill, that I will not be personally embittered by that experience. And that's where prayer is a very useful safety valve in getting it off your chest and handing it over to Christ. This is really, for me, one of the most valuable parts of prayer. I don't intend to let it get inside me to the point where it hurts.

There have been some interesting answers to prayer and at that meeting you've just mentioned, the one at Central Hall, it was quite clear that there was

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going to be trouble. There was a howling mob and I was smuggled into the meeting by the back door, which is something I don't like doing at all. Then at the end of the meeting a young woman rushed at the stage and appeared almost possessed. People had been praying that the meeting shouldn't be disrupted and that people shouldn't be hurt as a result of things getting out of hand. On the following Saturday I arrived home and a copy of the *Today* newspaper which carried my photograph and her photograph alongside one another was sent to me by a woman in my constituency. Her letter said: "Dear David, I just wanted to say how pleased I felt to be sharing the front page of a national newspaper with you." And I looked with sheer disbelief that this could be the woman who had been trying to assault me. Her letter went on: "Before you jump to the wrong conclusions, I am not the screaming one in black. Mine are the arms around her waist. I deemed your body worthy of protection!" Sure enough, there were a pair of arms in a rugby tackle around this lady's waist! I was even more heartened that this lady, who was there at the meeting in London and sprang to my defence, is a constituent of mine and lives in the same road as my parish church in Liverpool, which is called Our Lady of Good Help. It seemed highly appropriate that here was this lady who had provided good help at this special moment!

I've been very fortunate actually. I've always believed that if you're in a tight corner you should have a Liverpool woman alongside you. They're very much like New Testament women; the men have got a lot to say, but, a bit like St. Peter, when it comes to the crunch, they're not always on hand, whereas the women of the New Testament were there all the way through to the Cross.

In what has sometimes been a painful experience, some of the women, especially from Liverpool, who have been giving me extraordinary back-up and support—practical and prayerful—have quite overwhelmed me and helped me to see this through.

And I intend to see this through. Beyond the pickets and the mobsters and the violence there is a defenceless child and I'm not intending to lose sight of that. If my opponents think that those kinds of tactics will deter me, they have made a gross error of judgment. I think they have also made a major tactical miscalculation because, if anything, their behaviour over the last few weeks is rallying public opinion and is also ensuring that our supporters now have the bit between their teeth and recognize that this is a tough fight and are rallying themselves to ensure that every bit of pressure and prayer is going to be applied.

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[The following article first appeared in the newsletter *catholic eye* (March 17, 1988), of which Mr. Wauck is the managing editor. It is reprinted here with permission (©1988 by The National Committee of Catholic Laymen, Inc., New York, N.Y.).]

On Not Doing Enough

John Wauck

Perhaps you react as I do when someone criticizes Pope Pius XII, the German hierarchy, or Catholics in general for “not doing enough” for the Jews in Nazi Germany. Instinctively, I object: of course, no one group did *enough* (that took several armies four years), but Catholics probably did the *most*; while he was a papal legate to Germany, the future Pius XII delivered his predecessor’s special anti-Nazi encyclical; even the Jewish historians of the period recognize that Pius XII saved hundreds of thousands of Jewish lives; though many holy priests and bishops *did* speak out, the Nazi response to Catholic pressure was not concessions, but reprisals, for when the Dutch Bishops condemned the Nazis, they killed Edith Stein and other Catholic converts from Judaism, and the German Jesuit Rupert Mayer’s protests died with him in a Nazi prison . . .

But indignation gives way to thoughts of Cardinal Richelieu’s machinations in seventeenth-century Paris, or of the entire Tudor hierarchy (except St. John Fisher) caving in to Henry VIII; I picture Pope Alexander VI, with his concubines and illegitimate children, in all his Renaissance opulence, or a mounted Pope Julius II, leading his warriors into battle—and I feel less compelled to defend the German Bishops who did not “do enough.” Perhaps they *are* blameworthy. No one need claim that popes, bishops or ordinary Catholics are sinless or diplomatically infallible; from Judas Iscariot to the present, the Church has never lacked traitors, cowards, and fools. In fact, the average Catholic is an average man, and the average man eschews those things that require fortitude and daring. In bad times, he will make a bad showing, for as one holy priest wrote early in this century, “These world crises are crises of saints,” and it would seem—judging by the severity with which we judge those German Bishops—that in the eyes of history, as ultimately in the eyes of God, only heroism, only sanctity, will do. Even when circumstances make heroism and shame the only choices, heroism seems the exception rather than the rule. In the context of concubinage, greed, plunder, war, and murder, “not doing enough” under difficult circumstances seems a rather run-of-the-mill offense. It would hardly be the first time.

And probably not the last. I like to imagine a time when abortion will once

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again be considered an unspeakable evil, and people will look back in horror at the *Roe v. Wade* era, just as we look at Hitler's Germany. Americans will think it inconceivable that there was a time in their own country when women killed their own children—over 20 million aborted babies in the 15 years between 1973 and 1988.

There was no attempt to hide the killing. They didn't do it in a far-away camp. They did it down the street in a gleaming, modern hospital. The government sanctioned the slaughter; tax-payers paid for it; doctors did it for money. Women calling themselves "feminists" applauded as the flesh of human fetuses filled the garbage bags of the nation's hospitals and "clinics." Many politicians—civilized men, all of them honorable men—claimed to perceive that this was immoral, but most of them defended it.

And Roman Catholics during those 15 years—what were they doing while 20 million human lives were snuffed out? There were some—like Henry Hyde, the remarkable Congressman from Illinois—who risked their political reputations and careers to fight abortion. Others, working for free, set up centers to offer pregnant women alternatives to abortion.

Pope John Paul II spoke out repeatedly, even telling Italians how he wanted them to vote in a referendum on abortion. Some American Bishops spoke out; and some were prominent at the anti-abortion rallies held every winter in Washington, D.C. Of course, living in America, the Bishops enjoyed freedom of speech, and, unlike the Bishops in Nazi Germany, they had no need to fear reprisals.

Will history say that the American Bishops did enough? It is true that they did not write a pastoral letter about abortion, but then peace and poverty were the big issues. The Bishops produced a pastoral about peace and nuclear war. And, as the concentration of family income in the U.S. (how many get how much of the pie) remained static since 1960, and the unemployment and poverty levels dropped during the Reagan years after a sharp rise under Jimmy Carter, the need for a pastoral letter on the economy became urgent—more urgent, at any rate, than the need to say something about the killing of well over one million unborn children each year.

Perhaps the Bishops felt that everyone knew the Church's view of abortion (the German Bishops might have said the same of genocide). They did not seem to agree with Mother Teresa, who has always considered abortion the key issue. She once called it "the greatest threat to world peace," and declared that "the fruit of abortion is nuclear war." Socially-conscious bishops in a rich, bourgeois land may understand such matters better than could a simple worker for the poor.

Not that the Bishops were silent about abortion. The chairman of the

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Bishops' Pro-Life Activities Committee found the subtlety and time to warn against an *overemphasis* on abortion, and urged American Catholics to embrace a more "consistent ethic of life"—the obvious implication being that the droves of born-Democrat Catholics who voted for anti-abortion Republicans like Ronald Reagan had a dubious ethic of life. He dressed up this notion of a "consistent ethic" with a biblical name: the "Seamless Garment."

He let it be known that politicians who "subscribe" to a "consistent ethic" may differ legitimately in "their strategies for the implementing of that principle"; therefore, they should not be "castigated." *Phew!* Teddy Kennedy, Joe Biden, Bruce Babbitt, Pat Moynihan and many other Catholic politicians heaved a sigh of uncastigated relief. As long as they "subscribed" to a consistent ethic of life, they could ignore abortion. Since it was now "inappropriate" to judge a candidate by his "strategies of implementation," it wasn't clear how you decided that he "subscribed" at all. You had to take his word for it—*watch what I say, not what I do.*

Perhaps observers in the future will have a difficult time following such "logic." Is it really possible to have a consistent ethic of life without actively opposing abortion, or is one of the "legitimate strategies" of eradicating abortion to call it a woman's right and use tax-payers' money to pay for it? Does a man who condones the annual slaughter of 1.6 million unborn babies—no matter what he thinks about poverty and nuclear war (by the way, who *does* favor poverty and war?)—have a consistent ethic of life?

It only makes sense to emphasize what is important, and anyone with a goal will have to focus on what is *most* important. You can't do everything at once; to try to do so causes paralysis. No one charges that Elie Wiesel is "inconsistent" because he pays little attention to Armenian and Ukranian holocausts. I do not accuse Catholics who focus on international peace of having an inconsistent ethic of life because they pay less attention to abortion.

So who is being inconsistent? Though they may differ in their "strategies for implementing" their opposition, all of those who oppose abortion also oppose poverty and war, but not all of those who oppose nuclear war and poverty oppose abortion. For such politicians, it is not a question of differing strategies. They *want* people to be able to kill their children. Yet few understand the "Seamless Garment" rhetoric as an attack upon anti-nuclear activists who are soft on abortion. On the contrary, the *Washington Post* saw it as a "sharp rebuke of conservatives who have focused almost exclusively on abortion and sex-related issues." Leaving aside the fact that abortion *is* a "peace-and-justice" issue, perhaps it is time to note just how many of our economic problems have *sexual* solutions. Domestic sexual virtue is an economic issue, and self-control would save billions of dollars.

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Nevertheless, the consistency that really counts is not between one statement and another, but between belief and action, and Catholic belief puts abortion in a unique position. We believe, as Mother Teresa has put it, that two things die in every abortion: the unborn child and the soul of the mother. Allowing for women who have more than one abortion, the combined death toll in babies and souls since 1973 comes to roughly 35 million. That is a lot of dying, and half of it may be forever. But we cannot forget the doctors. Their souls die too—perhaps more surely, because a doctor can't claim the excuse of desperation and pressure that mitigates a woman's guilt. And the parents, friends, paramours and social workers who encourage or procure abortions? By 1990 a conservative estimate would place the number of souls directly involved in abortion at 75 million. Of course, 25 million of them will be the souls of dead babies, which leaves about 50 million "alive"—roughly one *fifth* of the total population now living in the U.S. Will all the unrepentant aborters and their accomplices go to Hell? It is worth recalling that you do not go to Hell for being poor, or for being killed by a nuclear bomb. And it is Hell, or rather eternal salvation, that the pastors of the Church must keep in mind—a task as difficult for them, I imagine, as it is for any Catholic. Everyone is responsible for his own soul, but pastors have a special responsibility to teach others the faith, and whether we are able to live it or not, this is what we believe: it is better to starve than to kill your unborn baby; better to perish in a nuclear firestorm than to abort your own child. *Sub specie aeternitatis*—a Catholic's-eye view—abortion is simply more important.

There is a spiritual work of mercy known as "admonishing the sinner." Since we are all sinners, one wouldn't expect it to be too unusual. Obviously, it requires a delicate judgment, but I think it is safe to say that it is a work of mercy to admonish a self-proclaimed Catholic who actively supports what Vatican II has called "an abominable crime," for such a man—"castigating" aside—becomes an accomplice in abomination. Politics being the art of the possible, you might end up voting for such a man if all the other candidates were equally bad, but in that case perhaps a bit more castigation—or admonition, if you like—would do everyone some good.

I wonder what we would make of a story like the following. There was once a bishop who said, "I don't see how a Catholic can, in good conscience, vote for someone who will support genocide." He even went so far as to admonish Catholic politicians who supported—with their votes, their stubborn indifference, and taxpayers' money—a mass slaughter. He was accused of "getting involved in politics" and "violating the separation of Church and state." He was called a narrow-minded, "single-issue" bishop.

In the same country, there were broad-minded clerics who, while claiming

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to be dismayed by the slaughter, were always quick to add, lest they discourage anyone from voting for the party which supported it: “But consider what X (the readers’ choice here—Josef, Adolf, Pol Pot?) has done about unemployment, and how he has expanded the welfare system.”

Faced with what they considered immoral, the German Bishops failed to “do enough” against a “democratically” elected government and widespread public sentiment. Do today’s liberal critics of the German Bishops expect the American Bishops to battle abortion with the vigor that the German Bishops lacked? And if their failure in a Nazi dictatorship was an scandal of ineffectuality, then what will history say about the Catholic battle against abortion in a free country?

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[*The following article appeared in the New York Times Sunday Magazine on Feb. 21, 1988, and is reprinted here with permission (©1988 by the New York Times).*]

Rights and Choices

Don Bredes

What can a man do when the woman carrying the child they both deliberately created has a change of heart? What can a man do when the woman he loves wants an abortion and he passionately does not?

I should be a contented husband this winter morning. And a new father as well, delighting in the things all new parents delight in—the pink, squinched face; the perfect, impossibly small feet; the mouth at the mother’s breast. Instead, my once-betrothed and I are 1,000 miles apart, both of us recovering slowly from the demolition of our love. We have not spoken much in more than six months. Her voice on the phone only awakens a crushing sadness in me that flattens anything I try to say, and her misgivings about what she did are too terrible to hear.

Relationships are complicated nowadays. Especially for those of us who’ve been around the track a time or two. When we met, summer before last, she was on the verge of what was bound to be a wrenching divorce—her second, in fact. She and her husband lived on the West Coast and had a 3-year-old daughter. She had come to Vermont, where I live, to visit a friend we had in common, and to gather the will and stamina she knew she would need to end the marriage. Shaking hands that sunny afternoon in our friend’s studio, she and I fell in love with a jolt we could see and feel in our amazed expressions.

I was 38 then, and had never been married. Like many men (and women) these days, I set aside that intricate issue in my 20’s to devote myself to the singular pursuit of a career, in my case as a freelance writer. Although from the beginning I’ve known I wanted kids, I had plenty of time, I believed, to work out the particulars. Meanwhile, my comfortable romance of several years with a woman who could not have children helped keep that distraction (and that wistful dream) at bay. Until. . . .

“I want your babies,” she whispered the first night we made love. No one had ever breathed such words to me. I could not have imagined they would render me so suddenly ready and willing, although I understood we would endure some hard times before we would be able.

Her divorce was not contentious, but it was long and painful. Eventually, she returned to the Middle Western city in which she had grown up.

Love is famously frustrating enough in its unsmooth course. But when you

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have to lurch along for a year or more with the scanty sustenance of phone and pen in place of simple day-to-day contact, the course can prove especially difficult. Yet we made progress, and as I got to know her exceptional daughter and to admire her skills as a mother, I grew more eager than ever to marry her and have a child of my own. Our own.

In time, she got herself settled in an old neighborhood of brick houses and landed an excellent position with a good company. Her family liked me and approved of our being together. And her daughter, who was to spend summers with her father on the West Coast, was pleased with the prospect of having two dads.

Naturally, we wrestled with certain appropriate qualms. Could she wholeheartedly accept a partner with the uneven income of a self-employed writer? Could I, without too much resentment, leave the peace and beauty of Vermont for a drab suburb? Was she really ready—so soon—to risk commitment a third time? After being selfishly single for so long, was I really ready for instant fatherhood? But of course, in decisions as momentous as this one, you'd worry if you didn't have qualms. The love, I thought, would see us through.

By last March, it seemed it had. One evening, when her daughter looked up at us from the tub and asked if we could please see about getting her a baby brother, our eyes met in promise. In early April, I surprised her with a ring. We set a date and told our parents.

Once we'd declared our intentions, we decided to forge ahead with the larger agenda. Not only can it take several months for a woman in her 30's to get pregnant, but we figured a baby on the way would help us banish our more stubborn doubts. So she put away the diaphragm. By June, all of spring's sweet burgeoning wasn't occurring outside our windows.

We thought up names, planned where we'd put the crib. But, as the wedding day drew nearer, her residual doubts intensified.

Back in Vermont by then, trying to finish a book, I felt maddeningly at the mercy of her oceanic ambivalences. Our nightly phone conversations got us nowhere. She explained she needed more time, more time to be sure of me, and sure of herself, and to work her way clear of the pain of her divorce. Getting pregnant had been a mistake, she told me. Terrible as she knew it would be, she said she wanted an abortion.

Stunned, disbelieving, convinced I could talk her out of it, I flew back there. On the plane I went over and over what I saw as the unarguable argument for having the baby. The pregnancy had imposed on us a crisis, yes, but also a wonderful opportunity. One that obliged us to act now out of faith in our love. She had to find the courage to do the positive thing, I told myself.

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She simply had to much love in her to default on it.

The next week was the worst week of my life. She had turned leathery and cold. To her, my passionate reasoning and pleading seemed sentimental, manipulative, illogical, unfair.

I was miserable and desperate. Who would help me? What was I supposed to do? Nothing. There was nothing to do. Nothing but make a lot of phone calls. My family was baffled, angry, sorrowful. Women in organizations like Right to Life and Birthright expressed helpless sympathy and sent me pamphlets.

Finally, one morning I had to tell her that if she truly meant to have an abortion, I could not bear to stay with her while she did it nor to look at her afterward. If she meant to do it, I would leave now. She could accept that, she said.

We kissed and wept, and I flew home. I phoned a friend of hers a week or so later and learned she had gone through with it.

Now, months later, I still can't comprehend it. I believe in every woman's right to choose—not as zealously as I used to, maybe, yet I continue to support that right. But what about a man's choice? Who, I need to know, will believe in that?

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[The following column appeared in the Vancouver Sun, Jan. 30, 1988, and is reprinted here with permission (©1988 by the Vancouver Sun).]

The Supreme Court takes to Skateboards

Trevor Lautens

The Supreme Court of Canada is wrong. Abortion remains an evil. It was an evil Jan. 27; it remained an evil Jan. 28, the day of institutionalized decadence. This was a court that donned not robes but skateboards.

Abortion will be an evil if Parliament changes the law. It would be an evil if the Pope recanted and said it isn't an evil. It's an evil.

No casuistry, no counting of how many Morgentalers can dance on a pin, no fine camouflaging words—nothing can change an evil that elects death over life, chooses fear over hope, sacrifices the best hope of the future for a tawdry present's toys of a besotted pseudo-capitalism, and is a caricature of liberty.

Never again use the word bestial to describe human behavior. It is a libel on the beasts. No creature above the level of amoebic life eats its own future, tears its offspring out of itself, and smiles and goes shopping the next day.

No animal cries or barks or mewls poverty, or uses as arguments for pulling the living flesh out of bellies those phony justifying phrases and "ideas" that have invaded our language and putrified our minds.

Such as: the lack of "affordable housing" (when in all history was housing, by this slippery phrase, "affordable?"). The "right of a woman to her own body" (monopolistic sexism). "Harm to the psychological integrity of women" (a snippet of sociobabble). That last phrase is from the majority opinion by the Chief Justice of the Supreme Court of Canada, the Hon. Brian Dickson. The Supreme Court Skateboard Five have adopted activist language as well as activist opinion.

If this "reasoning" had any claim to reason, our foremothers, their psychology horribly mangled, would have lain down in hostile forests and windswept plains long ago and expired. And with them would have died whatever creativity, art, beauty, mind reaching out for mind (or Mind) that our often miserable little race can lay claim to.

The can't-afford-it, it'll-hurt-my-psychology kindergarten of thought (school would be flattering it) is a fraud. Nothing, no human life or human creation at all, neither Michelangelo nor BMW nor Henry Morgentaler himself, could have survived this anti-rational, self-pitying argument for racial suicide.

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But the most mendacious argument in this inverted value system is: no babies except loved babies.

It flatters this stupidity even to recognize it, but the response of course is: Why should babies not be loved? You need a degree to learn that? What is it that intercedes between the most basic yet most complex instinct and the pro-abortionist's question?

The honest-to-Morgentaler answer is: the age of convenience foods has invented the convenient baby.

The spirit of the times is generating the non-love, the anti-love—indeed the worst form of anti-love which is self-love, in the minimalist sense—that asks the question. Nurture itself, not merely bearing babies but the long sacrificial joy of raising children and thus creating the future, is the issue.

Remember the two dissenters in the 5-2 judgment, Justices William McIntyre and Gerard La Forest. They passed up the skateboard.

In this new Americanized Canada under the Americanized Charter of Rights, democracy will be leached away through court judgments that sound like hockey scores, sometimes decided by one juridical goal. Litigation, the wins and losses of playoffs between county courts and provincial appeal courts and supreme courts right up to the biggie in Ottawa, the Stanley Cup of litigiousness, will determine public policy.

And have no doubt. We are only in transition. Abortion, on Thursday made legal, must someday be required. Once free of nature we can be manacled by anything, as even sober pro-abortionists, looking ahead, should know. We are inviting the society in which, in someone's brilliant phrase, whatever is not forbidden is compulsory.

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[The following article appeared in the *San Diego Union* (October 25, 1987) and is reprinted here with permission of the author. Mr. Mosher is the director of the Asian Studies Center at California's Claremont Institute.]

Female Infanticide in China

Stephen W. Mosher

After the Chinese government announced in 1980 that couples were to be limited to one child, disturbing reports began to come in from the countryside of newborn girls dying in suspicious circumstances soon after birth.

A Hong Kong friend of mine just back from China reported to me that in her ancestral village midwives were now often instructed to draw a bucket of water when a woman went into labor. If the newborn had the misfortune to be a girl, she was plunged into the bucket before she had a chance to draw her first breath. The tragedy of female infanticide had returned to China.

The overall dimensions of the problem were first outlined by the 1982 census which revealed that the sex ratio of newborns had been unusually high the previous year. Instead of 106 boys per 100 girls, a ratio established by demographers as an international norm, the survey had registered 108.5 boys for every 100 girls in 1981. Some 232,000 baby girls were missing—and presumed dead.

The sex ratio continued to climb in years following, reaching 1.09 in 1982, and 1.11 in 1983. These numbers translate into shortfalls of baby girls of 300,000 in 1982 and 345,000 in 1983.

The initial reaction of the government was denial. Shen Guoxiang, propaganda chief of the state Family Planning Commission, even went so far as to tell Western correspondents during a press conference that “Chinese studies show the 1.085 ratio to be normal.” When he was reminded of the international norm and of earlier Chinese censuses showing much lower proportions of male to female babies, he became angry and stalked out of the interview.

Similarly, the government-controlled press was at first reluctant to report the resurgence of this barbaric practice. But by late 1982 provincial Chinese newspapers had started publishing grisly tales about the murder of female infants. And on March 3, 1983, the *People's Daily* itself, Beijing's *Pravda*, admitted that “the butchering, drowning and leaving to die of female infants has become a grave social problem.”

Beijing claimed that these crimes were committed by “backward” villagers in the name of the “feudal” attitude that “boys are precious, girls are worthless.” “In their keen desire to have sons,” the English-language *Peking Review*

said in January, 1983, "some men still torment their wives who bear daughters and worse still, they kill the baby girls through neglect or outright murder."

Infanticide does have a long and tragic history in many parts of China. There was a time when ignorant and misguided peasant men—and women—willingly sacrificed their infant daughters on the altar of traditional notions of clan and family continuity. But by the middle decades of this century such ideas no longer exerted the influence they once had. The primary cause of the resurgence of female infanticide was not "feudal" attitudes but the new limit on childbearing.

The one-child policy ignored the plight of the elderly in the countryside. Unlike privileged urban workers, villagers enjoy no pension programs. They look to their children, specifically to their sons, for support in old age. Daughters cannot render assistance, for rural custom decrees that they sever all economic ties with their parents upon marriage.

Sons are the only social security system known to Chinese peasants. Those without sons must toil in the fields throughout their twilight years. As their strength declines to the point where they can no longer do heavy work, they retreat into ever less remunerative sideline activities. Old age becomes a dismal downward spiral of flagging vigor, worsening diet and weakening health. Not "feudal" attitudes but brutal economic realities move Chinese peasants to hope for a man-child.

While the arrival of a son has always been a more important event than the birth of a daughter, Beijing's population control policy has raised the stakes. For the peasantry birth has become a kind of Russian roulette: the arrival of a son heralds a relaxed and secure old age; the coming of a daughter portends poverty and slow starvation during one's declining years.

If the child isn't male, then the choice is a stark one: either kill or abandon the newborn female infant, reserving your one-child quota for the birth of a boy, or face a harrowing old age. It is no surprise that many peasants decide in favor of their own security, trading the infant's life for their own.

As the killing of female infants reached epidemic proportions in 1983, news reports began appearing in the Western media, some of which correctly attributed the resurgence of the practice to the one-child limitation. Then in late 1983 a strange thing happened. Suddenly the Chinese press ceased all reference to the killing of baby girls. It may have been that the central authorities were embarrassed by the international criticism they were receiving, or perhaps they belatedly realized that their one-child policy was a silent accomplice in this tragedy. In any event, the topic was clearly placed off limits for public discussion.

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Within the Communist Party, however, the debate over the policy apparently continued. A major exception to the one-child limitation in the countryside was made in later 1984. Couples facing "real difficulties," it was announced, could apply for permission to have a second child. The "real difficulties" in question were never spelled out clearly in official documents, but were widely understood to be those caused by the birth of a girl, who could neither carry on the family name nor support her parents in old age.

To a limited extent in 1985, and then more widely over the countryside in 1986, couples whose first child was a girl were permitted to stop contraception and conceive a second child. The perverse incentive to kill first-born female children has been greatly reduced, if not removed entirely.

As Beijing still refuses to release statistics on the sex of newborns, it is impossible to know how many baby girls have been saved by this new policy. Judging from anecdotal evidence I gathered during a recent trip to China, female infanticide has become much less common over the past year and a half.

This is not to say that this unsettling practice has died out entirely. Second-born female children, rather than their first-born older sisters, are now at risk. Some are being sacrificed to preserve a second child exception for a future baby boy. For couples with two girls, there is still a reason to put the younger to death.

China's population program remains painfully coercive in other ways. State birth control policy requires IUD insertion after one child, sterilization after two children, and "remedial measures" for women pregnant with so-called over-quota children.

Nevertheless, the relaxation of the one-child limitation, undertaken in part in response to American criticism of female infanticide, has probably saved the lives of hundreds of thousands of baby girls in China to date.

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