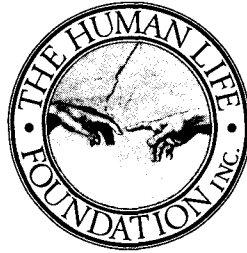


# the HUMAN LIFE REVIEW



FALL 1992

*Featured in this issue:*

- Joseph Sobran on.....Faith in the Closet  
James Hitchcock on.....Dr. C. Everett Koop:  
  'Dr. Kildare Inside the Beltway'  
Jack Fowler on ..... Abortion and 'The Poor'  
William B. Murchison on .....The Episcopalians:  
  'Itching for Sound Doctrine?'  
Faith Abbott on .....Toys in Babesland  
Mary Meehan on .....Why a Good Charity  
  Is Hard to Find
- 

**Also in this issue:**

Ray Kerrison • Tom Bethell • Maggie Gallagher • Mary Ann Glendon  
• Patrice O'Shaughnessy • James J. Carberry & Douglas W. Kmiec •  
• The Editors of *First Things* on 'Abortion and a Nation at War' •  
Alan Dershowitz • Mona Charen • Plus cartoons from *The Spectator*

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*Published by:*

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New York, New York.

. . . ABOUT THIS ISSUE

We cover a number of topics in this issue, from sex education in the schools to the “education” of Dr. C. Everett Koop and Justice William Kennedy. If there is one theme that ties all our articles and appendices together it is this: the unvarnished truth is not popular in the America of the 90’s. The real stories behind our great moral struggles—for the minds of our children and the health of our nation—are hard to find in the “politically correct” media, which should make the unusual collection of pieces you get here all the more interesting.

Mary Meehan’s piece on charities (“A Good Charity is Hard to Find”) notes that the Michael Fund is one of the few charities that does not support funding for abortion and fetal testing. For more information about the Michael Fund, write to 400 Penn Center Blvd., Room 721, Pittsburgh, PA 15235.

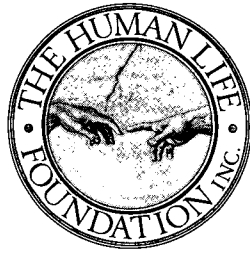
Maggie Gallagher’s book, *The Abolition of Marriage*, will be published in early ’93 by Poseidon Press, New York, NY.

*First Things: A Monthly Journal on Religion and Public Life* is available for \$24 per year from The Institute on Religion and Public Life, 156 Fifth Avenue, Suite 400, New York, NY 10010.

Professor Mary Ann Glendon is the author of several books, including *Abortion and Divorce in Western Law* (Harvard University Press, Cambridge, Mass.) and her most recent *Rights Talk: The Impoverishment of Political Discourse*, published by The Free Press, New York, NY.

Mr. Sean Delonas of the *NY Post* provides us with the cartoon on p. 50; as usual, the London *Spectator* provides the majority of chuckles. We hope you enjoy the issue.

MARIA MCFADDEN  
MANAGING EDITOR



# the HUMAN LIFE REVIEW

FALL 1992

Vol. XVIII, No. 4

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## INTRODUCTION

**T**HE FOUNDING FATHERS FAILED to include a “Right to Privacy” in their constitutional masterwork—a failure so successful that it took the Supreme Court almost 200 years to discover it. But discover it the Court did, a generation ago, first quietly *in re* contraception (Surely what married couples do in the privacy of the bedroom is *their* business?), then resoundingly, *in re* abortion.

At the time, some warned that the newly-discovered “right” was a phantom one: having no constitutional substance, it could be projected by mere judicial whim wherever and whenever the Court chose to project it. Who would now deny that that is exactly what has happened? For instance, the so-called “Gay Rights” movement began with the presumption that whatever “consenting adults” did was, like abortion, a private choice. But as we now know, “choice” can cover a multitude of sins, and the victims are by no means adults only.

In our lead article, Joseph Sobran comes straight to the point: “Homosexual activists have long since abandoned all talk of privacy. The things they seek are eminently public: attention, recognition, approval, privilege, and above all power.” In New York City, once the grand central metropolis of the world, “Gays” have achieved Sobran’s entire agenda, including the power to inflict a homosexual “curriculum” on public-school kids, beginning in the first grade. Sobran adds: “None of the parents’ groups who opposed sex education in public schools a decade ago foresaw, in their most hysterical nightmares, what has actually come to pass.” Quite true: *we* certainly never dreamed that we would publish an article like this one, but here you have it, gamey details and all, done up as only Joe Sobran can do it. We trust it will convince you that the Founding Fathers’ real crime was the failure to imagine the need for a “Rights of Parents” enumeration.

It is nowadays fashionable to label anything short of *acceptance* of “Gay” demands as “homophobia”—an ugly construct that means not what its parts say, but rather what its users want it to mean, i.e., “the irrational fear and hatred of homosexuals.” No doubt Sobran will be accused of that sin. But we find neither fear nor hatred in what he actually says about the condition; indeed,

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we'd say he puts the truth eloquently *and* compassionately—in fact, we've never seen it put *better* than the way he puts it here:

It's a pitiful condition, but not one that commands respect. Many parents have hoped a son would grow up to become a priest, even though that means he'll be celibate and childless, but none has ever hoped a son would turn out homosexual. That it happens anyway is sad beyond words, but there is no point in pretending it's desirable.

As it happens, there is a Great Pretender involved. Dr. C. Everett Koop, while still U.S. Surgeon General, was surely the man *most* responsible for the failure to treat AIDS as what it is—a deadly plague that must be *controlled*, just as we control other sexually-transmitted diseases. What did Koop do? Well, put briefly, he invented “Safe Sex”—a simple condom, notoriously ineffective in preventing pregnancy, would somehow prevent AIDS, take his word for it. And homosexuals *did*: at the crucial moment when the fear of death was making many of them determine to abandon suicidal sex, Koop lulled them into his safe-sex fantasy. Worse, Koop *opposed* applying to AIDS the very public-health measures he was appointed to enforce. The result was amazing: we now have our first-ever “politically-protected” disease—Gay Power rallied behind General Koop, and launched a successful assault against the kind of anti-AIDS action that officials and legislators *should* have taken.

*Why* did Koop do it? That is the tale told here by James Hitchcock, a professional historian with few peers in the business of marshalling evidence. Essentially it's a “conversion” story: Koop was justly famous as the prototype Good Doctor throughout the distinguished career he had before being seduced by the wonders of Washington. Comically, Koop himself signified his ascent into *hubris* by affecting a full-dress Grand Admiral of the Fleet uniform, complete with deep rows of “battle ribbons” (in *real* life, he did no military service). And ironically, his pivotal apostasy was not on homosexuality but on *abortion*, the very issue that got him his job. But enough: saying more here would be like telling you how the movie ends—see for yourself, it's fascinating stuff.

Next, Jack Fowler gives a lesson on “Things We Know that Are Not So”—*everybody* knows that the abortion “option” primarily benefits “the poor,” right? Wrong, says Fowler, who backs up his argument with all the proper statistics (more than we've ever seen before). Despite the grim subject, you may get a few laughs out of this piece too: it *is* funny that nobody notes the absence of anything like a “Poor Women for Choice” group, whereas nobody can miss the leading roles played by such as Jane Fonda, Marlo Thomas, and Whoopi Goldberg when abortion supporters descend on Washington to “March for Women's Lives” (*pace* Ms. Goldberg, you'll see almost *no* black women at such demonstrations). Fowler also raises other questions which the media avoid, e.g., Do the Rich and Famous love “the poor” so much that they want fewer of them? The evidence is convincing, beginning with Margaret Sanger herself, and Fowler provides you with plenty of it here.

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You might say that the same theme runs through William Murchison's article—up to a point. His subject is his own Episcopal Church which, along with most other “mainline” Protestant denominations, has accepted legalized abortion. Of course “mainline” means, generally speaking, upper class: the public image of a “typical” Episcopalian is, well, affluent, elitist—by Mr. Fowler's calculations, it is no surprise that so many support abortion. Thus what Mr. Murchison has to say *is* surprising: there is a growing “pro-life” trend among rank-and-file members, re-inspired by old-fashioned scriptural and moral precepts, in sharp opposition to a bureaucratic “hierarchy” that clings to once-trendy Social Gospel nostrums. That *is* Good News.

Next you get our “traditional” change of pace, from our faithful Faith Abbott, who again displays her talent for seeing things from a different angle. This time she takes a circuitous look at the latest craze in “real” toys—Judy, the “Mommy-To-Be” doll, advertised as “the country's first pregnant doll”—and of course “Judy's husband, Charlie” as well. Faith's quest soon turns into a kind of scavenger hunt: there's a whole Doll World out there that she (a mother of five) never knew existed. But with a big Toy Park just down the block, and more such down town (subways are for seeking, and the grand-scenic Fifth Avenue Bus takes you straight to F.A.O. Schwarz), Good-Reporter Faith runs down the story for you.

The *news* turns out to be this: pro-abortion Feminists are *not* pleased by all this “real” baby-talk. Mommie-To-Be Judy, charges a spokesperson for the National Organization for Women, “presents a distorted view of women and their function in society: to look beautiful and have babies at the same time.” Presumably Judy should, *à la* Lost Horizon, turn instantly ugly—and anyway, it's just a *fetus*, not a baby. True Feminists never laugh, but we bet *you* will as you follow Faith around Dollsville, USA.

Our final article is also an unusual piece of reportage: Mary Meehan, our longtime contributor, has done quite a bit of research on various “charitable” organizations—including a goodly number of those which fill your mail box with “junk-mail” appeals for money. Given the recent scandals that rocked United Way nationally, it's obviously timely; the perfervid prose of the letters you get, Meehan says, can obscure “facts that charity executives may not want their donors to know.”

For instance, the March of Dimes, famous for its successful fight against polio, now claims to be fighting “birth defects”—which indeed it does, but not always in the way many people would want it to: MOD is a major promoter of the “prenatal testing” that often leads to abortion. More, MOD also supports federal funding of “fetal transplants”—meaning the use of tissue from induced abortions. We expect that the well-documented story Meehan reports here will be of considerable interest to our readers (and don't miss all those footnotes, they give you a lot more back-up information).

## THE HUMAN LIFE REVIEW

We have an unusually interesting group of appendices to this issue, beginning with a column by our friend Ray Kerrison (*Appendix A*) that serves neatly as an “update” on Joe Sobran’s lead article. Kerrison is a digger (fittingly—he’s an Australian), an old-style journalist who knows how to make a good story *grab* the reader, as his lead in this one will, we expect, grab you. Indeed, *without* Kerrison’s dogged reporting, there might not *be* any “sex-ed scandal” in New York: he has almost single-handedly kept the heat on Chancellor Fernandez, and mobilized opposition from angry parents. You will note that he writes about a meeting “tomorrow”—here’s how the New York *Daily News* (Oct. 7) described what happened: “Nearly 1,500 demonstrators chanted, blew whistles and recited Scripture outside Board of Education headquarters yesterday, for and against teaching tolerance of homosexuality to children”—the big majority was *against*, even if the “Lesbian Avengers” screeched the loudest.

In *Appendix B*, you get more from the prolific Mr. Sobran on “homophobia,” a form of “mental illness” that evidently afflicts the vast majority of Americans, albeit without their knowing it. Again, this one expands on our lead article. You might say that *Appendix C* does likewise for Mr. Hitchcock’s piece: Tom Bethell spies in Mr. Justice Anthony Kennedy the same kind of “growth” that inflated Dr. Koop into a candidate for what Mr. Bethell calls the “Strange New Respect Award”—it’s not all that hard to win, as you will see.

It’s a rare treat when the pro-abortion New York *Times* runs an Op-Ed piece we’d want to reprint, but they did so recently *in re* the Murphy Brown tempest. In *Appendix D*, Maggie Gallagher—herself a journalist and unwed mother—explains why she agrees with Dan Quayle, rather than the all-too-real Ms. Brown. It was good of the *Times* to run it, we appreciate the token fairness. *Appendix E* is the full text of the New York *Daily News* story that Faith Abbott quotes, to make the point that the “fetus” seems to be getting more *human* treatment in the press lately. But then Miss Patrice O’Shaughnessy may not be your typical reporter—may her tribe increase!

We’d say that her brief news story provides the right preface for *Appendix F*, which is a most impressive editorial statement that first appeared in *First Things* (we suspect that the principal author was the Rev. Richard John Neuhaus). Miss O’Shaughnessy reports the simple truth: everybody *knows* what abortion kills. As *First Things* puts it: “The abortion debate is about more than abortion. It is about the nature of human life and community”—*both* of which are victims of the Supreme Court’s continued failure to *understand* all that is at stake, as demonstrated yet again in *Planned Parenthood v. Casey*. This one merits your closest attention, and we’re proud to reprint it here.

*Appendix G* serves as just the right footnote: as Professor Mary Ann Glendon (of Harvard Law School) reminds you, the U.S. not only has a frightful abortion dilemma but also the most *permissive* abortion law in the Western world—an obvious first step toward a solution is *better* law, which is precisely what

## INTRODUCTION

*Casey* failed to provide, because the Court majority, while “not obliged to do so by the facts of the case, went out of its way to affirm the abortion rights” promulgated in the original *Roe* decision. The problem, Glendon concludes, is the Court itself.

The Court’s latest *fiat* gets more rough treatment in *Appendix H*, in which Professors James Carberry and Douglas Kmiec argue that the *Casey* majority was flat-out wrong to claim that the “factual underpinnings of *Roe*’s central holding” have not changed. Even in 1973, they say, Justice Harry Blackmun (*Roe*’s author) was “likely wrong on his science”—*since* then, scientists like the famous Dr. Jérôme Lejeune have made, well, hogwash of Blackmun’s assertion that “the difficult question of when life begins” has not been answered. The Court is now *denying* the clearly-demonstrated facts and, say these scholars, “The law can no longer conceal its policy choice to take life behind the mantle of science.”

We noted that it is unusual for us to find anything in the *New York Times* that we would want to pass on to our readers; the same might be said about the works of Professor Alan Dershowitz (who, as it happens, is a colleague of Professor Glendon at Harvard Law). Dershowitz well deserves his reputation as a “leading advocate of abortion”—but he sometimes gets qualms when facing the logic of his own position. For instance, he once deplored the hard fact of “sex-selection” abortions: he hates to admit that the abortion “right” includes the right to kill unborn girls just because they *are* girls, not boys. Now (*Appendix I*), he is again struggling with the logic that extends “privacy” rights far beyond abortion: a Florida judge has ruled that teen-age girls now have the right to “consensual sex” and it follows that their over-18 “boyfriends” (How nice to see Dershowitz retreat to that old-fashioned term!) cannot be prosecuted—Dershowitz thinks that is going too *far*, “reasonable limits” should apply, abortion is *different*. We trust that you will find his arguments as interesting as we do.

We conclude (finally!) with a good piece on another vexed question—adoption. We trust you have seen the series of TV ads (sponsored by the DeMoss Foundation) which promote adoption rather than abortion—most impressive, we’d say—what ought to be surprising is that anyone could *object* to them, but of course the Abortion Establishment does object, and the ads have become controversial. Nonsense, says Columnist Mona Charen (*Appendix J*): the “Choicers” ought to take another look at adoption, because most of their objections are “ill-informed or just plain wrong.” *A person* to that. We expect to have more on both adoption and the DeMoss “commercials” in coming issues, but we suspect that you have quite enough here for now.

J.P. MCFADDEN  
EDITOR



## Faith in the Closet

*Joseph Sobran*

Our time, it's often said, outstrips satire. I'm beginning to think it even outstrips paranoia. None of the parents' groups who opposed sex education in public schools a decade ago foresaw, in their most hysterical nightmares, what has actually come to pass.

Consider the sex education program in New York City's public schools. The system now provides condoms to high-school students. Instruction on the use of condoms begins in the fourth grade. In the sixth grade, pupils are taught all about oral and anal sex. And this year the schools' chancellor, Joseph Fernandez, is pushing a curriculum that includes bizarre "story books" that would subject six-year-olds to homosexual propaganda. Yes, six-year-olds.

One story book is *Heather Has Two Mommies*. It's about a little girl named Heather who lives with her biological mother (via artificial insemination) and her mother's lesbian lover. Heather becomes confused when she learns that her little playmates have daddies. The concept of a "daddy" is foreign to her, until she meets a little boy who has *two* daddies.

Then there is *Daddy's Roommate*, a little boy's account of a weekend with his divorced dad and Dad's new male lover. "Daddy and his roommate live together, work together, sleep together, shave together. . . . Daddy and his roommate are very happy together, and I'm happy too."

This has caused some uproar, even in liberal New York. But Fernandez has staunchly defended the curriculum, saying: "If we're ever going to get this country together, we have to deal with these issues of hate. Kids learn biases from us, from adults. We have to teach them through education."

Well, it's hard to argue against teaching through education. The phrase is redundant, unless "education" has become a term of art—a synonym for some special kind of propaganda. Which, in fact, is the case. Fernandez defines the issue simplistically and tendentiously when he says it's only a matter of fighting "hate."

Somebody should have explained to Fernandez that to disapprove

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Joseph Sobran is a contributing editor to this journal, and a syndicated newspaper columnist.

of homosexuality is not the same thing as hating homosexuals. Most parents don't want their children to become alcoholics, but this isn't the same thing as hating drunks. This should be obvious to any schoolboy, let alone the chancellor of an education system.

"Families come in different sizes and shapes today," Fernandez argues. "They are not the traditional Ozzie and Harriet family." Never one to pass up a cliché, Fernandez adds: "We can't hide our heads in the sand and pretend these things don't exist, and we're not proselytizing. We're not saying one way is better than the other. We're saying that's the reality."

Not proselytizing? The new curriculum simply replaces the idyllic Ozzie-and-Harriet model with an equally saccharine (though much more grotesque) model of two Ozzies, or two Harriets. Even in New York the new model must be a little exceptional, and its promulgation is too blatantly forced and artificial to escape the charge of evangelization. My own impression is that the number of lesbians who bear children is still statistically insignificant.

Needless to say, the goal of the curriculum is precisely to legitimate homosexuality. The official teachers' guidebook, the charmingly titled *Children of the Rainbow Curriculum*, explains: "Children need actual experiences via creative plays, books, visitors, etc., in order for them to view lesbians and gays as real people to be respected and appreciated." Children "need" nothing of the kind, of course. They have always survived without it. Such hortatory language belies the claim that only factual reality is being presented, without moral judgment.

Columnist Ray Kerrison of the New York *Post* quotes one parent as asking Fernandez, at a stormy meeting, just what sort of "visitors" would come and talk to the kids. Fernandez didn't answer. He left the meeting halfway through. So much for dialogue.

Educators like Fernandez distort the issue by describing the contending alternatives as "hate" and "diversity." Their opposition, need one say, stands for "hate." But their own brand of "diversity" is rigidly uniform, an ideology that is alien to most people and has to be imposed from above. It doesn't include respect for parents' views, or for traditional monogamy and its religious foundations.

As usual, New York is a special case. Its pathetic mayor, David Dinkins, is politically in thrall to what is called the "gay community." He marches every year in gay pride celebrations and doesn't seem to mind that avowed pedophiles, such as the North American Man/Boy Love Association, are part of the crowd he marches with. Few

politicians so vividly illustrate Peguy's remark that countless acts of cowardice spring from the fear of appearing insufficiently progressive.

But at the same time, things that begin as the eccentricities of New York City have a way of becoming national trends. The city's current tempest springs from what was always, if not the hidden agenda, at least the implicit destiny of "sex education." The people who used to hoot at the very concept of "secular humanism" are enacting something beyond the worst fears of the worried parents they mocked. Sex education is turning out to be anything but the innocuous, antiseptic, value-neutral instruction it was advertised to be. And it's turning out to be something far more ominous than its most hysterical opponents predicted it would be.

AIDS has become the pretext for overturning not only traditional reticence about sexual matters, but even parental authority over children. This is a tribute to the inventiveness and sheer effrontery of the sex educationists, since common sense would have expected AIDS—a lethal disease, apparently communicated sexually—to discredit the sexual revolution altogether. The disorder should have been especially fatal to homosexuals' demands, since it seemed to prove that anal sex (what a phrase!) is even more unhealthy than one would intuitively suppose.

Instead the revolutionaries have turned AIDS into a mandate for promoting "safe sex"—hygienic promiscuity. Far from being an indictment of the gay "lifestyle," AIDS has somehow become an emblem of martyrdom. Gay activists blame anyone but homosexuals for the spread of AIDS: Reagan, Bush, the Catholic Church, the Religious Right. The politics of victimhood is really a politics of accusation, of fixing blame and guilt arbitrarily on selected enemies and scapegoats.

In New York City, Fernandez and his allies—not only gays, but teachers' unions and assorted progressives—have run up against a state law that requires AIDS education to stress that the only sure method of avoiding the disorder is abstinence. Being purely negative, abstinence is a pale shadow of the virtue of chastity, but it's still too much for the revolutionaries, who insist that urging self-control on the young is "unrealistic." On the other hand, they insist that urging hot-blooded boys to wear condoms *is* realistic, even though a) it just isn't, and b) if condoms aren't reliable for preventing pregnancy, they are far *less* reliable for preventing the spread of a murderous virus.

The early champions of the sexual revolution, and more specifically

JOSEPH SOBRAN

of gay rights, advanced their claims in the name of privacy. This created the impression in the unwary that all that was at stake was whether consenting adults would be allowed to carry on unmolested in their bedrooms. Since all they seemed to be asking was to be left alone, it was assumed that they would leave others alone—especially, given their stress on the word “adults,” children.

Nobody imagined, then, that within a few years condoms would be handed out in schools and children would be subjected to homosexual propaganda along with graphic descriptions of sexual practices that are, in fact, still technically illegal in New York State. And nobody foresaw the rise of a homosexual militancy that would, among other things, capture a major political party.

Far from being content with the right to be unmolested in private acts, organized homosexuals demand legal penalties against private property owners and employers who prefer, even for moral and religious reasons, not to do business with them. The most militant of them, of course, go further, using disruption, vandalism, intimidation, blackmail, and violence against selected targets. The group known as ACT-UP specializes in ruining other people’s events—worship services, Broadway plays—in the name of fighting AIDS. One of its signal achievements was the interruption of a Mass at St. Patrick’s Cathedral, when some of its members desecrated hosts by spitting them on the floor, a story the *New York Times* buried inside its Metro section. (Governor Mario Cuomo, who trumpets his loyalty to the Catholic Church, managed only a mild scolding to the “protestors.”) Several of its other demonstrations at the cathedral featured obscene insults against Cardinal O’Connor and Catholicism generally. One federally subsidized gay artist likened O’Connor to a Nazi.

**H**omosexual activists have long since abandoned all talk of privacy. The things they seek are eminently public: attention, recognition, approval, privilege, and above all power. They are at the center of the debate about “family values,” which is, as Patrick Buchanan said in his speech to this year’s Republican convention, a cultural and religious war. Buchanan was widely accused of “declaring” that war, but he was merely noting it as a fact of contemporary life.

One of the interesting minor stories of the year was the revelation that John Schlafly, the 41-year-old son of the great conservative activist Phyllis Schlafly, was a homosexual. The media cackled at the disclosure, gloating at the embarrassment this caused the outspoken

advocate of “family values.” *Newsweek* sneered that “[Mrs.] Schlafly’s own family life has been something less than the Ozzie and Harriet ideal so righteously extolled by conservatives.” (Ozzie and Harriet seem to have become the liberals’ Willie Horton.)

The glee was worse than heartless; it exposed how badly the media have been corrupted by their commitment to the gay agenda. Mr. Schlafly was the victim of an “outing” by a gay New York weekly called *QW*—for *Queer World*—a fact the stories mentioned only in passing, and with no hint of disapproval.

“Outing,” of course, is nothing but blackmail. It’s the practice, now routine among gay militants, of dragging political enemies—or even their relatives—out of the closet, for the purpose of shaming them and their families. At one time there was a brief debate about the ethics of outing, but the media now tacitly accept it as legitimate.

The outing of John Schlafly was obviously meant to punish his mother for her views. It represented the fulfillment of the gay community’s standing threat to violate the privacy of its foes and critics. And it meant, and means, that anyone who contemplates opposing gay demands risks the humiliation of himself or any vulnerable member of his family.

No gay or liberal voice, as far as I know, was raised against this cruel indecency to the Schlaflys. It takes little imagination to guess what the media reaction would be if any conservative “gay-basher”—Buchanan, Quayle, Robertson, or Mrs. Schlafly herself—were to do such a thing to a homosexual. But it’s implicitly understood on all sides that conservatives *don’t* do such things. Gays do. And they do them without rebuke from the moralists of the media who are quick to accuse Republicans, conservatives, and family-values champions of bigotry, gay-bashing, and other sins against enlightened thinking.

So the gay orthodoxy is enforced in the media by the constant awareness of what can happen to heretics and their next of kin. It’s an interesting reflection on both privacy and family values. Neither of them seems to carry much weight with the militants and their liberal media allies. The national debate on these questions now proceeds under the threat of blackmail against one side, and the media help enforce the threat. The cultural war is becoming a dirty war.

No wonder conservatives have been intimidated into hapless protests that they aren’t gay-bashers. They stand to be accused of “hate,” “homophobia,” “divisiveness,” and so forth, while their opponents

can get away with just about anything. The aging queen of American literature, Gore Vidal, has published a new novel ridiculing Christ, St. Paul, and other Gospel figures; one scene features the emperor Nero bugging St. Timothy. The media titter at Vidal's clever irreverence—his “teasingly naughty humor,” as *Time* calls it in an adoring profile of the author.

Amid today's nauseous explicitness, there are taboos. One simply must not suggest that there is anything *wrong* with homosexuality, morally or otherwise. Sophisticated magazines like *New York* and *Vanity Fair* cater to expensive consumer tastes, making fine distinctions among wines, perfumes, books, and operatic performances, but they would never dream of admitting that there may be certain qualitative differences, so to speak, between anal sex and the more conventional kind, between organs of procreation and organs of evacuation. It is impolite to notice such things.

**I**f homosexuality isn't wrong, the question still arises, Why is it special? Why does it take precedence, among all the polymorphous perversities, over, say, solo sex, or sheep sex, or sex with the deceased? Surely these appetitive permutations have brought suffering and persecution on their votaries too; popes, priests, puritans, and Victorians have taken a stern view of all of them. Why don't accredited victimhood and its privileges attach to them as well?

Never mind. We are simply expected to observe the new customs around here, without asking too many questions. This is what happens when an ideology manages to establish itself as a code of etiquette. You don't ask *why* it's proper to use this fork rather than that to eat your salad or dessert; you just do what the others do. The rules are arbitrary, for all their moral pretensions.

In fact, it's very bad manners to raise moral and spiritual questions about sex. Physical questions are always welcome, the grosser the better, but metaphysical ones are considered unrefined.

That is to say, the real questions are being begged. Our very habit of talking of “sex” as an isolated thing implies that it has no dimension beyond pleasure and maybe romance. It may result in life or death, but these are by-products, generally to be averted by the technical means the modern world provides.

At first glance it seems odd that homosexuals should be concerned about what children are taught, since they are pretty much disabled from parenthood and few of them have children. But the answer

is that gays (in the sense of ideologically committed homosexuals) crave public legitimacy, which requires a revolution in community morals, and this is a tall order. Having few children of their own, the gay “community,” such as it is, can’t transmit the new morality through the home, family, tribe, and tradition, as most of us transmit our moral attitudes. They have to *impose* it through official propaganda, now known as “education,” or what the august editor of this journal calls “artificial indoctrination.” They have to control the schools—a chief channel of access to the young. For them, *more* than for parents, the schools are crucial.

Hence our story, which might be called “Gay Rights Meets Sex Education.” Gays have become the shaping force in sex education, defining the lowest common denominator of sex as we, alas, know it. They have managed to make homosexuality the great test-case of the sexual revolution: after all, if the point of sex is not to procreate, why not sodomy? The rest has followed with dizzying speed as gays have perceived the corollaries of the concession they have extracted. Their fate and the fate of the sexual revolution are one. The campaign for gay-inclusive sex education has made its way under the language of diversity, tolerance, multiculturalism, pluralism, and simple realism (we can’t bury our heads in the sand!). It admits that sex can have its little hazards, which leads us to “safe sex,” free condoms, and, if necessary, abortions.

Gone is the language of purity, chastity, virginity, self-control, waiting until marriage. These are outdated terms, fraught with religious overtones, and we must always keep church and state separate. Even value-free “abstinence” flunks the test of realism, since today’s kids are going to have sex, no matter what we tell them. The hard-nosed realists, as I say, expect hot-blooded boys always to wear their condoms. Well, not really. But the supposition that the boys will do so is a convenient fiction, one that relieves the sex educators of responsibility for what actually happens to the kids.

*Real* realism might reflect that the kids are going to despise homosexuality, no matter what we tell them. The naïveté of all this sex education lies in assuming that adults who have thrown out any semblance of a demanding moral code are going to continue to enjoy moral authority. Whose conscience is really compelled by fake words like “homophobia”? You might as well ask, Who listens to David Dinkins? The only moral the kids will draw from the new

morality is that they have the permission of their weak elders to do whatever they please.

The whole argument for the gay-driven curriculum is profoundly artificial—and dishonest. Nobody in his right mind thinks anal sex is sex, even in the debased sense of the term. Those who do prefer it only prefer it by default, because they are incapable of enjoying the regular kind. The essence of what we call homosexuality is a sexual aversion to the opposite sex. It's a pitiful condition, but not one that commands respect. Many parents have hoped a son would grow up to become a priest, even though that means he'll be celibate and childless, but none has ever hoped a son would turn out homosexual. That it happens anyway is sad beyond words, but there is no point in pretending it's desirable.

Throw nature out the door, as the maligned medievals used to say, and she'll come in the window. Tell children that there is no important difference between the natural and the unnatural, and they will—naturally—decide you're too silly to heed. The sex educationists, like all propagandists, gravely overrate their own ability to manipulate their subjects.

What they *can* achieve, though, is confusion. They can obscure the all-important truth that we have souls, and that sexual intercourse involves the soul along with the body.

It's amazing that this consideration has played such a small part—at least on the surface—in all the arguing over “family values” and public morality. Of course gays are eager to exclude from discussion anything that smacks of religion, but this is just as true of all advocates of the new morality, which is, after all, the morality of the soulless.

Separation of church and state is a handy banner for the cause of sex education, since most churches still reject, however bashfully, the new morality. But the real goal is to separate the parents from the school, and from their own children, since parents tend to be religious and to worry about their children's souls—not a major concern of the sexual ideologues, who try to extirpate all religious attitudes under the pretense of maintaining religious neutrality.

In practice, the separation of church and state usually means the displacement of the church by the state—or more broadly, the displacement of an informal and decentralized popular tradition by a centralized political power. The state has fostered the notion that the scope of state education can expand indefinitely without touching on ultimate questions. But the public school can be neutral about



religion as long as it confines itself to imparting simple reading and math skills. When it deals with the mysteries of sex, it's in alien territory, outside the area of its proper competence.

Instead of adopting an appropriately modest demeanor, the schools have turned the tables on parents, in effect telling them to keep their damned religion out of it. The schools may undermine religious morality, and this is not considered a violation of the separation doctrine. But if the parents complain that their religion is being subverted, they are guilty of dragging religion into the secular conversation. The schools enjoy the enviable prerogative of defining their own area of competence. If parents challenge this prerogative, it's "interference" and "censorship" and "imposing one's views." In effect, the state can serve pork to Jews and wine to Moslems and tell them it has nothing to do with religion. Only those who reject the meal can be blamed for creating religious discord.

What about the children's souls? "We're not interested in their souls," the sex educationists answer. True enough—because they don't believe children *have* souls. Furthermore, they don't feel they owe respect to parents who believe otherwise. They want the children to control their own bodies, as long as they control the children's minds.

What the sex educationists are really doing is burning the cultural bridges back to Christendom—the West's traditional ground of community and public morality. The sexual revolution is really a revolution in our conception of man, a denial of the immortality of the soul. Under color of mere instruction in sexual hygiene, a whole cosmology is being smuggled in. Parents have been as slow to recognize this as the sex educationists have been to admit it.

Patrick Buchanan is right when he says we are already in a religious struggle. And it can be to the advantage of only one side to conceal this truth, which is also at the heart of the battle over abortion. If the pea-sized human embryo has no soul, then there may be no great harm in killing it. But if it does have a soul, it's destined to meet God, and to prevent that encounter is a terrible wrong, one that nobody can have a right to inflict.

Two views of man are contending for control of our public life. Education, beyond the point of training in simple skills, must adopt one view or the other. There is no real neutrality except uncertainty—and nobody who was truly uncertain would subject children to instruction in anal sex or human fetuses to destruction.

JOSEPH SOBRAN

Both sides shrink from stating the real stakes. The secular humanist sex educationists know they would be a weak minority in a democratic showdown, while religious parents have been taught that they and they alone, by expressing their convictions, can violate the separation principle. They are afraid to confront their enemies publicly.

And so, as homosexuality has “come out,” faith has been driven into the closet. Parents who believe their children have souls have been told that they must argue from the premises of those who don’t believe it. They will never recover their rights as parents until they learn to speak from their own depths.



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## Dr. Kildare Inside the Beltway: The Education of C. Everett Koop

*James Hitchcock*

**H**ypocrisy takes two forms—the cynicism of the opportunist who knows he is pretending to be what he is not, and the idealism of the self-righteous person capable of rationalizing whatever he does. The latter kind of hypocrisy, protected as it is in impregnable moral armor, is by far the more dangerous of the two.

There is no reason to doubt that Dr. C. Everett Koop, Surgeon General of the United States during the Reagan administration, is, as he and his admirers insist, a man of high principle and fundamental moral seriousness. He is also, for that very reason, the kind of person who is, as was said about a Victorian superintendent of Scotland Yard, “inclined, as pious people often are, to maintain that an action is morally justified because his principles debar him from committing an immoral one.”

The story is well known. A distinguished pediatric surgeon in Philadelphia, Koop was also a devout Presbyterian and a courageous spokesman on behalf of the unborn. He collaborated with the influential Evangelical theologian Francis Schaeffer on a film series called *Whatever Happened to the Human Race?*

Koop’s professional standing and his principles made him the ideal candidate for the post of Surgeon General under Reagan and, after bitter opposition, he was confirmed in the post. Almost from the beginning he showed little interest in the abortion issue, however, and gradually seemed to move farther and farther to the left, until the very people who had been responsible for his nomination came to view him as an enemy, and his original critics saw him as an ally.

Koop has now written his *apologia*,<sup>1</sup> which, despite some attempt at being magnanimous, reveals a man at once serious-minded, idealistic, obtuse, egotistical, and vindictive.

His own account of what occurred during his eight years in office is relatively simple. Motivated by the highest standards of professionalism, he had no goal except that of improving the health of the nation.

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JAMES HITCHCOCK

Unfortunately both his original friends and his original enemies mistook him for a political ideologue, and expected him to behave accordingly. When he failed to do so, his friends turned on him viciously and irrationally, while his enemies at last came to offer him the respect he had always merited. Although the wounds of his confirmation hearings still smart, on balance Koop is far more angry at his former conservative friends than at his liberal enemies.

The key piece in the puzzle is his claim that, when his name was proposed for the surgeon generalship, he told Richard Schweiker, then Secretary of Health, Education, and Welfare, that he would not use the office as a platform against abortion, and that Schweiker did not demur. Whether or not such a conversation took place, Koop certainly conveyed no such message to the various conservative groups fighting for his nomination against an almost unbelievable storm of opposition. Had he done so they would certainly have abandoned him for some other candidate.

**I**t is difficult to judge whether, in claiming to be resolutely unpolitical, Koop is being truly naive or merely disingenuous. Part of his egotism seems to be the conviction that he deserved the office of Surgeon General and obtained it solely on his professional merits, and thus could legitimately think of himself as being above sordid political battles. But his critics had a legitimate point: he had no experience in the field of public health, and the willingness of the administration to overlook that deficiency surely must have suggested to the doctor that more was involved than mere professionalism. He notes with dismay that he was officially opposed by the American Medical Association and other professional bodies, which forces one of two conclusions—either he was indeed unqualified for the job, or the medical profession itself regarded the surgeon generalship as a political office, and acted accordingly. In staking out for himself the high ground of disinterested professionalism, Koop placed himself on a peak whose very existence no one else even acknowledged.

Although expected to concentrate much of his activity on the “life issues” of abortion, infanticide, and euthanasia, Koop almost immediately came to be identified with the anti-smoking campaign and, a few years later, the AIDS epidemic. He defined his role as Surgeon General primarily as one of “education,” using his office as a pulpit from which to alert Americans to serious dangers to the general health. All this was motivated by the highest standards of professionalism, responding

as a physician to undeniable evidence of serious health problems.

The fundamental fallacy in Koop's self-justification was his selective use of that pulpit. He had to warn against smoking because lives were at stake, as he had to urge the use of condoms for the same reason, even if his stands made him unpopular with certain people. Yet the Everett Koop who had for years spoken passionately about the brutal snuffing out of the lives of the unborn did not consider this an appropriate subject to address in his capacity as Surgeon General. Apparently the millions of lives thus lost since 1973 do not constitute a medical problem, merely a political and moral one best addressed by others. (One of the most obvious things Koop could have done as Surgeon General was to have informed the American people of the sordid realities of abortion, as revealed, for example, in the film *The Silent Scream*. But it was apparently his judgment that these are things which the people are better off not knowing.)

Koop devotes a chapter of his memoirs to the Baby Doe case, in which a "deformed" Indiana baby was allowed to die for lack of proper medical treatment, an episode which first brought the "quality of life" issue before the American people and led to the enactment of Federal regulations designed (apparently not very effectively) to prevent a recurrence of such neglect. Koop writes eloquently about the right of such babies to have the opportunity to live, and he points out that the media misrepresented the facts of the case. But in the end he took no public stand, and even implies that he was not in favor of the Federal regulations.

His stated reason for not speaking publicly is so absurd as to suggest that he must truly believe it:

But then I also realized that I was not only Baby Doe's Surgeon General, I was also Surgeon General for his parents, and, like it or not, I was Surgeon General for those physicians in Bloomington, no matter how poorly I thought some of them were discharging their responsibilities.<sup>2</sup>

By this reasoning, of course, Koop would never have denounced smoking, on the grounds that he was Surgeon General for smokers and tobacco-growers as well as for non-smokers. Indeed his reasoning seems to preclude even disciplining physicians for medical misconduct or incompetence. The resolutely unpolitical Dr. Koop in reality thought of his position in terms of various constituencies to whom he had to be "fair," and not in terms of disinterested medical-moral principles.

Koop expresses puzzlement at why abortion has to be a political issue at all, since, he avers, terms like "liberal" and "conservative"

have to do with economic issues and not with morality, as though it has never come to his attention that the forces of “pro-choice” years ago chose to use the courts and the legislatures to accomplish their agenda. But Koop’s willful naïveté unmistakably shades into disingenuousness when he insists that the abortion issue should be pursued solely through moral suasion, as, he claims, is the case with alcohol and tobacco use. Apparently as Surgeon General he never learned of the growing body of laws limiting smoking, the steady tightening of the noose around smokers’ “rights.” Presumably readers are to infer that he was even unaware that the name of his office is printed on all cigarette packs, solemnly warning smokers of the dangers they face. Pro-lifers would have been grateful for even a fraction of this kind of support for their own cause.

No one did more than Koop to establish the official story on AIDS which is ceaselessly transmitted through the media and virtually all other major agencies of communication—that it is a disease which threatens to reach catastrophic proportions, that all categories of people are at risk, that “moralizing” is inappropriate, and that the best defense against AIDS is the wholesale distribution of condoms. Koop placed the full weight of his official prestige behind those assertions, every one of which is false at least in part.

As with abortion, Koop insists that he was guided by purely medical considerations and that his critics are merely those who want to substitute moral dogma for scientific fact. But, as in his failure to warn the public about the realities of abortion, his failures with respect to AIDS were also medical failures.

Thus he characterizes AIDS as “the greatest health threat of the century,” a claim which gives it priority over cancer, heart disease, and a number of other maladies demonstrably far more lethal than AIDS. His dire forecasts concerning its rapid spread throughout the population have so far not been fulfilled, and to date no one has effectively refuted Michael Fumento’s argument that predictions of massive heterosexual AIDS epidemics are a myth. “Moralizing” about the disease is highly appropriate even from a medical standpoint because, when AIDS was first diagnosed as a public health hazard, it was an open secret that homosexual groups were defying attempts to impose prudent restrictions on their behavior (by closing their “bath houses,” for example).

The condom issue is a revealing window into the emptiness of

Koop's claim that he is guided solely by medical considerations, for condoms depend for their effectiveness and appropriateness on a whole nexus of factors—psychological, social, religious, familial, moral—which the physician as physician cannot evaluate. Most obviously, Koop did not address the possibility that, by encouraging the use of condoms and making them readily available, authorities risk encouraging even more promiscuous sexual activity on the part of vulnerable groups, and thus of actually increasing the danger of AIDS.

Koop retains his “personal” opposition to abortion as America’s “medical conscience.” He does not, however, include a special appendix on abortion in his memoirs, as he does on AIDS, and the AIDS appendix once again places his professional prestige behind propositions some of which are at best misleading.

Thus readers are told that they may contract the disease from “persons” with whom they have sexual contact, without mentioning the proven medical fact that, at least as far as is now known, such infection is far more likely to occur in homosexual than heterosexual relations. Later he adds that “despite what you may have heard, the incidence of heterosexually transmitted AIDS is growing,” without mentioning that such incidence is still far lower than among homosexuals and that, if drug users and bisexual people are excluded, the incidence of heterosexual AIDS is quite low.

The resolutely unpolitical Dr. Koop apparently also failed to notice that AIDS is possibly the only politicized disease in the history of the world, a fact which accounts both for the exaggerations of its seriousness and the blurring of inconvenient facts. Far from acting as the disinterested physician, Koop was a major actor in this politicization. (He became increasingly dismayed at President Reagan’s failure to “speak out” about AIDS, even as he excused his own silence about abortion and infanticide. The latter, presumably, were not medical issues.)

Thus in arguing against mandatory testing of suspected AIDS carriers, he offers not a medical reason but a blatantly political one: that those found to have the virus might be subjected to “discrimination,” a judgment which no physician as such is qualified to make and which is political and legal at its core. More seriously, his judgment involved the conscious subordination of medical to political considerations, rather as though Koop had refused to condemn smoking for fear that smokers might thereby suffer discrimination, or kept

proclaiming that smokers and non-smokers alike were equally liable to contract lung cancer.

Ironically in view of his own version of himself, Koop's approach to the abortion issue was also fundamentally political, nowhere more so than in his failure to speak out for fear of seeming partisan. In summing up his now very negative assessment of the pro-life movement, he argues that the movement failed because it did not accept a compromise solution which would permit abortion in cases of rape and incest.

But there is nothing at all medical about such a judgment. It is merely a political calculation as to what might or might not have been acceptable to the public. It prescinds from the issue of killing the unborn in order to take into account other factors, and it fails even to ask whether such a compromise would have been enforceable. (Pro-lifers have always feared that politicized members of the medical profession would be willing to certify such "hard cases" routinely, in order to achieve abortion on demand.) In rebuking his former allies for their "extremism," Koop explicitly steps out of his self-described role as America's family doctor and becomes a highly unreliable political adviser.

**R**elations between Koop and the White House deteriorated beyond repair when he received a request (or, as he insists, merely a hint) that he prepare a report on the deleterious medical and psychological effects of abortion on women. After many months of inaction, he refused the request, on the grounds that available studies were inconclusive. (He added the preposterous claim that a careful study might cost as much as a hundred million dollars.)

Here again he cast himself in the role of the scrupulously honest scientist subjected to inappropriate pressures from people whose only concerns were "political." But such an image depends, ironically, on readers of Koop's recent memoirs not being inspired to read his earlier works. For in a book published four years before he became Surgeon General, and reprinted as recently as the end of his term of office,<sup>3</sup> Koop, while noting some contradictions in available studies, offered the firm judgment that abortion did have bad psychological consequences for women and that claims to the contrary were based on biased research.

In his memoirs he does not indicate that he changed his mind while in office, and readers can only conclude either that he conveniently



forgot something he once knew—the psychological trauma of abortion—or that his liberal critics were right in claiming that his earlier writings were unprofessional.

In refusing to issue a report on the consequences of abortion for women, Koop argues that he was doing the pro-life movement a favor, since any report which might please them would lack the “unimpeachable” scientific foundation of his report on AIDS. But the AIDS report has been successfully challenged on a variety of grounds, not least its obviously political character.

The later years of Koop’s term of office were an almost unprecedented Washington story—the official of an incumbent administration openly becoming the ally of that administration’s political enemies, and adopting their agenda wholesale. The entire array of those who had savagely attacked him at the time of his nomination—Senator Edward Kennedy, Congressman Henry Waxman, and others—suddenly became his “fervent” admirers, often effusive in their praise. Simultaneously many of his former admirers came to regard him as a traitor, and his relations with the White House deteriorated practically to nothing. Here Koop is a virtuoso of disingenuousness, professing puzzlement at why either side should have changed its attitudes, since he remained the same paragon of principled consistency he had always been.

This wholly unpolitical Surgeon General does admit, however, that he hoped to become Secretary of Health and Human Services in the Bush administration and was disappointed when he was successfully opposed by his former allies, once again acting irrationally. (Presumably if he had become Secretary he would have insisted that Cabinet officers too are supposed to be unpolitical.) He reports with great pride that three Democratic candidates for President in 1988—Jesse Jackson, Albert Gore, and Michael Dukakis—told him he would have a place in their administrations, but he sees nothing at all political in such generous offers. Rumors of those conversations circulated in Washington at the time, and Koop does not mention that they occurred at a moment when the polls were predicting a Democratic victory. (By implication, while the conservatives in the Reagan administration were always politically motivated, liberals seeking the presidency really were concerned only with the good of the country.)

No one is surprised when politicians conveniently forget what they once fervently asserted, or simply reverse themselves on controversial

issues. The process by which this happened to such a self-consciously moral man as Everett Koop was much subtler.

Surprisingly, the memoir gives hints that his religion itself may have had something to do with it, both in what he believed and in what he did not believe.

From the evidence of the memoir, Koop seems to be at least mildly anti-Catholic. Although he regrets that some of his former Protestant friends turned against him, his harshest denunciations are reserved for Catholics—Phyllis Schlafly, William Bennett, Carl Anderson—all of whom were in his view pushing a political agenda in direct conflict with his professional responsibilities.

**M**uch blame then inevitably falls on the Catholic Church for its opposition to contraception, which Koop sees as the best solution to the problems of both abortion and AIDS. His casual contempt for the Church is revealed in an anecdote about meeting with Catholic representatives, in which “one prelate, Father O’Hehre,” seemed to be reasonable but other spokesmen made it clear that the Church would never accept the condom solution. Koop did not even bother to learn the correct name of Father Brian Hehir, the American bishops’ principal spokesman on public issues for a number of years (and a man indeed always inclined to be “reasonable” on issues like contraception and abortion), nor the fact that the title “prelate” (no compliment coming from the mouth of a stern Presbyterian) was not applicable to Father Hehir.

Koop treats the Catholic disapproval of contraception as merely a kind of taboo, and suggests that the Church confine itself to preaching the message to its own people. Once again, however, he avoids a question a public health official should at least address: whether the encouragement of contraceptive use increases rather than diminishes the incidence of abortion, since it encourages freer sexual activity, and abortion then becomes merely the final form of birth control. (Primly concerned with having impeccable data about the psychological effects of abortion on women, Koop nowhere even discusses any evidence that condom distribution accomplishes what it is supposed to.)

Koop is a deeply religious person who in early manhood underwent a profound conversion. His theological formulation of his beliefs, however that—“it does not matter what we do but what Christ did for us”—is open to the charge, effectively refuted by the best Protestant theologians, that one’s religion does not have to govern one’s worldly

conduct, since men are saved solely by God's sovereign choice. Like Mario Cuomo and a number of other Catholic politicians, Koop seems quite comfortable placing his religious principles and his professional actions in wholly separate compartments. (He is also proud of his association with Billy Graham, an evangelist who has gained in respectability by his failure to take a public stand on most of the controversial moral issues of the day. Koop's memoirs have been reviewed favorably in the Evangelical journal *Christianity Today*, pleased that an Evangelical has gained so much acceptance in the secular world.)

In the end, however, the story of C. Everett Koop's political conversion seems to be mainly the familiar and depressing one of the provincial with conservative principles who moves to Washington and "grows" (as Supreme Court Justice Anthony Kennedy seems now to have done with respect to abortion and school prayer).

Koop's confirmation hearings were among the most savage ever seen in Washington, at least until those of Clarence Thomas. His professional reputation was brutally attacked day after day on the floor of the Senate, even as the media took to referring to him as "Dr. Kook" and long-time professional associates refused to support him. By appearance Koop is formidable, and he says that people often find him intimidating. But appearances are indeed deceiving, and what Koop gained from this traumatic exercise in character assassination was not a resolute determination to remain faithful to his principles but apparently a resolve that he would never allow it to happen to him again.

Thus within only a year's time he went from being a public enemy to darling of the media and the Republican pet of leading Democratic politicians. Whether or not he did so fully consciously, Koop seems to have quickly learned a useful political lesson—conservatives who had gotten him into office might privately grumble or remonstrate but, short of dismissing him, could do little else. But his liberal enemies on the outside could subject him to a continuous public attack from which there was no remission. Whatever else it did, Koop's vaunted "professionalism" bought him praise and support from those who would otherwise have made his life miserable.

If Koop is perhaps now not eager to have people read what he was writing in 1976, by the time of his nomination he already regarded as a "dark cloud" the films he had made with Francis Schaeffer, which a "well-meaning" group of Christians televised on a Washington

station to Koop's embarrassment. He was called a fundamentalist, but prefers not to use that term, since, he says, "fundamentalists are known for what they are against." Even as his religious beliefs were being attacked, Koop was taking to heart the negative stereotypes formulated to discredit people like himself.

He even gives a tantalizing glimpse into the exact process by which his "growth" occurred. While still under the barrage of hostile liberal attack he was approached by Ted Cron, a career bureaucrat in H.E.W., who offered his services as speech-writer. Koop at first demurred, on the grounds that he wrote his own speeches, but Cron suggested that before long Koop would need him. Koop found that indeed this was the case and expresses his warm thanks to Cron, "despite our occasional philosophical disagreements," noting among other things that Cron helped him avoid numerous hidden pitfalls. (One of them, quite plainly, was not losing the confidence of the President who appointed him.)

**O**ne frustrating sign of Koop's naïveté and/or disingenuousity is his seeming lack of curiosity about the media's newly-found admiration for his work and his character. It seems never to have occurred to this determinedly unpolitical Surgeon General that he was being used, with or without his permission, in a rather obvious political game.

Despite Cron's assistance, Koop was frustrated over the fact that somehow the media kept misunderstanding him, as did his malevolent conservative ex-friends. Thus when he affirmed on television that women have a legal right to an abortion, this was transformed into a moral endorsement, and other television reporters later quoted him as saying that there were no negative psychological effects for women who have abortions. But his own accounts show that reporters were maneuvering him into saying what they wanted him to say, and that he repeatedly fell into their traps.

Thus Koop was deeply offended that Bennett and others accused him of wanting to distribute condoms to third graders, but their suspicion was quite proper: asked on television at what age sex education should begin, Koop said "third grade," not bothering to reflect that "sex education" now includes systematic efforts to "help children overcome their sexual inhibitions," often against their parents' wishes and their own beliefs, and the fact that not uncommonly it does include the distribution of condoms.

While it pleases him to think that his new friends simply admired

him for his courageous independence, his own words show how they made use of him for an agenda which he still insists he does not support. (Although he still affirms his strong pro-life position, he does not seem curious as to why so few people on the other side seem to hold that against him.)

But if he has no doubts about the disinterested benevolence of the liberals who came to admire him, his view of conservatives is almost entirely cynical. In general he does not even credit the Reagan administration with believing in its own stated principles. Every conflict was merely over what they hoped would be some political advantage.

William Bennett, and a few others are credited with sincerity, but in such a way as to reveal Koop's own moral obtuseness. He apparently cannot conceive that anyone might oppose condom distribution, or the homosexual-rights agenda, for defensible, principled reasons. Rather those who disagreed with him are dismissed as suffering from "an aversion," "fears and prejudices," or "preconceived notions," precisely the tactics employed by the most extreme liberal propaganda groups.

In his memoirs Koop, still insisting that he has never changed, is formally opposed to abortion on moral grounds, a morality which he treats as a private conviction which has no place in public life.

But the moral indignation suffusing his earlier works is now entirely dissipated. Two decades of debate "have not made the issue any clearer," he judges and, insofar as there is a solution, it lies in technical means like fetuses growing outside the womb, or the abortion pill RU-486, which he acknowledges is an abortifacient. He passes on without comment the observation that, even if abortion were illegal, it would still happen, a favorite argument of the "pro-choice" side.

Whereas he was once seen as a major figure in the pro-life movement, he now pronounces a plague on both houses, which are infected by an "extremism" not to be found, one supposes, in any of the groups advocating the cause of AIDS victims. Although those who favor abortion are faulted for their failure to consider adoption as a solution, more opprobrium falls on the pro-lifers, who are guilty of every crime of which their opponents accuse them—indifference to the fate of children once born, lack of concern for other issues like capital punishment and the environment, rigidity, and dogmatism. He is cautiously hopeful in that he sees some possible grounds for compromise, especially manifested by certain elements in Planned Parenthood whose existence apparently Koop alone has been able to discern.

JAMES HITCHCOCK

No one can see into the mind of C. Everett Koop and judge what precisely motivated his spectacular conversion. What can be said with certainty is that, had he remained faithful to the principles he espoused before he went to Washington, his entire term in office would have been marked by the same savage attacks which disfigured his confirmation hearing. By pursuing the agenda he did, he gained instead the adulation of those who would otherwise have continued to slander him.

By the end of his eight years in office, AIDS victims and actual or potential victims of smoking had reason to cheer—"their" Surgeon General had espoused their cause with zeal. On the other hand, the mass slaughter of the unborn, and the killing of "defective" babies and many of the elderly, continued to increase—"their" Surgeon General did not find it in his job description to speak on their behalf.

And so this most political of all American Surgeon Generals moves into a dignified and honored old age, secure in his status as "the medical conscience" of American society. As for those people who continue to claim that he betrayed his principles, he has the security of knowing that, as he says, God supports him in all that he does.

NOTES

1. *Koop: America's Family Doctor* (New York Random House, 1992).
2. *Ibid.*, p. 260.
3. *The Right to Live, the Right to Die* (Wheaton, Ill: Living Books, 1976), pp. 57-9.



*'Before you turned up I thought I was going mad.'*

THE SPECTATOR 20 July 1991

## For Richer, For Poorer

Jack Fowler

What is the *real* rationale for legalized abortion-on-demand, the boiled-down rationale not softened by rhetoric about “fundamental rights” and “a woman’s reproductive freedom”? It is, its defenders would argue, this: that teenagers and poor, minority women who find themselves “unintentionally” pregnant and unable to afford or care for an “unwanted” child need the option to “terminate” their babies.

Without abortion, they argue, the unwanted children of the poor will be born into inhospitable environments, raised in dysfunctional families, and victimized by an uncaring society. They will grow up only to become poor themselves, thereby continuing a “vicious cycle of poverty.” And of course many will develop into hardened criminals and become illegitimate mothers as well. Abortion is the solution. Yes, it may be a difficult or even “tragic” option, but it is in the best interest of the mother *and* the unborn child, saving them both from worse fates.

Leaving aside its deadly logic, the amazing thing about this rationale is the difference between those who typically articulate it and those who supposedly benefit. One would think these people would be one and the same. If abortion is a necessity for America’s poor—a sort of income-linked entitlement, like food stamps and Medicaid—then one would reasonably expect America’s poor to be demanding its continued legalization. It is the farmers who argue for agricultural price supports, the elderly who vigorously defend Social Security, and the veterans who lead the charge for expanded government benefits, right? So too it would be the poor, who “need” the option of abortion, who should be the prime agitators in the political and social fight for this so-called “fundamental right.”

That may sound logical in theory, but is not the reality. Quite simply, “the poor”—as a discernible group or class—do not argue for abortion. There has never been a “Poor Women for Choice” or “Welfare Moms’ Abortion Federation” or anything of the sort organized to agitate for legalized abortion—not in the days before

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*Roe v. Wade* nor in the twenty years since the Supreme Court handed down that decision. It has been America's cultural and media elite who have chanted endlessly the mantra that the poor need abortion—"the poor" have failed to join the refrain.

So have poor blacks: you do not see them in the forefront, walking arm-in-arm with Marlo Thomas, Jane Fonda, Ellie Smeal and Whoopi Goldberg, nor among the upscale rank-and-file of the myriad "March for Women's Lives" that descend on Washington. Nor do they rub elbows with the upper-class white women at the board meetings of Planned Parenthood, the National Organization for Women, the National Abortion Rights Action League, or the other pro-abortion organizations. Nor has there been any documentation that the poor—black or white—vote pro-abortion.

The reason for the unwillingness of "the poor" to wage a political battle for their abortion "right" is simple: they are largely pro-life.

All this poses the question: If the poor aren't defending their own supposed needs by demanding legalized and subsidized abortion, who is speaking on their behalf? The answer is: America's upper class. The rich. The very people who need abortion the least, given the rationale they promulgate, but who fight for it the most.

Granted, "the rich" is a sweeping term, but no less so than "the poor," which is the excuse the well-to-do give for promoting abortion. In recent years, it seems that that's *all* they have been doing. Since the Supreme Court handed down the *Webster* decision in 1989, the rich and famous, from their Manhattan penthouses to their Palm Beach sea-side palaces to their Beverly Hills mansions, have defended abortion with ferocity, making it their political *cause célèbre*. They have taken what was always their pet private charity—funding Planned Parenthood and other birth-control/pro-abortion nostrums—and turned it into a public crusade.

Open any newspaper nowadays and odds are you will read about the latest efforts of the Hollywood-Fifth Avenue Axis to "protect abortion rights." It has become their Rolls Royce political issue. Take for example a snippet from the New York *Times*, which ran an *Associated Press* wirestory (dated June 2) on Margot Perot, wife of then presidential candidate Ross. In her first foray onto the national scene, Mrs. Perot parrots what most people in her social-climbing set predictably say: "The right to choose an abortion is 'probably the most important issue to me. I think there are extenuating



circumstances where an abortion might be the best choice, and certainly the choice that should be made by that individual.’ ”

Why is abortion so important a “right” to Mrs. Perot and her ilk? It’s a good question. Once again, the pro-abortion *Times* gives you the “feel” of the answer: back on Nov. 11, 1989, *Times* person Nadine Brozan reported:

They have been stalwart Republicans for decades, but three prominent women who have raised hundreds of thousands of dollars for the party have announced they would withhold their support from candidates who oppose the right to an abortion. They said they would form a political action committee to aid Republicans who support abortion rights.

Two of the women—Barbara Mosbacher, sister of [then] Commerce Secretary Robert A. Mosbacher, and Barbara Gimbel . . . submitted their resignations to the New York State Republican Finance Committee. The third, Pauline Harrison, a member of the DuPont family, said that she agreed with the others but that she would not resign from the finance panel . . .

“In the past, we’ve always played on the team no matter what, but now we have made up our minds to actively support pro-choice Republicans and not right-to-life Republicans,” said Ms. Mosbacher. The women announced their decision in an interview . . . at Mrs. Harrison’s Manhattan apartment.

“I have always been a party loyalist, but this issue transcends party loyalty,” Mrs. Gimbel said. “I want to be selective in the candidates I support. Now I have a litmus test.”

The women, reported Brozan, “are influential in a variety of circles. Mrs. Gimbel, for example, has been president of the Society of Memorial Sloan-Kettering Cancer Center; Mrs. Harrison was president and chairwoman of Planned Parenthood of New York City, and Ms. Mosbacher was a trustee of Brown University.”

More recent evidence that Mrs. Perot and the New York trio of Gimbel, Mosbacher and Harrison are not maverick blue bloods came again from the *Times*, and—surprise—again from the pen of Miss Brozan. Writing in the *Times*’ “Chronicle” section June 12, 1992, Brozan shows how the pro-abortion cause is so popular among the smart set that it’s become grounds for holding evening cocktail soirées on the Great Gatsby’s turf:

With the summer social whirl revving up in the Hamptons, one requisite stop this weekend is a cocktail party at Martha Stewart’s in East Hampton. It will benefit Planned Parenthood of Suffolk County.

JACK FOWLER

Among those expected at the party tomorrow, milling about in the crowd of 700: Calvin and Kelly Klein, Christie Brinkley, Jann and Jane Wenner, Mark Hampton, Linda and Morton Janklow, Herbert Ross and Lee Radziwell, Ronald and Jo Carole Lauder, J. Bruce Llewellyn and Shahara Ahmad, Judy Licht and Jerry Della Femina and Charles and Bette-Ann Gwathmey.

Kathleen Turner will give a reading, "The 10-Minute Margaret Sanger," including excerpts from a new biography of Sanger, the birth-control pioneer, by Ellen Chesler.

The timing of the party and of the book's publication by Simon and Schuster on June 24 could not have been more fortuitous, said Ms. Chesler, who has been working on it since the mid-1970s.

"Nora Ephron offered to write something for Kathleen Turner to perform when she got the galley of the book in the mail," Ms. Chesler said. "She said: 'This is perfect. Would you be willing to let me select readings from it to serve as the voice of Margaret Sanger?'"

In a further coincidence, the publication date falls near the time when the Supreme Court's decision is expected in *Planned Parenthood v. Casey*, the Pennsylvania case that could substantially limit abortion rights.

There is little doubt about a pro-abortion ideology among those who might be called America's mega-rich. Generations of Rockefellers, DuPonts and Fords have, either as individuals or through family foundations, served as financial angels to groups like Planned Parenthood, bankrolling the drive to legalize abortion and promote "population control" among the lesser breeds.

Again, the *Times* provides ready proof of this super-rich mindset: the April 29, 1988 edition carried a front-page story on David Packard, co-founder of Hewlett-Packard and reportedly worth \$2 billion, who was turning his fortune over to the David and Lucile Packard Foundation, "making the philanthropy one of the five or six wealthiest in the country." Of no surprise was the announcement that "the foundation will also have a \$10 million program in population activities, particularly supporting family planning in third world countries." Also of no surprise: the story notes that the late Mrs. Packard "was deeply involved in child health concerns."

But while the wealthy, including the lower ranks of the monied classes, are decidedly pro-abortion, the mindset of the poor, and minorities—the ones who "need" abortion—is as decidedly pro-life. There is a growing body of evidence documenting this "abortion gap" separating the rich and the poor.

True, the evidence is hard to come by: most polls on abortion don't ask questions along income lines. There are, however, some recent, authoritative polls that have done exactly that. Their findings confirm what many abortion foes have long argued: the greater one's income, the more likely one is to be pro-abortion.

Consider the survey conducted last May by the respected Wirthlin Group for the *Reader's Digest*: it was a wide-ranging poll on the differences in "social issue" views between married couples with children and "singles" and childless couples; it found "highly divergent views"—couples with children proved *more* "conservative" not only on abortion, but also drug legalization, homosexuality and other issues. Among the questions asked were four relating to abortion, three of which found marked differences in the abortion views of people earning under \$15,000 and those earning over \$60,000 annually. Both are broad categories, but they nonetheless serve to define "the rich" and "the poor" and to compare views between income extremes. (The poll also found sharp differences over abortion between whites and blacks: the same "minorities" used to justify abortion are themselves markedly more opposed to abortion than whites.)

Wirthlin's poll showed a 50 percent difference between the rich (\$60,000-plus) and poor (\$15,000-minus) on opposition to public funding for abortion. The poor overwhelmingly oppose it, while the rich strongly support it. And on an "ethnicity" breakdown, the poll found stronger opposition to abortion funding among blacks than among whites, although a third category, labelled "other," held generally to the same percentages as whites.

As everybody knows, polls on abortion consistently show *conflicting* results. One famous example was the highly-regarded survey by the Los Angeles *Times* in 1989: it showed that while a slim majority supported the "right" to abortion, a full 57% called it "murder"—including 33% of women who had *had* abortions. Clearly, the most important question is *what* questions are asked, and *how*: a clever pollster can usually get the "preferred" results. But not always. In the "rich *v.* poor" polls involved here, the results speak for themselves. Still, it's worthwhile to look here at both the questions and the answers, as in the first Wirthlin poll (Table 1).

A second poll (Table 2) question asked for views on granting Constitutional rights to unborn children, and the results also revealed a chasm separating the income extremes' views on another core abortion issue. The rich clearly oppose protecting such rights by more than

**TABLE 1—WIRTHLIN POLL**

*“Question: I’m going to read you some different abortion legislation that is being considered. For each one I read, please tell me whether you favor or oppose it. ‘Using tax dollars to pay for abortions for women who cannot afford to pay for them.’ ”*

|                        | INCOME      |             |             |             |            | ETHNICITY |       |       |
|------------------------|-------------|-------------|-------------|-------------|------------|-----------|-------|-------|
|                        | Under \$15K | \$15K-\$30K | \$30K-\$40K | \$40K-\$60K | Over \$60K | White     | Black | Other |
| Total Sample . . . .   | 227         | 271         | 141         | 133         | 157        | 798       | 113   | 99    |
| Total Favor . . . . .  | 74          | 111         | 58          | 66          | 98         | 343       | 37    | 42    |
| Percentage . . . . .   | 32%         | 41%         | 41%         | 49%         | 57%        | 43%       | 33%   | 42%   |
| Total Oppose . . . . . | 144         | 145         | 82          | 65          | 64         | 424       | 72    | 54    |
| Percentage . . . . .   | 63%         | 54%         | 58%         | 49%         | 41%        | 53%       | 64%   | 55%   |
| Strongly Favor . . . . | 37          | 59          | 32          | 31          | 52         | 191       | 21    | 16    |
| Percentage . . . . .   | 16%         | 22%         | 22%         | 24%         | 34%        | 24%       | 18%   | 16%   |
| Somewhat Favor . . .   | 36          | 52          | 27          | 34          | 37         | 152       | 17    | 26    |
| Percentage . . . . .   | 16%         | 19%         | 19%         | 26%         | 24%        | 19%       | 15%   | 26%   |
| Somewhat Oppose . .    | 21          | 48          | 13          | 21          | 32         | 129       | 8     | 10    |
| Percentage . . . . .   | 9%          | 18%         | 9%          | 15%         | 21%        | 16%       | 8%    | 10%   |
| Strongly Oppose . . .  | 124         | 97          | 69          | 44          | 32         | 295       | 64    | 45    |
| Percentage . . . . .   | 54%         | 36%         | 49%         | 33%         | 20%        | 37%       | 57%   | 45%   |
| Don’t Know . . . . .   | 9           | 9           | 1           | 2           | 3          | 22        | 3     | 3     |
| Percentage . . . . .   | 4%          | 3%          | 1%          | 2%          | 2%         | 3%        | 3%    | 3%    |
| Refused . . . . .      | -           | 5           | -           | 1           | -          | 10        | -     | 1     |
| Percentage . . . . .   | -           | 2%          | -           | 1%          | -          | 1%        | -     | 1%    |

twice the percentage as the poor. Conversely, the poll shows that the poor are 75 percent more likely to grant some Constitutional protection to the unborn than are the rich. Blacks outpaced whites by 18 percent in support for unborn rights.

A third question showed that the rich and poor did not differ much over requiring parental consent for girls under 18 years of age seeking abortions. While 67 percent of those earning under \$15,000 yearly backed such a law, a near-equal 68% of those with annual incomes over \$60,000 agreed. Indeed, the strongest support for parental consent came from those earning between \$15,000 to \$40,000. Over 80% in that combined category—a group which most likely has a greater proportion of teen-age girls among its families—backed requiring consent. Also, blacks are less supportive of parental consent than whites: 65 percent of blacks agreed with consent legislation, compared to 74 percent of whites questioned in the poll. Some 77 percent of “other” ethnics backed the law.

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TABLE 2—WIRTHLIN POLL

“Question: I’m going to read you some different abortion legislation that is being considered. For each one I read, please tell me whether you favor or oppose it. ‘Amending the U.S. Constitution to protect the right of unborn children to live.’ ”

|                           | INCOME      |              |              |              |            | ETHNICITY |       |       |
|---------------------------|-------------|--------------|--------------|--------------|------------|-----------|-------|-------|
|                           | Under \$15K | \$15K- \$30K | \$30K- \$40K | \$40K- \$60K | Over \$60K | White     | Black | Other |
| Total Sample . . . . .    | 227         | 271          | 141          | 133          | 157        | 798       | 113   | 99    |
| Total Favor . . . . .     | 149         | 132          | 72           | 57           | 58         | 372       | 73    | 61    |
| Percentage . . . . .      | 65%         | 49%          | 51%          | 42%          | 37%        | 47%       | 65%   | 61%   |
| Total Oppose . . . . .    | 63          | 119          | 61           | 69           | 91         | 363       | 36    | 36    |
| Percentage . . . . .      | 28%         | 44%          | 43%          | 52%          | 58%        | 45%       | 32%   | 37%   |
| Strongly Favor . . . . .  | 102         | 95           | 55           | 44           | 42         | 265       | 54    | 47    |
| Percentage . . . . .      | 45%         | 35%          | 39%          | 33%          | 27%        | 33%       | 48%   | 47%   |
| Somewhat Favor . . . . .  | 46          | 37           | 18           | 12           | 16         | 107       | 19    | 14    |
| Percentage . . . . .      | 20%         | 14%          | 12%          | 9%           | 10%        | 13%       | 17%   | 14%   |
| Somewhat Oppose . . . . . | 32          | 54           | 24           | 28           | 29         | 150       | 19    | 17    |
| Percentage . . . . .      | 14%         | 20%          | 17%          | 21%          | 18%        | 19%       | 17%   | 17%   |
| Strongly Oppose . . . . . | 31          | 64           | 36           | 41           | 62         | 213       | 18    | 19    |
| Percentage . . . . .      | 14%         | 24%          | 26%          | 31%          | 40%        | 27%       | 16%   | 19%   |
| Don’t Know . . . . .      | 12          | 16           | 8            | 6            | 7          | 52        | 3     | 1     |
| Percentage . . . . .      | 5%          | 6%           | 6%           | 4%           | 4%         | 7%        | 3%    | 1%    |
| Refused . . . . .         | 4           | 4            | -            | 2            | 1          | 12        | -     | 1     |
| Percentage . . . . .      | 2%          | 1%           | -            | 2%           | 1%         | 1%        | -     | 1%    |

But the abortion gap returned in the fourth and final question (Table 3), this one dealing with self-impressions on the issue. The poor and blacks describe themselves as “pro-life” in much greater proportions than whites and the wealthy. While those in the lowest earnings bracket were near-evenly split between “pro-life” and “pro-choice” on the question, the highest income group placed itself solidly in the pro-abortion camp.

One poll does not a trend make. Two polls do—right? The *Reader’s Digest* survey’s results effectively mirrored the findings of a September 1991 Gallup poll. The categories in the Gallup survey defined categories differently, thereby preventing an exact comparison with the Reader’s Digest poll: the highest of four income brackets in the Gallup poll is \$50,000-plus, while the lowest bracket comprises those earning less than \$20,000 a year. Nevertheless, an internal comparison of the Gallup poll’s two extreme earning brackets again shows a wide abortion gap between the poor and the rich.

**TABLE 3—WIRTHLIN POLL**

*“Question: Generally speaking, would you consider yourself to be . . . on the abortion issue?”*

|                        | INCOME      |              |              |              |            | ETHNICITY |       |       |
|------------------------|-------------|--------------|--------------|--------------|------------|-----------|-------|-------|
|                        | Under \$15K | \$15K- \$30K | \$30K- \$40K | \$40K- \$60K | Over \$60K | White     | Black | Other |
| Total Sample . . . . . | 227         | 271          | 141          | 133          | 157        | 798       | 113   | 99    |
| Pro-Life . . . . .     | 106         | 96           | 49           | 50           | 53         | 269       | 60    | 56    |
| Percentage . . . . .   | 47%         | 35%          | 34%          | 37%          | 34%        | 34%       | 53%   | 56%   |
| Pro-Choice . . . . .   | 105         | 150          | 81           | 72           | 93         | 460       | 49    | 34    |
| Percentage . . . . .   | 46%         | 56%          | 57%          | 54%          | 59%        | 58%       | 43%   | 35%   |
| Neutral . . . . .      | 9           | 13           | 7            | 6            | 8          | 44        | 1     | 3     |
| Percentage . . . . .   | 4%          | 5%           | 5%           | 5%           | 5%         | 5%        | 1%    | 3%    |
| Don't Know . . . . .   | 7           | 10           | 4            | 5            | 2          | 20        | 3     | 6     |
| Percentage . . . . .   | 3%          | 4%           | 3%           | 3%           | 1%         | 2%        | 2%    | 6%    |
| Refused . . . . .      | -           | 1            | -            | 1            | 1          | 6         | -     | -     |
| Percentage . . . . .   | -           | 1%           | -            | 1%           | 1%         | 1%        | -     | -     |

This is most evident in the poll's question on the legality of abortion (Table 4). Only 7.7 percent of the highest wage earners believed abortion should be illegal, less than half the total of those in the poorest bracket. And almost half of the well-off said they would accept abortion-on-demand, something little more than a quarter of those in the less-than-\$20,000 bracket agreed with. Unlike the *Reader's Digest* poll, however, the Gallup poll showed parity among the races—white, black and “non-white”—on this matter.

Again, a second poll question (Table 5), this one on whether the Supreme Court's 1973 *Roe* decision should be overturned, exposed a yawning abortion gap. When contrasted to the rich, the poor are 50 percent more likely to want *Roe* overturned. As with the *Reader's Digest* poll, the poor are evenly split on this question, while the rich oppose overturning *Roe* by a 2-to-1 margin. While the question serves as an adequate means of determining abortion views, it is nevertheless typical of polls on this issue, as the question minimizes the extent of the *Roe* decision by portraying it as limiting abortion legality to the “first trimester” of pregnancy.

The abortion gap is not a recent phenomenon. Gallup, as part of its November 1974 “Opinion Index,” uncovered it by asking whether abortion—then a newly-minted “right”—should or should not remain legal through three months. The results were broken in 40 categories, including seven by income, with the top earnings

TABLE 4—GALLUP POLL

“Question: “Do you think abortion should be legal under any circumstances, legal under only certain circumstances, or illegal in all circumstances?”

|  | INCOME         |                  |                  |                |
|--|----------------|------------------|------------------|----------------|
|  | \$50K-<br>Plus | \$30K-<br>49,999 | \$20K-<br>29,999 | \$20K-<br>Less |
| Total Respondents . . . . .            | 317            | 385              | 303              | 520            |
| Legality of Abortion . . . . .         |                |                  |                  |                |
| Legal Under Any Circumstances . . . .  | 152            | 141              | 78               | 145            |
| Percentage                             | 48.0%          | 36.5%            | 25.8%            | 27.9%          |
| Legal Under Certain Circumstances .    | 132            | 205              | 161              | 255            |
| Percentage                             | 41.5%          | 53.3%            | 53.1%            | 49.1%          |
| Illegal In All Circumstances . . . . . | 24             | 38               | 50               | 93             |
| Percentage . . . . .                   | 7.7%           | 9.9%             | 16.6%            | 17.9%          |
| Dont Know/Refused . . . . .            | 9              | 1                | 14               | 26             |
| Percentage . . . . .                   | 2.8%           | 0.3%             | 4.5%             | 5.1%           |

category \$20,000 and over, and the lowest under \$3,000. The abortion gap between them was striking (See Table 6).

Just prior to the *Webster* ruling in 1989, with *Roe* facing a shaky future, the Los Angeles *Times* conducted a major poll on abortion, one that provided little solace to pro-abortion activists. It found that there was overwhelming opposition to the majority of abortions which are performed for birth control and convenience reasons. There was only majority support for abortions in “hard cases” of serious fetal birth defects, rape, incest, and when a pregnancy “endangered” a woman’s life.

Still, the abortion income gap, and a broader cultural gap, was evidenced. As for who supported abortion, and who typically *had* abortions, *Times* reporter George Skelton wrote in the paper’s March 19, 1989 edition: “contrasted with the widespread perception that abortion clients come from the low end of the socioeconomic ladder, women who told the *Times* poll that they had aborted a fetus tended to be better educated, working full time, earning good salaries and generally representative of every racial and ethnic group. They also tended to be either childless or the parent of just one child, a baby boomer and living in metropolitan areas. Religion is not very important in their lives.”

The *Times* provided a composite sketch of abortion foes and supporters. People who favored abortion, the *Times* said:

**TABLE 5—GALLUP POLL**

*“Question: In 1973, the Supreme Court ruled that the states cannot place restrictions on a woman’s right to an abortion during the first three months of pregnancy. Would you like to see this ruling overturned, or not?”*

|                          | INCOME         |                  |                  |                 |
|--------------------------|----------------|------------------|------------------|-----------------|
|                          | \$50K-<br>Plus | \$30K-<br>49,999 | \$20K-<br>29,999 | Under<br>20,000 |
| Total Respondents .....  | 329            | 400              | 320              | 440             |
| Answer                   |                |                  |                  |                 |
| Yes .....                | 99             | 170              | 141              | 209             |
| Percentage .....         | 30.0%          | 42.6%            | 44.2%            | 47.4%           |
| No .....                 | 224            | 206              | 154              | 204             |
| Percentage .....         | 67.9%          | 51.6%            | 48.2%            | 46.2%           |
| Don't Know/Refused ..... | 7              | 23               | 24               | 28              |
| Percentage .....         | 2.1%           | 5.8%             | 7.6%             | 6.4%            |

- Have generally liberal views on “family values.” They favor changing women’s status in society and do not feel that a woman’s place is in the home. They think motherhood can sometimes be a burden. They support homosexual rights.
- Tend to have fewer children; more often than not they are separated, remarried or have been divorced.
- Consider religion less important in their lives and tend to be Jewish or to attend religious services only occasionally.
- Politically identify themselves as more liberal and in party affiliation split evenly between Republicans and Democrats.
- Tend to earn more than \$30,000 per year, be middle-aged, live in a central city or suburb in New England, the Mid-Atlantic or the Pacific states. More likely than not a female wage earner contributes more than 40 percent of family income.

As for people who oppose abortion, the *Times* said they typically:

- Feel the country is in a state of moral decline and hold conservative views on “family values.” To them, a woman’s place is in the home and motherhood must always be a woman’s most important and satisfying role.
- Have more children than average (four or more) and tend not to use contraception.
- Consider religion very important in their lives and regularly or frequently attend services. They are most often Latino and Roman Catholic or hold fundamentalist Pentacostal religious views.
- Are either conservative or tend to pay little attention to politics.
- Generally either own their own businesses or hold service-related positions, earning less than \$20,000 per year. They tend to live in smaller cities or in rural areas of the Midwest and Deep South.



TABLE 6

*“Question: Abortion through the third month of pregnancy should/should not continue to be legal?”*

| <u>Income:</u>              | <u>Should</u> | <u>Should not</u> |
|-----------------------------|---------------|-------------------|
| \$20,000 & over . . . . .   | 62%           | 38%               |
| \$15,000-\$19,999 . . . . . | 64%           | 36%               |
| \$10,000-\$14,999 . . . . . | 52%           | 48%               |
| \$7,000-\$9,999 . . . . .   | 47%           | 53%               |
| \$5,000-\$6,999 . . . . .   | 42%           | 58%               |
| \$3,000-\$4,999 . . . . .   | 38%           | 62%               |
| Under \$3,000 . . . . .     | 38%           | 62%               |

This year’s—in April—highly publicized pro-abortion march and rally in Washington bore out the fact that America’s most active abortion supporters come from a more affluent and culturally liberal world than that inhabited by the poor, and indeed that inhabited by most Americans. An eye-opening survey of the crowd by the *Washington Post*, published (April 6, 1992) under the headline “Poll Suggests Abortion-Rights March Failed to Attract Diverse Crowd,” revealed no cross-section of America, but a largely elitist, reactionary bunch. Who attended the media-ballyhooed event? The crowd was comprised mostly of women (78%), few of whom were married (just 30%), and it was disproportionately Jewish (21%). Most attendees (59%) were employed full time, over a third came from New York, and 59% claimed affiliation with the Democratic Party (only 5% described themselves as Republican). Few blacks were seen in the 90-plus percent white throng. Only 5% supported parental notification.

As for the marchers’ income breakdown, only 14% claimed annual earnings lower than \$12,000. On the other end of the abortion gap, some 35% claimed incomes surpassing \$50,000 annually, while 22% earned between \$30,000-49,000. Marching in protest seemed to be their shared pastime. The *Post*’s Richard Morin wrote “Half said they had attended a rally for civil rights, or for the environment. A third of the demonstrators said they had attended a rally in support of gay or lesbian rights, and an equal proportion had participated in an organized demonstration against the Persian Gulf War.”

So why do the rich and the well-off tend to be pro-abortion? I asked that recently of one prominent woman who travels in New York’s higher social circles, and she responded, bluntly, that there

were several reasons. “A lot of them or their family members have had abortions,” she said. “It touches their lives.” The reason they are “so very emotional” in their promotion for abortion is that “the guilt they have from having abortions is tremendous.”

The rich, she says, also tend to be like most Americans on what an abortion really is. “They’re ill-informed. They’re taught that it is good, and that it keeps you healthy. It’s romanticized: abortion keeps you young.” As for the abortion act, this socialite’s circle of friends “don’t want to talk about what actually happens during an abortion, the unspeakable.” In reality, she says, most women who are part of the Republican circles where the Gimbels, Harrisons and Mosbachers loudly reign “don’t talk about this subject. They tend to shy away from controversy. Those who are pro-life are quietly so. They don’t explain their position for fear of being cast as a fringe lunatic.”

As for abortion’s legality, most rich women—again, like most Americans—“don’t know what *Roe v. Wade* provides. They don’t know that abortion is available and legal in the second and third trimester. They don’t know about the procedure itself.”

Is there another reason for supporting abortion? “It’s racism. You’ll find that out if you scratch the surface. These people talk about the poor, the unwanted, the minorities. It’s the old Margaret Sanger attitude,” she says, referring to Planned Parenthood’s founder, a eugenics freak who advocated forced birth control of Catholics, Jews, blacks and ethnics, and who once concocted the so-called “Negro Project,” a scheme for inducing black ministers to spread the birth control message to their flocks. The rich, she says, “don’t want the lower classes reproducing. They don’t want brown babies. Why? Because they grow up to a life of crime.”

Thanks to abortion, both the rich and the poor are being spared—of life. But it’s not because the poor want it that way.

## Itching for Sound Doctrine?

*William B. Murchison*

Consider the Episcopal Church, awash in seductive odors from incense to antique cedar tracery, yet plugged in as well to the modern: AIDS, South Africa, gay rights, the environment, female priests, “inclusive” language in liturgies. A church whose demonstrated social cachet hasn’t prevented a membership loss of fully one third since the late 1960s. A church doubtful at times why it is in business at all: to preach the words of eternal life, or to reform contemporary society.

You might not expect to find in such a body as today’s Episcopal Church—my own church—lively concern for the sanctity of unborn life. Nor do you necessarily discover it by thrusting a flashlight into the institutional darkness. Yet that same flashlight, as it plays around the room, reveals some surprising things. Such as that:

- The modern Episcopal Church’s commitment to social liberalism and permissiveness can be, and has been, exaggerated—through its own efforts, not just the media’s.
- This susceptibility to exaggeration proceeds from the activism and promotional talents of the church’s hierarchs, abetted by semi-professional activists and occasionally lazy or blindly-loyal laymen.
- The Episcopal Church, with many a lurch and false start, has been moving, not away from but toward commitment to the protection of unborn life.
- This commitment, where it exists, manifests itself not just in languorous sentiment but in purposeful ministry to mothers seeking abortions.
- The commitment is fueled more by the laity than the clergy—and is expanding in order to confront the growing societal push for euthanasia.

What have we here anyway, the first rosy rays of the Millennium? I think probably not. We are dealing with fairly narrow circumstances in a fairly narrow province of Christendom; but, then, not inappropriately, Dr. Johnson’s verdict on the woman preacher comes to mind: “It is not done well; but you are surprised to find it done at all.” We are surprised—shocked, actually—to find influential members of an American “mainline” denomination adamant about anything, especially a widely-unfashionable thing like the defense of unborn life. Something else is surprising: The defense, as carried on within the Episcopal Church, is very often “done well.”

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**William B. Murchison**, a columnist for the *Dallas Morning News*, is syndicated nationally.

The Episcopal Church's story is also cautionary: an illustration of modern contemporary feminism's power to slash through opposition like Sherman through Georgia. Radical feminism, which designs a whole new way of viewing human nature and the human relationship to God—if there really is a God, and not a Goddess—is presently the most insidious force in Christianity. If you seek its monument, look at today's Episcopal Church.

Time was when Anglicanism, whose principal (though not only) American branch is the Episcopal Church, entertained no doubts whatever regarding abortion. The taking of unborn life was "sinful," declared the 1930 Lambeth Conference of Anglican bishops, speaking as the Church Fathers and so many others had spoken over the centuries. A generation later, the 1958 Lambeth Conference spoke with no less certitude: "Abortion and infanticide are to be condemned."

Anglicans said *that*—and within living memory? We have to pinch ourselves to be sure we are not dreaming, because a mere half-dozen years after the words were spoken, the world went mad—the Episcopal portion of it madder than many others. In those fevered days of student rioting and new "lifestyles," theologians pondered God's obituary notice. Placard-carrying clergymen assaulted the civil order. Nothing seemed too daring, too much at arm's length from traditional Christianity, to excite from Anglican thinkers a civil—yes, even a friendly—nod.

General Convention, the church's governing body, narrowly authorized the ordination of women as priests in 1976. In vain bishop-theologians like the late Robert Terwilliger protested that the priesthood, as bestowed by Jesus Christ, was male and perforce could not be changed by majority vote. The New Order objected that such objections were of purely historical interest. We were living in a new era, were we not? Old prescriptions no longer held sway. The church, a theological enterprise, saw the ordination-of-women question less as a theological issue than as a way of making amends for the church's long denial of women's equal-employment rights.

Abortion, which supposedly is all about a woman's right to control "her own" body, may be the supreme feminist issue. Women—anyway those who pretended to speak for the entire sex—were demanding exactly what Lambeth only a few years earlier had condemned as sinful. What was to be done? The church opted for the old roller-coaster principle: If looking too closely makes you sick, close your eyes. The Episcopal Church closed its eyes to what it had said historically

about abortion, and likewise to the consequences of the moral regression represented by such a feat. This feat was less taxing than at first one might suppose. For three reasons, it seems to me.

First, the Episcopal Church is known as the church of the Upper Crust. Too much can be, and has been, made of just how many upper Crustaceans the church carries on its rolls (such as President George Bush); far greater numbers are just ordinary poor and middle class folk—the kind more interested in religion than in social prestige. The point on which to keep your eye is that the affluent and rich bulk large in Episcopal affairs. So, correspondingly, do their “progressive” social viewpoints, including the so-called right to choose. This is the truer because the Episcopal Church has such deep roots in the progressivist Boston-Washington “Boswash” Corridor, home to so many sparkling neo-Gothic towers—and so many naves only 30, 20, 10 percent full on Sundays. No matter; such churches, in better times, were plentifully endowed by pious widows and upper-class merchants. The money won’t run out, even if the congregations do. In New York City, the progressivist Jerusalem, stands the church’s national headquarters with a large bureaucracy (a bit smaller since last year’s financial retrenchment) and a downstairs bookstore whose front window not long ago featured such theological tomes as “The Dangers of Growing Up in a Christian Home,” “Outgrowing Catholicism,” and “Voices of the Goddess: A Chorus of Sibyls.” Almost the whole Eastern old-boy network—universities, law firms, media, foundations—has turned left in latter times, with matters worsening as the generation of the ’60s grays and ripens. Non-progressive Episcopalians in the East, whether outnumbered or not, are decidedly out of power. Bishops and diocesan conventions pay them little heed. Recently a godly and superlatively-gifted priest I know moved from Texas to one of the eastern dioceses, where his wife, a psychologist, had accepted an important position. This priest was still unable, the last time I heard, to find employment, owing to his traditionalist convictions and associations.

Second, women, even before they could serve on church vestries, far less function as “priests,” have been the bulwark of the Episcopal Church: tireless volunteers, natural aesthetes in a church much given to aestheticism. At most services, they far outnumber males. The Episcopal Church’s sensitivity to its women members is acute. It relies on them. It fears them a little, too: all the more when they

start asserting what they depict as their rights. Resisting women—  
theologically—is not an activity that the average Episcopal rector  
relishes. For two decades at least, the church has not only ordained  
women but has encouraged feminist theologians to find new ways  
of expressing their understanding of God. If the church was self-  
consciously going to demonstrate respect for women’s minds, how  
could it dictate what they did with their bodies?

Third, the Episcopal Church has over the years taken pride in  
its tolerance and reasonableness. The church will listen to anyone.  
Who Knows But That Discussion Will Enlarge Our Understandings?  
Progressive theologians—practically the only kind there are any  
more—are wont to speak in praise of Anglican “ambiguity.” In praise,  
I said, not condemnation. Formally the Episcopal Church leans on  
the Bible and the Book of Common Prayer, which itself is heavily  
biblical. However, as one theologian puts it, the church “appeals  
to the conscience and views the individual as responsible for working  
out his or her own salvation.” (“His or her” is how we talk in these  
times of raised consciousness.)

Such are the virtues of quiet times, when people are more reasonable  
and restrained. The sixties were anything but quiet times, with their  
clamor for instant change. The Episcopal Church for the first occasion  
in its history faced real rudeness. It hardly knew what to do. At  
length a smile spread across its ecclesiastical face. Bless the people,  
they were right after all. Yes, we had too long clung to outmoded  
theological notions. Women accordingly were priested, homosexual  
rights asserted, basic Christian doctrines challenged. Malcolm Muggeridge  
comes to mind: “If there is one thing more unedifying than a ruling  
class in a position of dominance, it is a ruling class, like ours, on  
the run. They are capable of every folly and misjudgment, mistake  
their enemies for friends, and, of course, *vice versa*, and feel bound  
to go out of their way to encourage whatever and whoever seek  
their destruction.”

When *Roe v. Wade* came down from the Supreme Court, the Episcopal  
Church, by virtue of its general commitment to traditional moral  
teaching, could have been called at least nominally pro-life. However  
*Roe* opened new vistas of social change that transfixed Episcopal  
authorities. What to say about it all? In 1976, General Convention  
executed a death-defying moral and intellectual straddle. Human  
life, said the deputies, was sacred: “abortion for convenience” could  
not be countenanced. Then, in a twinkling, the emphasis shifted.

In cases of rape and incest, as in cases where the baby might be born “badly deformed in mind or body,” abortion was certainly permissible. The church would do nothing to hinder it. And that was not all. Anti-abortion activists were talking up legislation that would overturn the *Roe* decision. The Episcopal General Convention was having none of this. It wished the world to know of its “unequivocal opposition to any legislation on the part of national or state governments which would abridge or deny the right of individuals to reach informed decisions in this matter and act upon them.”

Here was Anglican ambiguity indeed—and worse. Life was sacred, but the Episcopal Church was not going to stand by while the state moved in to protect its sacredness. Why, that would not be tolerant. The Episcopal Church heartily agreed with what you might say in defense of, well, at least some unborn life, and would fight to the death your right to do anything about it.

¶ It is doubtful if any more muddle-headed moral and theological pronouncement than this one blackens the books of any large body of modern Christians. On the central moral question of the era, the Episcopal Church had wimped out. The gods of the age were appeased. The God of all might be of a different disposition, though progressivist theologians were simultaneously assuring us that reason and experience were better guides to His (if not Her) will than were the moss-encrusted testimonies of dead people. In 1979, and again in 1982, General Convention reaffirmed the resolution. That was that.

Yet better times were coming. A pro-life organization of Episcopalians has existed, remarkably enough, since 1966, having been organized by the then-bishop of Arizona, the Rt. Rev. Joseph Harte. The bishop became alarmed by the introduction of a bill to repeal the state’s anti-abortion statute. The moral depredations of the Weatherman-Woodstock era hadn’t really commenced, in 1966, and here was an assault on unborn life, taking place in a conservative state. Harte, regarding seriously his role as shepherd of the faith, saw the legislation (which failed) as a “coming cause—a signal to kill babies before they are born.” He called his newly-formed group Episcopalians for Life. In short order similarly named groups popped up around the country. They consolidated in 1982 as The National Organization of Episcopalians for Life, known as NOEL.

NOEL became the leaven in the sodden lump of Episcopal abortion theology, producing attractive, well-written literature, organizing

new chapters, pressing the national church for a more uplifting, not to say theologically proper, stand on abortion. NOEL's activities tied together the major orthodox strands in modern Episcopalianism—Anglo-Catholic, evangelical, and charismatic. Each found support of unborn life a more inspiring enterprise than the contention into which they sometimes fell over different styles and emphases.

With 175 parish-level chapters and 20,000 members, NOEL emphasizes the provision of alternatives to abortion. “We try, says the Rev. Dr. Robert Munday, NOEL's president, “to encourage that all members should be aware and ideally involved with alternatives to abortion in the community. Our parishes should really become sheltering parishes. That would mean they are able to minister to a woman with a crisis pregnancy and to direct her to resources in her community. It's a very loving kind of ministry. If we don't reach out to a woman who is involved in a crisis pregnancy, we are not doing anything but being judgmental.” In a recent issue of *NOEL News*, a member who heads a Virginia crisis pregnancy center writes: “There is no argument regarding the fact that offering pregnant women hope, and help, is one of the very best means of encouraging a woman to give life to the child within her womb. That is why centers providing counseling, emotional support, housing, maternity needs, and financial support have become the heart and soul of the pro-life movement.”

A handful of Episcopal bishops actively aids and abets NOEL. Munday's immediate predecessor as NOEL president, the Rev. Canon John W. Howe, was himself elevated to the episcopacy a few years ago. Howe has written: “The [abortion] issue . . . ultimately is a life-and-death struggle between the forces of light and darkness.” No “Anglican ambiguity” here! As for the bulk of the bishops, even today, says Munday, “Their moral and ethical leadership has to do with South Africa and racism. It has been very selective.”

Munday, a seminary professor, adds that “We have some very solid pro-life priests in the Episcopal Church, for whom I am thankful. We have a greater number of pro-life lay people . . . A lot of the time the clergy tend to confuse compassion with condoning wrong behavior.” NOEL's rapid expansion—there were but 57 chapters at the start of 1987—he attributes in part to the renewal movement, “where lay people are involved on the more conservative orthodox biblical side of issues . . . I think this is responsible for efforts we are seeing to hold the line against the liberal agenda.”

NOEL's grassroots work, and that of others, paid off. So may



have the workings of Providence, whose influence in these matters can never be overstated. In 1988, General Convention quit bobbing at anchor and swung to starboard. It passed an abortion resolution that said something. It said, specifically, that, while abortion may be a woman's legal right, "as Christians we believe strongly that if this right is exercised, it should be used only in extreme situations. We emphatically [!] oppose abortion as a means of birth control, family planning, sex selection, or any reason of mere convenience." Says Munday: "Technically this makes the Episcopal Church opposed to over 97 percent of all abortions in the country."

What if a "problem pregnancy" occurs? Church members are "to explore, with grave seriousness, with the person or persons seeking advice and counsel, as alternatives to abortion, other positive courses of action, including, but not limited to, the following possibilities: the parents raising the child, another family member raising the child, making the child available for adoption." This was getting down to brass tacks. The deputies asked rhetorically: How can we save some lives? And answered: Here's how.

Gone this time around is the "unequivocal opposition" of 1976-82 to legislation restricting the right to abortion. The convention did not urge the passage of such legislation—a larger morsel than the Episcopal Church, as presently led and instructed, was prepared for—but it didn't say no either. The resolution said that whatever legislation might come up should respect individual conscience and acknowledge individual responsibility to reach "informed decisions." Far from perfect but better than before. "Prior to this time," says Munday, "there was only one team on the field." Now there are two. The resolution was reaffirmed by the 1991 General Convention.

The Episcopal Church may be renewing itself from within, but countervailing forces have not ceded the battlefield. There have been ample reminders since 1988 that we are far from Lambeth, 1958. On the last day of the 1991 General Convention, with many members having left, the House of Bishops passed a resolution opposing legislation requiring a pregnant minor to consult with her parents before undergoing an abortion. Debate was cursory at best. The resolution ran completely counter to the spirit of the 1989 resolution, which the bishops had unanimously reaffirmed. It was a bad sign.

Similarly, at a worldwide Anglican meeting in Brazil last May, NOEL labored to make sure the Episcopal sponsor of the conference

did not impose its “pro-choice” bias on the proceedings. The sponsor, a national church agency called Women in Mission and Ministry, has as its staff officer the vice president of the Religious Coalition for Abortion Rights. “Instead of spending time and resources to counter the work of the Church-supported Women in Mission and Ministry,” writes NOEL’s executive director, Mary Ann Dacey, “NOEL should be assisted in providing information about” programs to save lives. “Whenever people with a pro-life position are not vigilant,” Munday says, “the other side wins a victory.”

The reason is the persistence of radical feminism in the church. A web of feminist causes and concerns still entangles the Episcopal Church—abortion, the priesting of women, “inclusive-language” liturgies. All, whatever the outward appearance, are more secular than theological. What radical feminism aims at, writes William Oddie, a Church of England priest who converted in 1991 to Roman Catholicism, is “the substantial reconstruction of the Christian religion itself.” The Episcopal Church’s advanced secularity renders it particularly vulnerable to these kinds of pressures.

The priesting of women, one feels certain, isn’t so much about Christian mission as about prying open one more male chauvinist institution. With the apostolic priesthood breached, no sex-based career barriers remain in America save one—the congressionally-imposed ban on women in combat. There are in the Episcopal Church women priests of orthodox theological conviction, at least on issues unrelated to job opportunity. The great majority associate themselves with explicitly feminist causes. They belong to and support organizations dedicated to shaking the church out of its complacency regarding all the wonderful new revelations we have experienced since the 1960s. One of those revelations is “inclusive language” in prayer, as in the Bible. The view is put forth that the writers of Scripture—both Testaments—were rank patriarchalists, cruelly dismissive of women: in any case, untrustworthy guides for a church wrestling to find its identity. (The Episcopal Church’s best-known bishop and theologian, John Shelby Spong of Newark, has in a slightly different context lent support to this view by “exposing” St. Paul as a repressed, self-loathing homosexual.) The Episcopal Church is moving toward accommodation of those who find the male-dominant imagery of prayer and scripture personally offensive. In “supplemental liturgical texts” issued for experimentation in 1989, such imagery is pruned and cut back. And so we find, offered as a dismissal, “May the

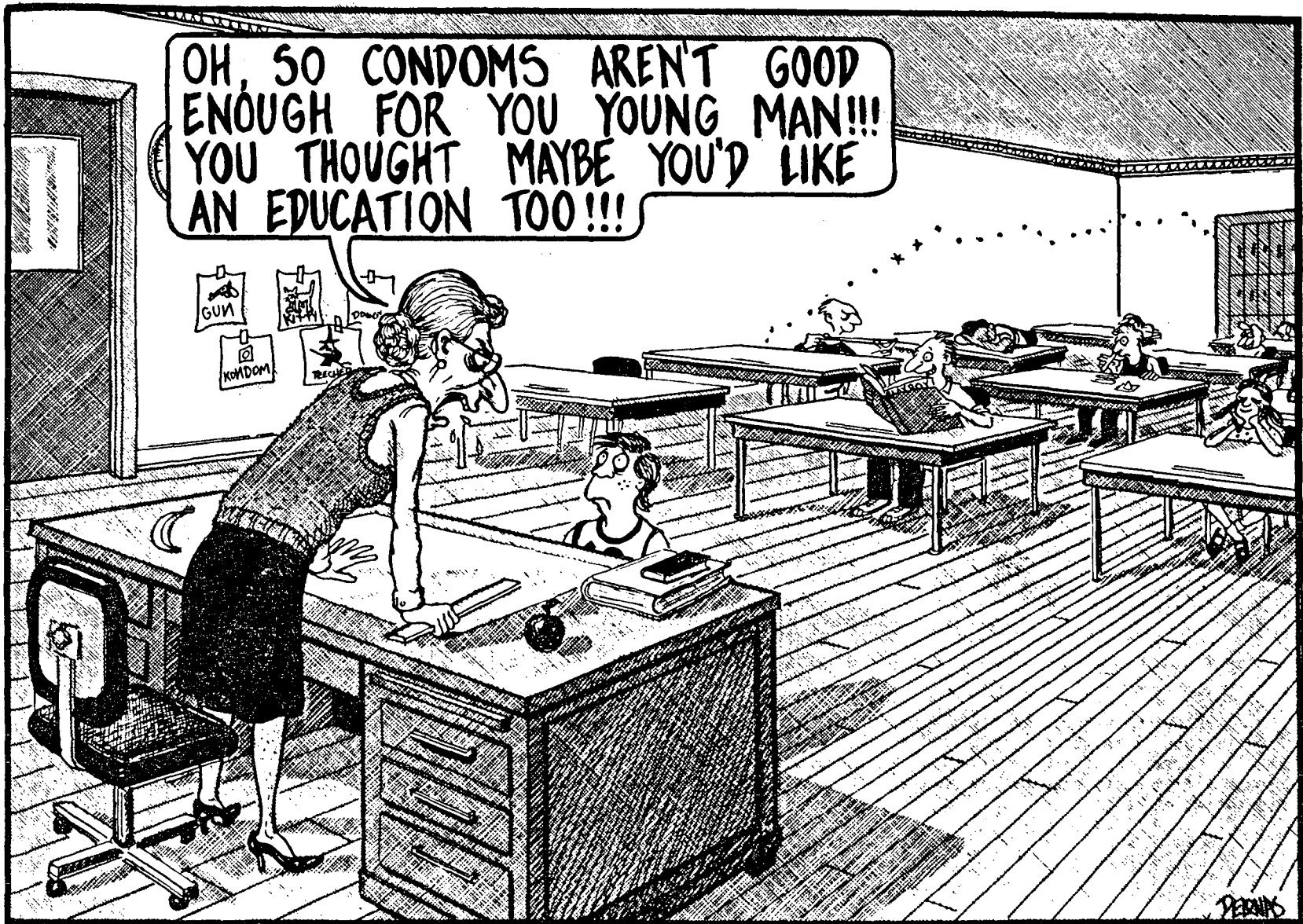
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blessing of the God of Abraham and Sarah, and of Jesus Christ born of our sister Mary, and of the Holy Spirit, who broods over the world as a mother over her children, be upon you and remain with you always.” So, in the *Gloria patri*, we find no Father, Son, and Holy Ghost—rather, a “God who creates, redeems and inspires.” The texts, I say, are experimental. Yet they show how the wind blows, much of the time, in today’s Episcopal Church.

Liturgical and ministerial concerns do not directly connect with abortion, nor need they. The indirect connection is troublesome enough. If, as I have said, abortion is the central feminist issue, touching woman’s authority over her body and biology, it is an issue from which feminists will not back down willingly. The Episcopal Church, to be sure, is graced by its share of moderate, pro-life feminists, including the stunningly effective Frederica Mathewes-Green, wife of an Episcopal rector in Maryland. But the seminaries yearly churn out scores of graduates—male as well as female—whose views are not readily discernible from Faye Wattleton’s.

The wonder is that pro-life elements within the Episcopal Church have been able to do as much as they have. Their clear-headedness and concentrated affection—for the job at hand, and for the objects of their ministry—have returned wonderful dividends. They are in some sense the remnant. Even Episcopalians, rarely famous for their command of Scripture, know about remnants. They are what is left when a great church goes astray. Their job is to call and call and call, until the call comes back:

“Yes? What?”



*This editorial cartoon, by Sean Delonas, first appeared in the New York Post (Nov. 27, 1991) and is reprinted here with permission.*

## Toys in Babesland

*Faith Abbott*

**B**ARBIE HAS BEEN AROUND for decades. So has Ken. It seems that they will never make “a commitment.” But now there is a new doll on the market: she is pregnant, and what she carries in her “tummy” is advertised as a *baby*, and anyone (“ages three and up”) can help “deliver” him or her. The idea of a smiling Mommy-To-Be doll who suffers no birth pangs has become a thorn in the side of some feminist writers who believe this is the Wrong Message to be sending out. Nor does the “pregnant doll” appeal to mothers who think that toys are meant to stimulate the child’s imagination rather than to stimulate reality. Judy (that’s the doll’s name because she’s a creation of the Judith Corporation) is—according to which columns you read—either too realistic or not realistic enough. What *is* real is that in the strange new world of the 90s, certain toys—as well as a certain television character—have elicited so much controversy as to seem almost alive.

I had not heard about the “Mommy-To-Be” doll until I read about her in one of Dave Barry’s columns. His trademark statement is “I’m not making this up” although he often is and this time I thought he surely *was*, but some of his “alert readers” had brought the doll to his attention by sending him the ad that says “Judy Is Having a Baby!” He describes Judy: “A blue-eyed doll with a perky smile and 11 pounds of blue eye shadow and a blond hairdo the size of Iraq. She looks a lot like Barbie, except that she obviously has what leading medical authorities refer to as a Bun in the Oven.” Although he “has no problem” with using dolls as a teaching device, Barry thinks the Pregnant Judy Doll has “some dangerously misleading anatomical characteristics. The way she works is, when it’s time for her to have the baby, you REMOVE HER TUMMY. That’s right: her tummy, which is shaped like half a walnut shell, pops right off.” He describes the ad that shows Judy going through a delivery: “A hand has lifted off her tummy, and there’s a perky little baby inside with its arms and legs folded up neatly like a TV tray. Judy, her hairdo still perfect, is paying no attention to the fact that a

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*Faith Abbott*, our contributing editor, is also our House Expert on babies, and dolls.

giant hand has removed her tummy. She's looking into the distance with her perky smile, as if to say: 'What FUN to deliver a baby! Perhaps this afternoon I shall play tennis!' "

Barry says he has some *big* problems with using a toy like this to teach young people, particularly young female people, about childbirth. He was present at the birth of his son Robby and, though he averted his eyes much of the time, he is sure of this: "They did NOT pop Beth's tummy off like a walnut shell and lift Robby out, and he was NOT at all perky, and despite the fact that Beth is a naturally slim person it was some time before her flat tummy arrived in the mail." (Judy has a "flat" tummy, too, and "Seconds after delivery, Judy has the body of a Dallas Cowboys Cheerleader.") So Dave Barry thinks it is *not* a good thing to expose little girls to this doll: "We don't want to raise a generation of new mothers who have highly unrealistic expectations about childbirth and show up in the delivery room carrying tennis rackets."

I realized that Dave Barry was not making all this up when *I* began seeing the ads for "the country's first pregnant doll." ("Judy is more than a toy, she's a natural way for your child to learn while playing." And "Judy looks like a real Mommy-To-Be. Take off her tummy, and there's her baby.") She came along just in time for Mother's Day, and you could buy her at New York's flagship toy store, F.A.O. Schwarz. She comes with child and tennis shoes, but baby's things and Judy's extra clothes must be purchased separately. At the bottom of the list of "sold separately" is "Judy's husband, Charlie."

Charlie didn't actually appear until just before Father's Day; between Mother's and Father's Day came Dan Quayle's Day, with his speech about Murphy Brown and single mothers and family values. Perhaps that's why F.A.O. Schwarz had special ads in the papers about the arrival of the Father-To-Be doll: "WE'RE EXPECTING A SPECIAL DELIVERY FOR FATHER'S DAY. (We've been anticipating this joyous moment for months!) A parently he'll make a playful addition to any family." (*Any* family?) "In honor of Father's Day anyone purchasing the Father-To-Be or Mommy-To-Be doll this Friday through Sunday will receive a chocolate cigar, while supplies last. So welcome Charlie, the daddy of dolls, and say hello to the Mommy-To-Be doll. At FAO, we're serious about play."

The New York *Times* had a brief story under a photograph of the Happy Threesome (the baby is *out* and is crawling up Charlie's arm): "Other than his dazed grin, it is not quite clear why Charlie

is being sold as a father-to-be doll for \$20 at F.A.O. Schwarz. But in a move that will no doubt delight the Vice President, Charlie yesterday joined Judy, the mommy-to-be doll, on the shelves of the New York toy store.” The article notes that the Judy doll has been criticized by the National Organization for Women for lacking realism because the baby comes out of the stomach, not the womb, and the stomach instantly flattens.

A spokeswoman for Schwarz says “It’s just a play toy. It is not supposed to be totally realistic.” But a public-relations representative for the doll company said there had been complaints that Judy was *too* realistic and that it would promote teenage pregnancy. The Judith Corporation did make one “small but significant change in their design to blunt criticism in this country”—the company president ordered that each doll come with a wedding ring. He was on vacation so was not available “to discuss his views of the nuclear family” but he was “insistent on the golden bands.” The PR man said: “It is to show the whole family-unity thing and to show that she is married and that she does have a husband. This is a doll that Dan Quayle would like.”

The more I read about the Judy doll, and the more ads I saw, the more curious I grew about how she actually *works*. One ad says “Take off her tummy, and there’s her baby.” One article mentions Judy’s “round stomach that can be removed to reveal a baby doll” and another says “A Caesarean section birth is done by lifting-off Judy’s removable pregnant stomach.” This stomach business was confusing, and I suspected that the people who wrote these articles (including Dave Barry, who thinks that Judy is perpetually smiling because she has “another tummy”) had not actually had a “hands-on” experience with the doll. The idea of removing a whole “tummy” and leaving a gaping hole was rather awful, I thought: what message would *this* give to impressionable youngsters? And was the “flat tummy” included with the tennis shoes, or how did it “magically” appear? I had read that Judy’s baby is “anatomically correct” but neither ads nor articles mentioned whether or not the purchaser had a *choice*: was there a small label on the box saying Boy or Girl?

So—in the interest of “research”—I bought the Mommy-To-Be doll. I thought I’d have to go down to F.A.O. Schwarz, but first I phoned our local toy store and Yes, they did indeed have what the clerk called “the pregnant doll.” I passed a lot of Barbies before

FAITH ABBOTT

I found Judy. (I did not see Charlie: perhaps he was in a different aisle on a shelf next to Ken, wherever *he* was.) As soon as I got home I took Judy out of the box and removed her denim dress (which was difficult because the opening isn't large enough and I could see the point of hospital gowns) and sure enough, there was the "fat tummy." Its top came off fairly easily but the baby did *not* "pop" out: he (yes, my Judy's baby was a boy!) had to be pried out. Miniature forceps should have been included, I thought, but the Judith Corporation probably figures we all have tweezers handy. Once baby was out, the "flat tummy" *sprang* into place: So *that's* how it's done! It's on springs.

As for the baby—"anatomically correct" in a very small way—one assumes that he resembles his father, since he doesn't look at all like Judy. He is quite ugly, with a largish nose and a rather mocking expression, and a whole head of painted-on orange hair. (By the way, the mandated "wedding bands" that Judy and Charlie "come with" are also *painted* on.) Little Charlie does not look like a newborn babe and he isn't what you'd call *cuddly*, but since he has movable limbs you can get him through his first year or so in a jiffy. He can go from supine infant to a sitting position to a crawling position before you can say Toddler Two. He can do unassisted handstands, but he can't actually *stand* alone, so his development *is* somewhat limited.

Perhaps the Judith Corporation should have included a detachable umbilical cord, so the baby won't get lost: something shorter than a thumb can get lost very easily. I realized that Erma Bombeck, like Dave Barry, was not "making this up" when she wrote about a friend's grandchild who had the Judy doll. "When I saw her," Erma writes, "she was cradling the mother, but the baby was thrown under the bed." Erma pointed out to the child that the Mommy doll still had a *fat* stomach: after the baby is born Mommy should have a *flat* tummy. The child explained that "There wouldn't be room for this" and she removed the fat tummy top which revealed, inside, three crayons and a half a ham sandwich. Says Erma: "If anyone believes that the Mommy-To-Be doll is going to enlighten a child in the ways of childbirth, I've got an autographed copy of the Old Testament I'll sell you." (She also wonders where all this is going: "Will there be a Margaret, the menopausal doll? Put her around people and she melts down with hot flashes.")

Once upon a time, toys were considered playthings for children.



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Now it's as if they've become realthings for adults. A friend sent me a clipping from the June 24 *Miami Herald*. There is a photo of a glamorous Barbie, with the caption "Barbie, living a doll's life." Under the clever title "Real life beyond her ken" there is this quotation from a *non-fictional* TV person, Roseanne Arnold: "It's always Beach Party Barbie, or Malibu Barbie. . . . The (bleep) does not prepare you for the true horror of a real woman's life. Where is Single, Abused, Trailer-Park Barbie?"

I don't suppose that Anna Quindlen has bought a Barbie doll for her three-year old daughter, and I know she will not be buying her a Judy doll. In her May 10th *New York Times* column, titled "Mommy Dimmest," Quindlen recalls a girl she met in Brooklyn who at age fourteen was pregnant and envious of another girl who'd had a baby and was "very dim." The "bottom line" was that if *that* girl "could do motherhood, then motherhood couldn't be too tough." Quindlen writes that she was thinking about both girls and about "all the rest of us who produce hostages to fortune, when some manufacturer unveiled a pregnant doll called Mommy-To-Be, a Barbie wannabe with country-western hair and a swelling midsection." The doll reminded Quindlen of the "dim-bulb" girl for two reasons: "because it shows the world is full of people who don't have good sense, and because it suggests that having a baby is easy." What she finds most annoying about the Mommy-To-Be doll is that "she has a smile frozen on her face. Take off her big belly, pop out her baby, and she smiles and smiles. Motherhood is a snap. So simple. So easy. No stretch marks. No varicose veins. No pot belly. No problem . . . No way."

Dan Quayle used the Murphy Brown character to illustrate the decline in family values: a single-mother-by-choice was not, he thought, a good "role model." Anna Quindlen zeroed in on the Pregnant Doll as a Very Bad role model for pregnancy, birth, and motherhood. My Cuban friend Elena Muller Garcia wrote about the Judy doll in a column for *La Voz Católica*: "Play with dolls is not a combined course of anatomy and child care at the university level." She will not buy the doll for her young daughter because she thinks the doll limits the child's opportunity "to give free reign to his—or her—imagination" and wonders why Anna Quindlen seems to have such a negative view of motherhood.

Another woman who will not buy the Judy doll wrote an impassioned letter to Ann Landers. She enclosed an ad for the doll from her

Kansas City newspaper: "Please, Ann," she writes, "Do what you can to stop this kind of trash from being offered to children in the name of fun. Have we come to such a low point that we now have to show children how babies are born by taking dolls from a mother's stomach? Is there no place on Earth where we can still relish the innocence of a child and the beauty of just being young?"

Ann Landers replies: "I too have seen ads for those dolls and find them appalling, but not for the same reason you do." In Landers' view, it is perfectly OK to tell kids of any age where babies come from, but what she finds offensive is "giving youngsters the notion that pregnancy is glamorous and easy, that the baby is lifted out and the mother is back to normal with a flat tummy, her hairdo perfect, looking gorgeous. . . . Meanwhile, the manufacturers insist it is a useful 'teaching tool.' I say it's just another way to make a buck—principle be damned."

"To present childbirth in such a bizarre way gives kids a distorted perception of childbirth," says Dr. Gary Pagano, assistant professor of child psychiatry at New York University's School of Medicine. "Stomachs don't automatically go flat when a baby is born. The toymakers are exploiting something very special to make money."

But Dr. Alvin Rosenfeld, who is an adviser on children's advertising for the Better Business Bureau and also director of psychiatry at the Jewish Child Care Association, says the doll is an interesting educational idea for young children: "Most children three and up are curious about where they come from. The dolls don't look real but if a doll were intrinsically a bad toy, kids wouldn't go for them."

And then there's Diane Welsh, of the National Organization for Women, who says the doll presents a distorted view of women and their function in society: to look beautiful and have babies at the same time. (I'm not quite sure what she's getting at—could *her* view of women's function in society be slightly distorted?)

I don't know what "Pro-choice" New York *Post* columnist Amy Pagnozzi thinks about the Judy doll but I can guess, because I read what she wrote about My Baby Bundle, "a pregnancy simulator." She called it "the most evil toy on the planet." This is a soft 10-inch baby doll in a padded pouch which can be worn around a child's "belly." The baby in the pouch has a mechanical kicking device and a tape recorder that makes thumping sounds, so "it feels like there's a real baby inside," says the Mattel Company's press

release. Pagnozzi asks: "Why not a 'Strap-on-Barbie Boobs' next so today's little girl can be tomorrow's implant customer? Nothing is too sinister or too greedy to put past Mattel." She quotes these lines from Debra W. Haffner, executive director of the Sex Education Information Council of the United States, who is *not* going to buy My Bundle Baby for her six-year-old daughter: "In a country with the highest teenage pregnancy rate, My Bundle Baby is horrific . . . It is going to be very confusing for children. It will leave them with the idea that you can put on a pregnancy and take it off when you want to, and that a fetus develops in a pouch outside the body. Kids will think we're like kangaroos."

But Mattel's spokesperson is quoted in a New York *Times* article (February 6: "Who Believes in Make-Believe? Not the New Toys") saying "My Bundle Baby is intended to be fun and magical. We are not trying to recreate the birth process. By making a little girl feel what it is like to be pregnant, we have taken nurturing play one step closer to the magic of motherhood." She does admit that a change had been made: at one point in the design process, the baby was wrapped in a pouch that opened with a zipper down the front. "It looked too much like a Caesarean," she said: "We wanted it to look realistic, but not too realistic."

Dr. T. Berry Brazelton, the noted professor of pediatrics at Harvard Medical School, said "The doll is a real invasion of a parent's opportunity to share something precious with a child. Why do we need such a toy?" But the director of domestic and international operations for Planned Parenthood of New York said "I think the doll is a wonderful toy . . . I have three daughters and I wish there was something like it when they were young."

Last February, in fact, the New York papers were full of these pros and cons about My Bundle Baby and other dolls that do "realistic things" because that's when the 89th Annual Toy Fair was in town. (I guess the Judith Corporation didn't have the Judy doll in time.) During the Toy Fair, said the *Times*, "10,000 toy buyers descend on the city to view the wares of 500 toy makers. Mattel booked so many rooms at the Waldorf-Astoria that the hotel is flying Mattel's corporate flag over Park Avenue on a pole generally reserved for flags honoring visiting heads of state." And "Despite the dismal year for most retailers, the Toy Manufacturers Association estimates that toy sales rose by a healthy 5 percent in 1991 to \$9.2 billion,

from \$8.8 billion in 1990. The stocks of toy companies were among the best market performers of 1991." (You could say that Toys 'R Big Business?)

But *why* are toys selling so well? The *Times'* article mentions demographic patterns: there are lots of new first-time parents who, "lacking hand-me-downs," make good toy buyers. And grandparents, who tend to be generous toy givers, are living longer. And then there's the high divorce rate: each parent buys toys separately. A story in the Business section of the New York *Daily News*, "Toyland Invades Manhattan," was subtitled "Toy firms make a play for \$13B in business." But despite the big toy companies having one of their most profitable seasons in years, they are "playing it safe"—relying on "safe bets" such as movie and TV spinoffs. "We've done a lot more licensing in the past four months than we have in the past," said the chief executive of Mattel: "It gives you a running start" to introduce a toy based on characters already well-known to children. By next Christmas season, we are told, the stores will have a Vanna White doll—a 12-inch version of the television game show hostess. (Will there also be a Murphy Brown doll, I wonder?)

But sometimes toy firms do make mistakes. The *Times'* article says that while *parents* may have felt good buying toys such as Playmates Toys Inc.'s "Toxic Crusader" (which fought for a cleaner environment, and was introduced last year "with much hoopla"), "few children were amused." So Playmates dropped it, because—said its president—"Kids are more interested in having fun" than in playing with a toy based on social concerns.

**N**ow whether or not the creators of My Bundle Baby and Mommy-To-Be considered *pregnancy* a "social concern," they'd got the word from market research, or wherever, that "Pregnancy Sells!" And so of course they set out to exploit that market. I don't suppose the Judith Corporation has any interest in exploiting pro-life concerns, but it couldn't very well have promoted the pregnant doll with ads saying: "Judy is going to have a fetus!" So the Judy doll may indeed have some "educational" value—when the child takes the "pregnant tummy" off Judy, she will have the impression that what's inside is a *baby*. Even a very socially-conscious pre-schooler is unlikely to say "Oh, look! Judy has a full-term fetus!"

When I took the tummy top off my Judy doll and saw the upside-down baby (which I mistakenly put back right-side-up—it fits that

way, too) I was reminded of something Dr. Bernard Nathanson had written in his book *Aborting America*. In the chapter "If Wombs Had Windows" he writes: "If the abdominal wall of the pregnant woman were transparent, what kind of abortion laws might we have?" He uses, for technical reasons, the word "alpha" for preborn baby, as he asks: "And what will happen when we soon achieve the ability to transplant a very young alpha from one uterus to another? Will alpha achieve Fourteenth Amendment rights when it becomes visible for a few moments during the transplant?" He cites the "Potter Paradox," which has to do with Irving Potter, an obstetrician in the 30s, who had an unusual method for performing Caesarean hysterectomies in cases of severe infections or tumors of the uterus. He would remove the uterus intact, carry it over to a side bench and then open the uterus and take "the newborn baby" out. Nathanson asks "Was the baby 'born' when it was out of the mother or when it was out of the uterus?"

Similarly, he says, there is a moment at childbirth when the baby is outside the womb but the cord has not been cut and the baby has not taken its first breath. He wonders: "In [Justice] Blackmun's thinking, would it be a legal 'abortion' or illegal infanticide if we killed it before the cord was cut and the breath was taken?"

As everyone knows, the Family Values issue got another shot of adrenaline during the Republican Convention in August, and then when the Murphy Brown Show won three Emmy Awards, Candice Bergen and Dan Quayle put on their verbal boxing gloves again. I wondered if the controversy might be having any impact on sales of the Judy doll; I thought it possible that mothers might be buying *only* Judy, since Charlie was equally expensive and single-motherhood-by-choice has a glamorous Role Model in Murphy Brown. So I took the Fifth Avenue bus down to F.A.O. Schwarz' grand, new store on 59th Street. Once inside, my first impression was that toy animals are more popular than toy people: the main floor has stuffed animals everywhere, from tiny to enormous; gigantic bears take up the space between the up and down escalators. It took a while to find the doll section, on the second floor, and longer to find the Judy dolls. There were only six of them—all Afro-American (Murphy *Brown* dolls?). Next to the Murphy—I mean Judy—dolls, there were large boxes of the Dolly Potty dolls "As seen on the Johnny Carson Show. Simulates flushing sounds. Includes: powder, soap, toilet paper, disposable

diapers.” All this for merely \$110.00. As I was contemplating the educational value of Dolly Potty, and wondering what she had to do with Johnny Carson, an attractive young saleswoman happened by and I asked her about sales of the Judy doll and the whereabouts of Judy’s “husband.” Charlie, she said, was sold out—they expected a new shipment soon. I asked if both Judy and Charlie had sold evenly, and she said Yes, but of course Judy had come to the store some weeks before Charlie, and when Judy-buyers saw the wedding band, they phoned in orders for Charlie. (So the wedding band *was* a clever idea.)

Then, mumbling something about “doing research,” I asked her about the My Bundle Baby doll: had FAO carried that one? She looked vague: she’d read something about it but, no, they hadn’t carried it. However, she said, the store *would* probably be selling the Breast-feeding Baby. The *what?* I asked. She explained that it’s a baby doll with velcro around its mouth, for attaching to the appropriate place on the child (who is also, presumably, velcroed). I told her *this* doll sounded even worse than My Bundle Baby, and she said that both the breast-feeding and the Judy doll had been featured on the Montel Williams TV show—the topic that day was whether or not these were “educational dolls” and she thought the audience was fairly evenly divided. But the Judith Corporation’s spokesman seemed confused: at first he seemed to think Judy was an educational toy, but then he said it was really “just a doll with a baby.” One young woman in the audience said she wished *she* had had a Judy doll—“It could prevent teenage pregnancy.” (Meaning, one assumes, *hers*.)

Others in the audience thought the doll very misleading about babies popping out of stomachs, etc. (I’ve just read that the American Federation of Teachers is contemplating a boycott of the doll. Could this be because most teachers are adamantly Pro-choice, and Judy has no choice?)

On the way home I stopped by our local Toy Park again to see how Judy was doing there. No Charlies, and exactly seven Judies—all blond Murphy *White* dolls. There were lots of Barbies and Kens, and I took a good look at the box that housed a doll I thought could compete with Dolly Potty for the Amy Pagnozzi “The Most Evil Toy on the Planet” Award: Magic Potty Baby. She comes (for \$39.99) with her own potty: “Sit baby on it and watch it fill . . . then flush . . . real flushing sound as it empties! No water! No mess! It’s magic!” (One 9-volt vattery not included.) I also saw the Kenner

Company's Baby Alive doll—"As real as can be!" Packets of "baby food" *are* included and she "dirties her diapers" and is "so real she even sucks her thumb!" For \$59.99 you can buy *Talking Baby Alive*, who does all those things and also "says seven different phrases."

It's interesting that the controversy over whether the Judy doll is not realistic enough or too realistic is about *where* the baby is, not *that* it's a baby. Anyway, the Judy dolls are not unique in having babies in their "tummies": the *Miami Herald* (May 2nd) ran a story about a harpooned 1,350-pound shark which, because she was pregnant, drew "added empathy": it had "50 babies in its stomach, 24 female and 26 male." That same edition of the *Herald* had a story about a sick and pregnant iguana. "Heroic efforts" were made to save it and the 20 eggs it was carrying: preparations were being made to deliver the eggs by Caesarean section.

However, when the *Herald* reported (August 4) the auto-accident death of a pregnant Key Largo woman, readers were told only that the accident had killed two people: the woman and a friend. There was no mention of the fetus, or of any efforts to save it. Did it survive? One letter-writer asked: "Is the human fetus less significant than the unborn of other species?"

But on August 28 the *Herald* did include a "fetus" in its listing of Hurricane Andrew victims. There were two lists published on that Thursday: Direct and Indirect fatalities. The youngest victim on the Direct list was an 11-year-old girl: "Roof beam fell on her in bedroom." The youngest victim on the *Indirect* list was "Male fetus Vargas" whose mother "got sick." Doctors said the mother would have died anyway, but the *baby* [my emphasis] could have been saved if rescue squads could have reached him." (*Him.*) So even if Male fetus Vargas didn't get born, he got killed, and therefore he was a human statistic: one of eleven "indirect" victims (the *oldest* on that list was a 96-year-old woman who died as she was being evacuated to another rest home). So, thanks to Andrew, "Male fetus Vargas" gained equal status as a human victim. Which makes you wonder: if Andrew had blown in the roof of an abortion clinic, would the "Indirect" list include the babies who had died before they were supposed to be killed?

As I was contemplating the pros and cons of the Mommy-To-Be doll, I was startled by a headline in the *Daily News*: "Mom-to-be shot dead." The subtitle was "Baby died 3 hours later." Staff writer

Patrice O'Shaughnessy reported that a pregnant woman had been killed when gunfire erupted at a block party in the Bronx but "her tiny girl was delivered with a beating heart." Doctors and nurses at Lincoln Medical Center "tried for three hours to keep her alive, but the 1-pound-15-ounce infant was listed yesterday along with her mother as a homicide victim." The cause of death was "prematurity, maternal gunshot wound." An emergency medic said the woman "was so critical . . . on the way to the hospital we determined she may be pregnant—she looked it—and then *we had two lives to worry about.*" [My emphasis.] The trauma team met them in the emergency room, but the mother was dead on arrival; she had died at 11:50 p.m. "The baby was delivered by emergency Caesarian section at 12:19 a.m. The baby had a heartbeat, it was alive, but had no muscle response, no reflexes. . . . The baby was resuscitated and given drugs, everyone made an effort to have the baby survive. She was taken to the neonatal intensive care unit, and in spite of the efforts she was pronounced dead at 3 a.m." At the hospital, the medic said, "it was so crowded; they were trying to revive the baby. The doctors at Lincoln made a valiant effort. I found out later the baby died . . . I felt bad."

"The baby had a heartbeat, it was alive" . . . so this was a *real* Baby Alive, no doll—and the word "fetus" does not appear once in O'Shaughnessy's story. It makes you wonder. You can understand the "new trend toward realism" in toys—they can't be totally realistic, there has to be an element of "Let's Pretend"—but the more realistic you can make them, the better they sell. "Real" is to dolls what "New and Improved" is to cereal and detergents. A "fetus" isn't real to kids; it won't sell because they *know* what it really is.

**B**ut ever since *Roe*, the media have worked (what's the right word, scrupulously?) to avoid calling the unborn *babies*, or treating them as real people. The Miami *Herald* story is a good example: *sharks* carry babies, male and female; women don't carry anything worth mentioning. The *Daily News* story is an interesting contrast. And wouldn't it be ironic if the "real" doll craze is helping to break down the barriers of media bias? Dear old Malcolm Muggeridge (How we miss him!) loved to chortle that "all truth is paradox"—it defies "reality"—just so, the selling of Baby Alive is defying the media's pro-abortion terminology.

How far will it go? Well, we don't expect to see, anytime soon,



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a news story that begins: "Washington, D.C.: The U.S. Supreme Court today struck down *Roe v. Wade* by a narrow 5-4 margin. The historic decision restores the right to life of the unborn after almost 20 years of bitter controversy between defenders of abortion-on-demand and a broad-based coalition of equal-rights groups advocating the overturn of *Roe* and the recognition of constitutional 'personhood' for pre-born children . . ." So *complete* a reversal of the politically-correct reality is of course unthinkable, but the point is, cracks *are* showing up in the walls of media bias.

Anyway, we always enjoyed Let's Pretend when we were just post-born kids.



*'I'm worried. He just seems to want to play with the box.'*

## A Good Charity is Hard to Find

Mary Meehan

**T**here is such a flood of fundraising appeals in the mail these days that many Americans feel a combination of annoyance and guilt when they open them.

The annoyance: “*Another* one from the United Appeal for All Good Causes? I just sent them a check last week! What is this, some kind of sucker machine?” Or: “How can I be sure this charity is what it *says* it is? How much help does it give to poor people—especially when it spends so much money on glossy fundraising?”

Ah, but the guilt: “How can I eat my own dinner tonight when those little African kids are starving? Better send a check.” Or: “This Alzheimer’s disease is just awful. How can I *not* send some money to fight it?”

Many people would not feel so guilty if they knew what some of the charities are up to. There are some splendid charities that really do what they say they are doing, and even some that do so with remarkably low overhead, but they are not easy to find.

Behind the moving prose of many fundraising appeals are facts that charity executives may not want their donors to know.<sup>1</sup> This is especially the case with respect to abortion and population control. The March of Dimes Birth Defects Foundation is a major promoter of prenatal testing, which often leads to abortion for fetal handicap. It is also one of many medical charities supporting federal funding of fetal transplants that use tissue from induced abortions. Some United Way groups fund Planned Parenthood agencies that, in turn, promote abortion. Many environmental groups promote population control, including abortion and abortifacients, in poor nations. UNICEF, which is supposed to be the United Nations *children’s* fund, is campaigning for fewer children and is flirting with abortion.

In some cases, the ties of the charities to abortion are fairly recent and may be among the political and cultural results of many years of legalized abortion. The medical charities, in particular, have been affected by the corruption of medical ethics. The ancient medical principle “Do No Harm” has gone down the tubes, along with the

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little bodies of millions of aborted children. Many physicians today are technicians who are willing to cure or to kill, according to the wish of whoever is paying the bills. Since the medical charities are heavily influenced by physicians, and often run by them, perhaps it should not surprise us that many of them now approve medical killing.

One of the oldest medical charities, however, instead of being a victim of the decline of medical ethics, is a major cause of that decline. The March of Dimes Birth Defects Foundation, which began in 1938 as the national Foundation for Infantile Paralysis, became a giant fundraiser as it led the fight against polio. With the patronage of President Franklin Roosevelt and led by his old law partner, Basil O'Connor, the foundation developed enormous prestige and financial clout. By the 1950's it raised as much as \$50,000,000 per year. When the polio vaccines marked a successful end to the long March of Dimes campaign, staff members started looking around for another worthy cause to support. They probably wanted to help humanity and to keep their jobs as well. As one observer wrote at the time, "After nearly twenty years, a successful staff of fund-raisers and medical promoters tends to perpetuate itself—like the apparatus of government."<sup>2</sup>

They eventually settled on a battle against birth defects as the next crusade. The MOD can claim some positive work in this area: the promotion of better prenatal care, warnings about the terrible effects of street drugs and alcohol on unborn babies, and efforts to help premature babies.

But behind the positive work and the big public relations machine lurks another agenda: preventing birth defects by preventing the births of babies found to have them. MOD has been the major institutional force behind the development of prenatal testing to detect such handicaps as Down Syndrome, spina bifida, cystic fibrosis, muscular dystrophy, and many others. It has made such testing widely available and promoted it aggressively.<sup>3</sup> Doctors, fearful of "wrongful life" lawsuits, now urge women to have such tests and to have abortions if the testing shows serious handicaps.

Some women, especially those opposed to abortion, complain of heavy pressure to have the tests. In an article that caused a stir on the political left some years ago, peace activist Elizabeth McAlister said that when she was pregnant with her third child, she was "asked to undergo no fewer than 15 tests to determine possible defects in the fetus—our Katy Berrigan." She refused the tests because she could

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not consider abortion, so she had to sign a statement to that effect in order to protect the doctor and midwife. McAlister remarked that:

. . . it is constantly insinuated that one is a fool to bear a child without being shored up by all possible insurances that the birth will be normal in every respect. And I reflect on the terrible irony implied in the prayer of Christians, "My life is in your hands, O Lord." The other obsession is to place one's fate in the omnipotent hands of Allstate, Hartford, amniocentesis, sonogram and such.<sup>4</sup>

Anti-abortion groups have protested MOD involvement in prenatal testing for many years, urging their members to refuse to donate to the group as long as it is involved in the "search-and-destroy" mentality. But their efforts have run into several roadblocks. One is the fact that sonograms and amniocentesis are sometimes used to help both the unborn and their mothers by providing information for managing complicated pregnancies in the last trimester. It is important to distinguish between this positive use of the techniques and their use for eugenics.

A much larger roadblock is the prestige that MOD acquired in its long fight against polio, combined with the assistance it receives from so many noted public figures. It is difficult to convince people that the foundation is involved in great evil when presidents greet its poster children and celebrities hail it for its contributions to babies' health. Some people, too, are deceived by the rationale that prenatal testing shows that many unborn children are *not* affected by some major handicap and that, therefore, they are allowed to be born when they might otherwise be aborted. According to this theory, prenatal testing provides the great benefit of alleviating parental anxiety. Those who accept it seldom reflect that it's the eugenicists themselves who are responsible for much of the anxiety. They have managed to make pregnancy a worrisome, guilt-ridden ordeal for many couples.

MOD has developed a standard defense: it praises all of its own good works, claims that it does not "fund or advocate abortion of any pregnancy" and that health professionals funded by it "are not permitted to recommend abortion."<sup>5</sup> To which one might reply that they do not have to. All they have to do is keep leading people into temptation. Dr. Jérôme Lejeune, the noted French geneticist (who is trying to find a cure for Down Syndrome), has compared the March of Dimes position to that of selling guns to terrorists saying "I know they

are terrorists, but I am just selling guns. Nothing more than that.”<sup>6</sup>

Responding to complaints about the heavy eugenics emphasis in some of its publications, especially its flagship *Birth Defects*, the foundation has inserted a standard disclaimer noting that “individual and controversial viewpoints may be expressed.” Such personal viewpoints, it says, “will not be censored but this does not constitute an endorsement” of them by MOD.

This fig-leaf declaration cannot hide the pervasive eugenics thrust of *Birth Defects*. A 1990 volume carried an especially chilling article on “fetal reduction and selective termination.” The Orwellian term “fetal reduction” means reducing a multiple pregnancy to one or two children, usually by killing the others with potassium chloride injections into their hearts.

Multiple pregnancies, of course, can occur naturally, but fertility drugs, *in vitro* fertilization, and other gynecological gymnastics have greatly increased their incidence. The irony is that many infertile couples resort to these gymnastics because widespread abortion makes it hard to find babies for adoption. Thus the very techniques that are supposed to help infertile couples are leading to more abortions.

Some couples choose to “reduce” quadruplets or triplets to twins or “singletons” in order to improve the medical outcome for the surviving babies. Others do it because they don’t want to face the burden of caring for several lively children of the same age at the same time.

How do doctors select the children to be “reduced”? The targets should not take it personally, so to speak, because it is all very scientific and impersonal:

Real-time ultrasound scanning was performed to identify fetal position and evaluate growth. If all fetuses had similar crown-rump lengths, the one in the most technically accessible position was chosen. . . . If more than one fetus was to be terminated, subsequent fetuses were identified and a similar procedure repeated. As many as four fetuses were terminated at one session.<sup>7</sup>

In the case of “selective termination,” though, children are killed precisely because they are handicapped. It can be tricky to kill a handicapped twin without harming the other one as well, but practitioners in the brave new world of eugenics keep honing their skills.

In the same issue of *Birth Defects*, other experts gave advice on what to do when prenatal testing shows that a child has a handicap.

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When a couple decides on abortion, they said, the genetics counselor should talk to an obstetrician about arranging hospital admission and should try to obtain “a private room on a non-maternity floor.” The couple who are having their child killed should be given the “options of seeing/holding the fetus, obtaining photographs, having a baptism, autopsy and burial.” This is part of a new stress on helping parents deal with the grief that often accompanies abortion of a handicapped child—not to mention reducing their guilt. The experts also had suggestions on how parents could explain the abortion to older siblings: reassure them that “this can’t happen to *them*,” and they should “not implicate the hospital as a place where children go and never return.”<sup>8</sup>

The same issue also reprinted a speech by an abortion lawyer who said she had “witnessed first-hand the rising of the pro-choice groundswell,” but also warned that the “right to a safe and legal abortion has never seemed so precarious”—that the “anti-choice movement” was actually trying (gasp!) “to *eliminate* the right to abortion.”<sup>9</sup>

The March of Dimes also favors transplants of human fetal tissue from induced abortions. It has joined a long list of medical charities that advocate federal funding of fetal transplants in experimental efforts to help people with Alzheimer’s, Parkinson’s, and other disabilities. The government already funds the transplanting of aborted human fetal tissue into animals, resulting in (among other horrors) a “humanized mouse” for AIDS and cancer research.<sup>10</sup> The Reagan and Bush administrations, however, banned federal funding of human fetal tissue transplants into other humans, largely on the theory that this could increase the pressure for elective abortions. Senator Edward Kennedy (D, Mass.) and Rep. Henry Waxman (D, Calif.) are leading an all-out effort to overturn this ban. Many medical charities are supporting this effort—some of them are also lobbying hard for it—including the following:

- |                                       |  |
|---------------------------------------|--|
| Alzheimer’s Association               | Cystic Fibrosis Foundation                   |
| American Cancer Society               | Epilepsy Foundation of America               |
| American Diabetes Association         | Huntington’s Disease Society of America      |
| American Heart Association            | Juvenile Diabetes Foundation International   |
| American Lung Association             | March of Dimes Birth Defects Foundation      |
| American Paralysis Association        | National Hemophilia Foundation               |
| Aplastic Anemia Foundation of America | National Multiple Sclerosis Society          |
| Arthritis Foundation                  | National Spinal Cord Injury Association      |
| California Parkinson’s Foundation     | Parkinson’s Disease Foundation <sup>11</sup> |

It would be hard to overstate the horror with which abortion

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foes view fetal transplants. First, unborn children are killed because they are somehow not “human” enough for legal protection; then their bodies are used—*because they are human bodies*—to help older humans. It is the ultimate case, perhaps, of exploitation of the defenseless by the powerful (Senator Kennedy *et al.*). It pits one disadvantaged group, the disabled, against the most disadvantaged and defenseless group of all, the unborn. Moreover, it distracts attention and money from other medical research that is ethical and that may prove more helpful to the disabled.

Some claim that fetal transplants can somehow be separated from the abortions that make them possible. This is hard to believe, especially in view of a “pep talk” Senator Kennedy gave last April at a Washington briefing sponsored by (among others) the National Abortion Rights Action League. The main focus was the so-called “Freedom of Choice Act,” which would ban virtually all state restrictions on abortion. Participants greeted Kennedy like a conquering hero, applauding his reference to a recent and overwhelming Senate vote to fund fetal transplants. He noted that the Senate did not even have a majority for funding such transplants two years ago, “and it’s been because of your work back home, across this country, that we were able to send a powerful message . . .”<sup>12</sup>

Some of the smaller medical charities might not be harmed much by publicity about their support of fetal transplants, because patients and families affected by the diseases they fight believe that fetal transplants are likely to provide cures. (This belief is largely due to media hype of very limited experiments, but that is another story.) A spokeswoman for the National Spinal Cord Injury Association, for example, said they hear from many paralyzed people who think that fetal research is their greatest hope. A staff member of the United Parkinson Foundation said her group does not advocate abortions but, if they are going to be done anyway, why not use tissue that would otherwise “be thrown away”?<sup>13</sup>

Many supporters of fetal transplants compare them with organ transplants from murder victims who are declared “brain dead.” In neither case, they say, does use of the tissue or organs imply approval of the death. This assumes, of course, that everyone thinks it is a fine idea to take organs from murder victims. Some people think it is cruel to tell the parent or spouse of someone who has just been shot or stabbed that their loved one cannot survive—and

then to ask for the dying person's heart, kidneys, liver, and even some skin and bones. It is hard to avoid the image of medical people who hover like vultures over the dying. Moreover, there are indications that the "brain dead" are not really dead and that taking their organs is what actually kills them.<sup>14</sup>

Despite the enormous propaganda for organ transplants in recent decades, even many people who approve them in theory do not like the idea of their own bodies, or those of their loved ones, being stripped for spare parts like old cars. Added to this distaste is the widespread opposition to abortion. So it is not surprising that some major medical charities, who depend on a very wide donor base, are sensitive when questioned about their support of fetal transplants. A spokesman for the American Heart Association, which supports such transplants, stressed that "we have not testified before Congress on this issue" and that "we do not actively lobby" on it. A spokesman for the American Lung Association acknowledged criticism of its support of fetal transplants and said that a new statement on the subject was under preparation.<sup>15</sup>

At least one major medical charity has stayed away from the issue altogether. A National Easter Seal Society staff member said that "we have not taken any position" on fetal transplants and that the society does not "deal with anything that happens before a birth." Although best known for its work with disabled children, Easter Seal now offers physical therapy and other aid to people of all ages, including elderly people coping with Alzheimer's disease or strokes.<sup>16</sup>

Far broader in scope than the medical charities are the United Way agencies, which fund local groups ranging from the Girl Scouts to homeless shelters to—unfortunately—Planned Parenthood. Boycotts by abortion foes have forced some United Way agencies to cut their links with Planned Parenthood, which is the major institutional promoter of abortion. A United Way of America spokesman said that, of 2,100 United Way agencies, only 35 contributed to Planned Parenthood groups in 1990. Yet the 35 included agencies in such major cities as Atlanta, Akron, Nashville, Philadelphia, Portland, Rochester and Sacramento. The spokesman stressed that "no United Way money funds abortion services—at all, period." He said the funds are designated for "public education kinds of activities" in areas such as disease prevention and family planning.<sup>17</sup>

Yet abortion foes start to worry when people refer to abortion "services," and they know that when Planned Parenthood isn't talking



about surgical abortion, it is often talking about abortifacients (doing business as “birth control”). Beyond that is the problem that money given to Planned Parenthood for public education may free other money to be used for abortion advocacy or performance.

Many United Way agencies now allow donors to earmark their money for a specific charity. Dr. John Willke, president of Life Issues Institute, argues that this does not solve the problem for people who worry about helping Planned Parenthood, whether directly or indirectly. Willke says that a local United Way agency has “a huge, floating pool” of uncommitted donations. So if a donor earmarks money for a crisis pregnancy center, for example, United Way will “just take less out of the pool for that crisis pregnancy center, and they’ll give some of that to Planned Parenthood.” He concludes: “There is no answer on the local level, if they fund Planned Parenthood, except to not give at all.” The United Way spokesman said that Willke’s account of the way the system worked was probably true in the past but is “not so true now,” although “I can’t say it’s not happening anyplace.”<sup>18</sup> Worried donors would probably do best to send checks directly to charities they can trust. (Then, at the office, they can tell United Way solicitors “I gave at home.”)

The Combined Federal Campaign (CFC), the federal government’s workplace charity fund, encourages designation—but only to agencies that have formally joined the campaign. Last year in the Washington, D.C. area, federal employees could earmark all their CFC donations for Birthright groups, other pregnancy aid centers, Human Life International, or the National Right to Life Educational Trust Fund. If they did not designate a recipient, however, some of their money went to Planned Parenthood, the National Abortion Rights Action League Foundation, and other abortion supporters. Starting this year, non-earmarked CFC donations will be distributed according to an agency’s percentage of earmarked donations. This means that designating money for any group will also help increase its share of the general pot.<sup>19</sup>

People who worry about the conservation of human life, as well as conservation of wildlife and other natural resources, face serious dilemmas over donations to environmental groups. Many of those groups support population control, including abortion, because they view population growth as a major source of over-consumption and pollution. To counter it, they support massive U.S. funding of population control programs abroad. Some of them do not like the term “population

control,” though, either because they genuinely oppose the coercion and manipulation it implies or because they understand that it is a public-relations mistake. “Population stabilization” is a more politically-correct term these days.

Whatever it is called, government-promoted birth control certainly has been sold successfully within the United States. But has it helped the environment? As American families become smaller and smaller, it often seems that new houses become larger and larger and that each family has more cars. Many families now have one car for each member, multiple TV sets—we may be headed for one computer per person, not to mention printers, faxes, mobile phones, VCR’s, video games, camcorders, CD players, and all the other toys of contemporary life.

Is there some weird psychological and economic mechanism working here—that as families grow smaller, each individual consumes much more? “Yes,” said Patricia Waak, population program director of the National Audubon Society, adding that the problem “is not just technology, and it is not just population growth. It is a complex of so many things. . . . It’s not just decreasing the birthrate; it is also looking at how much you consume and how many cars you drive and how big a house you live in.”<sup>20</sup>

That sounds fine, until you stop to remember that birth control is sold, here and abroad, as a way for families to improve their standard of living. The psychology really is, “The fewer of them, the more for us,” and *that* (phrased a bit more tactfully) is what population controllers are pushing in poor countries today. The poor nations may accept what someone called “industrial-strength birth control;” but if they also catch up with our consumption patterns, they may wreck their own environments.

Western television, movies and advertising, which have increasingly invaded Third World countries, are driving the desire of poor people to catch up with our consumption. The same media and advertising are encouraging the kind of sexual promiscuity that leads to a higher birth rate. The West is sending, and not for the first time, a very contradictory message: Have as much sex as possible, but as few babies as possible. Moreover, Western influence has discouraged old traditions that served as natural birth control, such as breastfeeding and prolonged sexual abstinence after birth.<sup>21</sup>

Coerced abortions have been a major issue in population policy in recent years, especially with respect to China. This is the worst

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of many abuses in China, where there is enormous psychological and financial pressure for young couples to practice birth control. The pressure has included heavy financial penalties for having more than one child, interrogation of young wives in the workplace, and even regular X-rays to ensure that they are wearing intrauterine devices (IUDs). When all of this fails and a woman becomes pregnant without governmental permission, there is heavy pressure on her to have an abortion, including *physical* coercion. In one Chinese province in 1981, the *Washington Post* reported, "Expectant mothers, including many in their last trimester, were trussed, handcuffed, herded into hog cages and delivered by the truckload to the operating tables of rural clinics, according to eyewitness accounts." In Inner Mongolia, a surgeon told the *Post*, doctors developed brutal ways of preventing unauthorized births:

After inducing labor, he revealed, doctors routinely smash the baby's skull with forceps as it emerges from the womb.

In some cases, he added, newborns are killed by injecting formaldehyde into the soft spot of the head.

"If you kill the baby while it's still partly in the womb, it's considered an abortion," explained the 33-year-old surgeon. "If you do it after birth, it's murder."<sup>22</sup>

While Chinese government officials and their apologists in U.S. population-control groups attribute this sort of thing to local zealots who got out of hand, there is evidence that coercion continues on a wide scale. Even husbands have been subjected to physical abuse: in 1991, Chinese newspapers reported that, in a village where ten couples resisted pressures to have abortions,

the husbands were marched one by one into an empty room, ordered to strip and lie face down.

"They were then beaten on their bare buttocks with a cane as many times as the number of days their wives had been pregnant," the *Legal Daily* wrote.

All the men "cried out in pain," the newspaper wrote, and signed the abortion contract.<sup>23</sup>

The Chinese have also imposed abortion and sterilization on the people of Tibet, which China invaded in 1950 and has occupied ever since. In 1988 a Western doctor interviewed three Tibetan women who "described how a relative or acquaintance of theirs had delivered a normal baby, only to have the nurse kill it with

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a lethal injection in the soft spot on the forehead.” Two Buddhist monks told the doctor that, in the fall of 1987,

a Chinese birth-control team set up their tent next to our monastery in Amdo. The villagers were informed that all women had to report to the tent for abortions and sterilizations or there would be grave consequences. . . . The women who refused were taken by force, operated on, and no medical care was given. Women nine months pregnant had their babies taken out.

. . . . We saw many girls crying, heard their screams as they waited for their turn to go into the tent, and saw the growing pile of fetuses build outside the tent . . .<sup>24</sup>

Appalled by the genocidal Chinese program, abortion foes in the United States were able to end U.S. contributions to the United Nations Population Fund, which supports the Chinese population program. There has been a fierce fight on the issue in Congress for years, with some environmental groups supporting renewed U.S. contributions to the United Nations fund.

Another hotly-contested issue involving abortion is the “Mexico City Policy,” announced by the Reagan administration during a population conference there in 1984. The policy forbids U.S. funding of private groups that offer or promote abortion abroad. Because of it, our government no longer funds the International Planned Parenthood Federation (IPPF), although it does still fund some IPPF affiliates. In this, as in the China/United Nations fund controversy, many environmental groups have joined traditional population-control groups in lobbying to change the policy. The following environmental and animal groups have supported renewed U.S. financing of the IPPF and/or the United Nations fund:

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| Defenders of Wildlife               | National Wildlife Federation      |
| Environmental Policy Institute      | Natural Resources Defense Council |
| Friends of the Earth                | Population-Environment Balance    |
| Humane Society of the United States | Renew America                     |
| National Audubon Society            | Sierra Club                       |

While it has not taken a position on these abortion-related issues, the Environmental Defense Fund recently called for stabilizing world population “at the lowest possible level.” The World Wildlife Fund, which also has stayed away from the Mexico City and United Nations fund controversies, recently advertised for a population specialist “to integrate population concerns” into its field projects.<sup>25</sup> Watching

these groups move into population policy is worrisome to anyone who understands the way that abortifacients so often accompany population programs and surgical abortions so often follow them.

Of the major environmental groups, the Sierra Club is most forthright in its support of abortion. In a 1989 letter, Sierra chairman Michael McCloskey said a longstanding club policy “recognizes abortion as an acceptable means of controlling population growth (though it is not the preferred one).” That is still the policy, a Sierra population specialist said last year.<sup>26</sup>

The National Audubon Society, on the other hand, claims to be neutral on abortion. Yet it wants the U.S. government to resume contributions to the United Nations Population Fund, and it lobbies for overturn of the Mexico City policy. That is very hard to square with its population director’s question about environmental and religious groups: “Can we come together with a common mission to find this balance between people and the planet on which we live—and, in the process, do away with abortion?”<sup>27</sup> We cannot “do away with abortion” by funding groups that promote it.

The National Wildlife Federation supports renewed contributions to the United Nations fund, but it has retreated from the fight over the Mexico City policy and IPPF. Federation vice president Lynn Greenwalt remarked: “We take no stand, one way or the other, on abortion. And we are not going to encourage continued misunderstanding about that whole issue in connection with the Mexico City policy. So we just backed away from it altogether.”<sup>28</sup>

Often overlooked in the population controversy is the fact that many “contraceptives” are, in fact, abortifacient in at least some instances. This is true of birth control pills, Depo Provera, Norplant, and IUDs. Unlike barrier contraceptives, the hormonal drugs and the IUDs also have serious side effects and health risks for many women. Those risks are greater in poor nations, where many women suffer from malnutrition and anemia and where medical supervision often ranges from poor to nonexistent. Yet hormonal drugs and IUDs have been dumped on poor nations in huge quantities *via* programs funded by the U.S. Agency for International Development, the World Bank and other population controllers.<sup>29</sup>

Are environmental groups concerned about health risks of the birth control drugs and devices they are insisting that the U.S. spread around the world? Lynn Greenwalt of the National Wildlife Federation

says that “even relatively benign ones—the Pill and so on—can have adverse effects on individuals.” He adds that “we support, without any question, the increased research into methods that will diminish these potentially dangerous side effects.”<sup>30</sup>

Patricia Waak, the Audubon staffer, claimed that the Pill “can be safely used in most developing countries.” She said that, several years ago, she had recommended a phase-out of IUDs in African countries still using them “mainly because of pelvic inflammatory disease.” She claimed that IUDs “are pretty much not used anywhere” now. That assertion might surprise the New York-based Population Council, which last year declared: “Worldwide, the IUD is the most popular reversible contraceptive, with some 85 million married women of reproductive age using the method.” It added: “In developing countries, IUDs of various kinds are widely used, particularly in China, where 30 percent of all married women of reproductive age choose the method.”<sup>31</sup> (Anyone who has read about the pressures in China, including required X-rays to be sure IUDs are still in place, would have to question the verb “choose” in this statement.)

Nancy Wallace of the Sierra Club, speaking of the controversial drug called Depo Provera, said that it “has side effects, as all the options do, and people have to know what they are—and decide.” She claimed that one advantage of full funding for family planning is that women can receive all the information about side effects and then make the best decision for themselves. Sierra’s idea of “full funding” appears to be quite large: Wallace said the group wants “access to contraception for every couple on the planet by the year 2000.”<sup>32</sup> Yet the population groups have spent huge sums of money for many years; if they haven’t provided all the necessary information already, why should we assume they will do so in the future? You do not have to be very cynical to suspect that they have not given full information so far because they fear that many women would refuse to use the drug and IUDs if they knew all about the risks and side effects.

Paying people in extreme poverty “incentives” or “compensation” to have sterilizations is another abuse, as in a 1980s Bangladesh program supported by the World Bank and the U.S. Agency for International Development. “Not surprisingly,” Betsy Hartmann wrote, “government figures show that the number of sterilizations have tended to increase dramatically during the lean autumn months before the rice harvest, when many landless peasants are unemployed and

destitute.” She also described a young woman named Rohima, who was divorced by her husband when she was seven months pregnant. When Rohima lost her job, she had no food for herself and only barley water for her baby. Approaching a local official for food, she was told that she could receive wheat if she consented to sterilization. Her coerced agreement probably ended “her chances of remarriage, for in Bangladesh few men will marry a sterile woman.”<sup>33</sup> This 20-year-old’s tragedy was, of course, a statistical “success” for the sterilization program.

Some of the strongest criticisms of population control have come from feminists like Hartmann and Germaine Greer. (Unfortunately, they and many who admire them still insist on the “choice” of abortion. That is inconsistent with their opposition to other types of coercion; killing, after all, is the ultimate coercion.) It remains to be seen whether their criticisms will have lasting effect. As Hartmann herself suggested, there are people “in the population establishment who want to appropriate feminist language and concepts in order to give population control a better image.”<sup>34</sup>

But more radical than Hartmann’s critique is the question of whether government should be involved in population programs at all. As President Andrew Johnson said, “I believe that government was made for man, not man for government.”<sup>35</sup> Yet once governments start deciding how many constituents they will have in the future, then in some sense people really are made for governments. That is, among other things, a profoundly anti-democratic concept.

It is bad enough when the United States and other Western governments do this at home. When they also try to foist population control on poor people abroad, whose cultures they do not even understand, they are involved in cultural imperialism. Germaine Greer asks:

What is our civilization that we should so blithely propagate its discontents? . . . Why should we erect the model of recreational sex in the public places of all the world? Who are we to invade the marriage bed of veiled women? . . . Why should we care more about curbing the increase of the numbers of the poor than they do themselves? Who are we to decide the fate of the earth?<sup>36</sup>

International relief groups such as CARE should consider these questions carefully. Besides running its own population program, CARE supports overturn of the Mexico City policy and renewed

U.S. contributions to the United Nations Population Fund. CARE communications director Donald Pohl said his group believes that family planning is “a desperate need” throughout the world and that it should not be “held hostage” to the abortion issue. He remarked that “we don’t want to get into the middle of a fight on the abortion issue” and that “we’re here to try to save the lives” of Third World people.<sup>37</sup> Fine, but CARE must realize that one way to save lives is to take a principled stand against policies that kill Third World children and often harm their mothers as well.

The United Nations children’s fund (UNICEF), although primarily funded by governments, also depends on private contributions and sales of its greeting cards. While best-known for its childhood immunization and other health programs, UNICEF is deeply involved in “family planning” as well. Although the agency says that it does not provide contraception, sterilization or abortion, it works closely with governments that do provide them—groups that promote them. Currently, it is trying to work even more closely than before with the population-control “hawks” at the United Nations Population Fund.<sup>38</sup>

UNICEF finances training programs for midwives, but trying to find what the programs say about birth control is like trying to nail jello to a wall. “We fund the training program,” a UNICEF official said. “We don’t do the training.” Are the trainees taught to provide information on all birth-control methods? “Well, that depends on the government, you see. We can’t dictate to the government what they should do.” In one country, then, surgical sterilization might be discussed, while in another it might not? “I don’t know. I wouldn’t know it.” How about health issues related to some of the methods? Those, he said, are up to governments and the World Health Organization.

It is peculiar that a UN agency would know so little about the programs it funds.

The UNICEF official stated flatly: “We do not support any form of abortion, anywhere.”<sup>39</sup> Yet UNICEF co-sponsored a 1987 international conference in Kenya which recommended that: “Where legal, good quality abortion services should be made easily accessible to all women.” Despite all the evidence of coerced contraception and abortion in China, a 1989 UNICEF publication declared that “China so far has been a success story in population planning.”<sup>40</sup>

UNICEF is now working with the UN Population Fund, the International Planned Parenthood Federation, the World Bank, the Population Council, and other groups on a “Safe Motherhood Initiative”



to reduce pregnancy-related maternal deaths. While UNICEF stresses good obstetrical care and “responsible planning of family size” as its goals for the initiative, there are indications that the program is another way to press for legalized abortion in poor nations. A “Safe Motherhood” fact sheet prepared by Family Care International, a key agency in the program, notes: “Preventing unsafe abortion—by preventing unintended pregnancy through family planning and providing access to safe abortion services through liberalization of abortion laws—would reduce the toll of maternal mortality by at least 25% and save billions of dollars in related social and health costs.”<sup>41</sup> Perhaps people who receive appeals to buy the beautiful UNICEF greeting cards should ask the agency about the Safe Motherhood Initiative, which might more accurately be called the Non-Motherhood Initiative.

Abortion opponents have tried, with limited success, to pressure charities to back away from the abortion battle. The National Right to Life Committee has run a spirited campaign against environmental groups who lobby for overturn of the Mexico City policy and renewed contributions to the United Nations Population Fund. For several years, it has urged its supporters to write protest letters to such groups and to boycott them financially. The National Wildlife Federation’s retreat from the Mexico City debate was probably due to such pressure.<sup>42</sup>

The Audubon Society has made a point of checking the names of protesters against its membership lists—to find the *non*-members. A couple of the medical charities have done the same with people who protest their support of fetal transplants. A spokeswoman for the National Spinal Cord Injury Association said her organization has checked “every single person who has written us a letter,” finding that none was a donor or member. But the group would listen, she said, if “our own constituency” protested.<sup>43</sup>

The larger and broader-based groups, especially those depending on huge networks of neighborhood volunteers, are more vulnerable to protest. If the American Heart Association, American Cancer Society, or American Lung Association started hearing protests from thousands of donors and volunteers, they might re-evaluate their support of fetal transplants. That is why “pro-life” leaders urge their members to miss no opportunity to protest when they get fund-raising letters, phone calls, personal or “door-to-door” solicitations. Says

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Mrs. Judie Brown of the American Life League: "It's important to explain exactly why you no longer are going to give money."<sup>44</sup>

It's also important to have alternative groups who are "doing good" without also doing evil. An excellent example is the Pittsburgh-based Michael Fund, which supports Dr. Jérôme Lejeune's research to find a cure for Down Syndrome. The fund was started by Randy Engel, a long-time foe of the March of Dimes eugenics thrust, and by others who want to help the handicapped rather than killing them.<sup>45</sup> They believe, as Lejeune once wrote, that the parents of Down Syndrome children "have the right to know that life-doctors still exist and that we will never give up."<sup>46</sup>

If mainline charities remain determined to solve human problems by eliminating humans, alternatives like the Michael Fund may start getting the attention they deserve.

NOTES

1. The writer initially researched this subject for a newspaper series. See Mary Meehan, "Medical Charities and Abortion," *Our Sunday Visitor*, May 24, 1992, pp. 6-7; "Environmentalists and Abortion," *ibid.*, June 7, 1992, pp. 10-11; and "A Continuing Conversation," *ibid.*, July 26, 1992, p. 18.
2. Eric Josephson, "Why the Dimes March On," *The Nation*, Nov. 10, 1956, p. 364. For information on the origins and growth of the March of Dimes, see Clarence Woodbury, "Man in the Middle," *The American* magazine, Sept. 1955, p. 36 ff.
3. See Randy Engel, *A March of Dimes Primer: The A-Z of Eugenic Killing* (n.p., 1991), 29 pp. This booklet, which includes citations, is available for \$1 from the American Life League, P.O. Box 1350, Stafford, Va. 22554.
4. Elizabeth McAlister, "Dear Friends of Pro-Choice," *National Catholic Reporter*, Nov. 16, 1984, p. 14.
5. Michele Kling (March of Dimes Manager of Newspaper Media Relations), Letter of Dec. 27, 1991, to this writer.
6. Interview with Jérôme Lejeune, June 6, 1992, Washington, D.C.
7. Vivian Weinblatt, *et al.*, "Fetal Reduction and Selective Termination in Multifetal Pregnancy: Outcomes, Ethical and Counseling Issues," in Beth A. Fine, *et al.*, ed., *Strategies in Genetic Counseling: Reproductive Genetics & New Technologies*, an issue of *Birth Defects: Original Article Series*, vol. 26, no. 3, 1990, p. 82.
8. Donna Blumenthal *et al.*, "A Protocol for Genetic Counseling Following Abnormal Prenatal Diagnosis," in *ibid.*, pp. 158 & 160.
9. Estelle H. Rogers, "Abortion update: Address to National Society of Genetic Counselors Annual Meeting, November 11, 1989, Baltimore, Maryland," in *ibid.*, pp. 73-74.
10. *Washington Post*, Sept. 15, 1988; *New York Times*, Oct. 30, 1990; *Washington Times*, Jan. 6, 1992.
11. U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Health and the Environment, hearing on *Fetal Tissue Transplantation Research*, 101st Cong., 2nd Sess. (April 2, 1990); and hearing on *NIH Reauthorization*, 102nd Cong., 1st Sess. (April 15-16, 1991); "Partial List of Groups Supporting Fetal Tissue Transplantation Provisions (Title I) in H.R. 22507" and accompanying letters from medical charities, provided by the House Subcommittee on Health and the Environment in December, 1991; and telephone interviews by the writer in 1991-1992.
12. Tape recording of speech by Sen. Edward Kennedy, April 6, 1992, Washington, D.C. The briefing was also sponsored by the Planned Parenthood Federation of America and the American Association of University Women.
13. Telephone interviews with Janet Jacobs of the National Spinal Cord Injury Association and Jeanne Lee of the United Parkinson Foundation, Dec. 23, 1991.

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14. Organ transplant advocates who talk about giving the “gift of life” usually underplay—if they mention at all—the fact that “brain-dead” patients are kept on life-support systems and are given intensive care, which often includes antibiotics to prevent infection and resuscitation in the event of cardiac arrest. How can a dead person die a second time? If the “brain-dead” are actually in deep coma, then taking their vital organs is an act of homicide.  
For information on the handling of such “donors,” see: Randall C. Wetzel *et al.*, “Hemodynamic Responses in Brain Dead Organ Donor patients,” *Anesthesia and Analgesia*, vol. 64, no. 2 (Feb., 1985), pp. 125-128; Joseph M. Darby, *et al.*, “Approach to Management of the Heartbeating ‘Brain Dead’ Organ Donor,” *Journal of the American Medical Association*, vol. 261, no. 15 (April 21, 1989), pp. 2222-2228; S. J. Youngner, “Organ Retrieval: Can We Ignore the Dark Side?” *Transplantation Proceedings*, vol. 22, no. 3 (June, 1990), pp. 1014-1015.
15. Telephone interviews with Joe Marx of the American Heart Association, Dec. 26, 1991 and April 3, 1992; telephone interview with Joseph Bergen of the American Lung Association, Dec. 18, 1991.
16. Telephone interview with Sara Brewster of the National Easter Seal Society, Dec. 18, 1991; and National Easter Seal Society, “Shaping the Future for People with Disabilities: 1991 Annual Report Highlights.”
17. Telephone interview with Christopher McNamara of United Way of America, Dec. 19, 1991.
18. Telephone interviews with John Willke of Life Issues Institute, Jan. 6, 1992; and Christopher McNamara of United Way of America, Jan. 10, 1992.
19. Examples of donation possibilities were taken from 1991 Combined Federal Campaign of the National Capital Area, “Catalog of Caring” (Washington, D.C., n.d.), 78 pp. Dennis Matteotti, acting director of the Combined Federal Campaign, explained current distribution rules in a telephone interview on Jan. 10, 1992.
20. Telephone interview with Patricia Waak of the National Audubon Society, Dec. 18, 1991.
21. See Germaine Greer, “Chastity as a Form of Birth Control,” in her *Sex and Destiny: The Politics of Human Fertility* (New York: Harper & Row, 1984), pp. 94-126; and Betsy Hartmann, *Reproductive Rights and Wrongs: The Global Politics of Population Control and Contraceptive Choice* (New York: Harper & Row, 1987), pp. 10-11, 39, 77. Hartmann suggests that the hardline approach to population control, which underplays women’s health concerns, actually tends to keep birth rates high because: “Suffering from unexplained and untreated contraceptive side effects and disillusioned with the quality of service, a high percentage of women drop out of family planning programs” (p. 32).
22. *Washington Post*, Jan. 7, 1985. This was part of a series of articles by Michael Weisskopf, Jan. 6-8, 1985. See, also: Jonathan Mirsky, “The Infanticide Tragedy in China,” *The Nation*, July 2, 1983, pp. 12-14; Stephen W. Mosher, “Birth Control: A Grim Game of Numbers,” in his *Broken Earth: The Rural Chinese* (New York: Free Press/Macmillan, 1983), pp. 224-261; Stephen W. Mosher, “How China Uses U.N. Aid for Forced Abortions,” *Wall Street Journal*, May 13, 1985; Betsy Hartmann, *op. cit.*, pp. 144-157.
23. *Pittsburgh Press*, March 24, 1991 (citing the *Shanghai Legal Daily* and the *Xin Min Evening Post*).
24. Ngawang Smanla and Tsewang Thonden, quoted in Blake Kerr, “Witness to China’s Shame,” *Washington Post*, Feb. 26, 1989.
25. The list of environmental groups supporting renewed U.S. funding of IPPF and/or the United Nations Population Fund is based on *Congressional Record*, Oct. 22, 1990 (daily ed.), pp. S 16325-6; and *National Right to Life News*, May 21, 1991, p. 8. See, also: Environmental Defense Fund, “Population Statement” [approved by board of trustees on May 16, 1992]; and *International Employment Opportunities*, June 9, 1992, p. 15 (World Wildlife Fund ad for “Population Specialist”).
26. Michael McCloskey, Letter of July 21, 1989, to a Maryland couple; and telephone interview with Nancy Wallace of the Sierra Club, Dec. 24, 1991.
27. Interview with Patricia Waak, *op. cit.*
28. Telephone interview with Lynn Greenwalt of the National Wildlife Federation, Dec. 18, 1991.
29. For information on abortifacient characteristics and health risks of these items, see Bogomir M. Kuhar, “Pharmaceutical Companies: the New Abortionists,” *All About Issues*, Feb., 1989, pp. 28-32; and *The Medical Letter*, March 8, 1991, p. 17 (on Norplant). On their health dangers and their use in the Third World, see Betsy Hartmann, *op. cit.*, pp. 161-207.
30. Interview with Lynn Greenwalt, *op. cit.*
31. Interview with Patricia Waak, *op. cit.*; Population Council, “U.S. FDA Extends Effective Use of the Copper T 380A IUD from Six to Eight Years,” press release of Oct. 7, 1991, 1 p.
32. Interview with Nancy Wallace, *op. cit.*

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33. Betsy Hartmann, *op. cit.*, pp. 215, 213. Later Hartmann reported that the Agency for International Development stopped funding the financial incentives in 1988, but "the Bangladesh government and other aid donors stepped in to foot the bill." See Betsy Hartmann, "Bankers, Babies, and Bangladesh," *The Progressive*, Sept., 1990, p. 20.
34. Betsy Hartmann, *Reproductive Rights and Wrongs*, p. 295.
35. Andrew Johnson, *Speeches of Andrew Johnson* (Boston: Little, Brown and Company, 1865), p. 471.
36. Germaine Greer, *op. cit.*, pp. xiv-xv.
37. Telephone interview with Donald Pohl of CARE, Dec. 18, 1991. Pohl stressed that "CARE doesn't perform any abortions." See the organization's 1991 Annual Report, pp. 14 & 18, for information on its population program.  
Some other international relief groups are also involved in population control. But Catholic Relief Services, one of the largest, steers clear of anything that does "not reflect Catholic teaching." It has done some work in "natural family planning" (periodic abstinence) programs. (Telephone interview with Sister Janet Richardson of Catholic Relief Services, Jan. 3, 1992.)
38. United Nations Children's Fund, "Report on Collaborative Programming Activities of the United Nations Children's Fund and the United Nations Population Fund," May, 1992, 22 pp.
39. Telephone interview with Dr. Ranjit Attapattu, senior advisor in primary health care, United Nations Children's Fund, Jan. 2, 1992.
40. Maggie Black, ed., *Better Health for Women and Children through Family Planning: Report on an International Conference Held in Nairobi, Kenya, October 1987* (Population Council, n.d.), p. 39; and United Nations Children's Fund, *Children and Women of China: a UNICEF Situation Analysis* (Beijing: UNICEF, 1989), p. 6.
41. James P. Grant, executive director of UNICEF, address at the "Meeting of Partners for Safe Motherhood," World Bank, Washington, D.C., March 9, 1992, 6 pp.; and Family Care International, "Partnership for Safe Motherhood, Global Fact Sheet: Selective Countries," 1992, p. 1. See also, Fred T. Sai and Diana M. Measham, "Safe Motherhood Initiative: Getting Our Priorities Straight," *The Lancet*, vol. 339, Feb. 22, 1992, pp. 478-480. In describing four objectives of Safe Motherhood activities, the World Bank listed "prevention of unwanted pregnancies" as the first objective and "management of unwanted pregnancies" as the second. (World Bank, "'Safe Motherhood' Means Better Lives for All: Women, Children, Families and Future Generations," Washington, D.C., press release of March 9, 1992, p. 2.)
42. *National Right to Life News*, May 23, 1989; March 1, 1990; March 12 & May 21, 1991; and telephone interview with Douglas Johnson, federal legislative director of the National Right to Life Committee, Nov. 27, 1991.
43. Interviews with Patricia Waak and Janet Jacobs, *op. cit.*
44. Telephone interview with Judie Brown, president of the American Life League, Dec. 18, 1991.
45. The Michael Fund is located at 400 Penn Center Boulevard, Room 721, Pittsburgh, Pa. 15235. Dr. Lejeune recently said that French money for his research was cut off "because it was not, so to speak, politically correct to try to treat mental retardation." Had it not been for help from America, and especially from the Michael Fund, he said, "we would not have been able to do what we've done." He suggested that a cure for Down Syndrome might be found in "another 10 years." (Interview with Jérôme Lejeune, *op. cit.*)
46. Jérôme Lejeune, "Non-Treatment of Defective Newborn Babies," *The Lancet*, Jan. 5, 1980, p. 49. Besides being a world-class scientist, Dr. Lejeune is a fearless advocate of traditional medical ethics. See Elena Muller Garcia, "A Symphony by Two Hearts," *Human Life Review*, vol. 18, no. 2 (Spring, 1992), pp. 30-42.

## APPENDIX A

[The following column appeared in the *New York Post* (October 5, 1992) and is reprinted here with the author's permission.]

### Parents to rally over sex-ed outrage

*Ray Kerrison*

A first-grader in a Manhattan public school came home from class the other day and asked her mother, "Mommy, will you marry me?"

The mother laughed. "What are you talking about? I'm your mother and we're both girls. Why do you ask that?" The child replied, "Teacher says that as long as two girls love each other they can get married."

In the Bronx, another first-grader was asked by her mother: "Have you brought all your books home?" The little girl looked away and did not answer. The mother asked again.

The child replied: "We have other books, but they're a secret and we're not supposed to tell you about it."

These are just two incidents taken from daily life in modern New York public schools, but they help explain why busloads of angry parents and clergymen are going to converge at 10 a.m. tomorrow at 110 Livingston St. in Brooklyn, headquarters of the Board of Education, and for three hours publicly flail a sex-ed curriculum that seeks to destroy the traditional values of family life.

It is the first major demonstration of its kind in the city. It is also long overdue. Thousands of people of all faiths—Christian, Jewish and Muslim—are up in arms over Schools Chancellor Joseph Fernandez's determination to expose schoolchildren, even the youngest, to raw sexuality, homosexuality and bizarre sex practices, under a smokescreen of AIDS education and tolerance. The specific target tomorrow is a 400-page curriculum guide known as *Children of the Rainbow*, which encourages first-graders to read such books as "Heather Has Two Mommies," "Daddy's Roommate" and "Gloria Goes to Gay Pride." Fourth-graders are taught how to use condoms and creams, and reference is made to anal sex.

Five school districts have either junked the whole work or parts of it. Fernandez has given them until the end of the month to produce an acceptable alternative—a ruse typical of the chancellor. It took his brain trust two years to produce the *Rainbow* horror, so he gives most of its opponents less than two months to replace it.

The remarkable thing about tomorrow's rally is that it was organized not by politicians, clergymen, teachers, business or labor leaders, but by a widowed grandmother, Mary Cummins, a woman of unflinching principle and high courage who once expressed her credo this way: "I cannot compromise with evil."

Mrs. Cummins has served on School Board 24 in Queens for 15 years. She is in her second term as its president. When the Fernandez sex trash hit her

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desk, she recoiled in disgust. She put it to a vote and all nine members of her board rejected it. That made headlines, and soon other districts were jumping on board. Mrs. Cummins sent a letter to the parents of 27,000 kids in her district, disclosing the seamy details of the sex guide and asking their participation in tomorrow's protest.

"They're coming from all over," she said yesterday. "Police are going to block off the whole street. We've got 20 speakers representing all the people—black, white, Hispanic—and all religions. We've got [state] Sen. Serph Maltese and City Councilman Tom Ognibene."

Why is she doing it? She said: "Parents had no input into the curriculum. It is not only indecent, but Joseph Fernandez came up here from Miami bellowing about parents' rights in the school, and the first thing he did was strip them of their most basic right, which is to bring up children in their own moral right. We will not accept two people of the same sex, engaged in deviant sex practices, as 'family.' "

That a bureaucrat like Fernandez should take it upon himself to impose his values on nearly 1 million children outrages her—as it should every rational parent in the city. Who gave Fernandez the divine right to supersede parents?

Unlike most, Mrs. Cummins decided to fight back. "We're taking this right to the chancellor's front door," she said. "He and the mayor will know they are on a hot seat. The clergymen at the rally represent congregations of tens of thousands. That translates into a lot of votes, especially when you add in tens of thousands of parents."

She is comforted by the thought that Fernandez will be gone by next June, when his contract expires. "He'd be gone now if it weren't for his \$300,000 pension," she said. "He got away with so much because parents did not know what was going on in the schools. After this rally, we will have done our part to warn them. The rest is up to them."

## APPENDIX B

[The following syndicated column was issued on Sept. 8, and is reprinted here with the author's permission. (©1992, Universal Press Syndicate).]

### Is Homophobia a Disease?

*Joseph Sobran*

WASHINGTON—Now I've seen everything. A prominent psychiatrist has written a letter to the editor of *The New York Times* asserting that "homophobia," but not homosexuality, is a form of mental illness.

Dr. Richard Isay—chairman of the American Psychiatric Association's committee on gay, lesbian and bisexual issues—writes that "consensus grows among mental health professionals that homophobia, the irrational fear and hatred of homosexuals, is a psychological abnormality that interferes with the judgment and reliability of those afflicted."

In the 1970s the APA, breaking with Freud, voted to remove homosexuality from the category of "psychological abnormalities." Unlike, say, physics and geology, psychiatry is a science that can keep up with the latest political trends, and a science in which truth can be decided by majority vote. Many psychiatrists and other "mental health professionals" are in the business of covert advocacy, smuggling their approvals and disapprovals into public discourse under the guise of science and "health."

Let me see if I have this year's psychiatric science straight. If you're a man who has anal intercourse with other men, you're mentally healthy. But if the practice disgusts you, you're "afflicted," and you presumably need to be cured—or, as Dr. Isay delicately hints, quarantined and denied employment, since the "affliction" impairs your "judgment and reliability."

The odd thing is that when psychiatry classified homosexuality as a disorder, the implication was that it was more to be pitied than censured: calling it an illness was a way of upgrading it from the stigma of vice and perversion. But when "homophobia" is called a disorder, there is no suggestion that the sick deserve compassion. On the contrary, this sickness seems to warrant stern disapproval for the "afflicted," the way gonorrhea and syphilis used to!

The real purpose of calling "homophobia" a "psychological abnormality" is obviously to stigmatize the moral, instinctual and hygienic aversion to one category of morbid sexual acts. Liberal tolerance does not extend to the traditional sexual code of the West.

And note the straight face with which our mental health wizards use the word "homophobia"—one of those icky coinages, like "parameterization" and "McNuggets," that amount to linguistic toxic waste. Dr. Isay defines the word as "the irrational fear and hatred of homosexuals," which doesn't help much. I should think that the "irrational fear and hatred" of anything under the sun would be, by definition, an abnormality. Why single out irrational fear and

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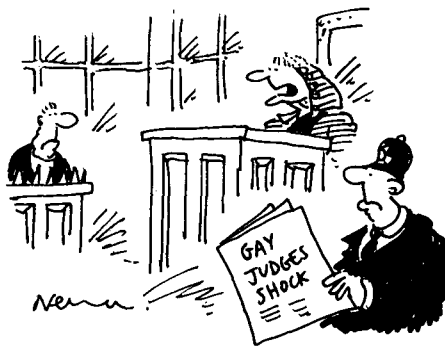
hatred of homosexuals, as opposed to pedophiles or necrophiles, or for that matter snails and hummingbirds?

Or does Dr. Isay mean to imply that there is such a thing as the rational fear and hatred of homosexuals? No, that can't be. He's just emitting the cant of his trade without listening to himself very intently. Having an ill-disguised political agenda, he lets the cat out of the bag without realizing it.

Unfortunately, the agenda isn't just his. It's all over the place. We're being assailed by a Hurricane Andrew of propaganda for anti-monogamous sexual activity, much of it in the guise of news and entertainment, just as Dr. Isay's propaganda comes in the guise of mental health science. Part of the propaganda line is that anyone who opposes the "consensus" is driven by "irrational fear and hatred." (Or is just silly, like Dan Quayle.)

It's in the nature of modern propaganda to avoid argument by overwhelming the public with sheer, specious repetition. Issues are misstated, big questions begged, and dissenters portrayed invidiously. And there is a constant implicit threat that if you don't fall in with the propaganda line, you too will risk being marked as a bigot—a bigot who is eligible, moreover, for the tender mercies of the "mental health professionals."

Dr. Isay's letter displays a subtle form of the attitude that used to govern Soviet psychiatry: the determination to treat a different point of view not as a proposition to be reasoned with, but as a disease. "Homophobia" isn't a genuine diagnostic term. It's a curse of the modern witch doctors.



*'I find the defendant. . . rather attractive.'*

THE SPECTATOR 19 September 1992



## APPENDIX C

[The following article appeared in *The American Spectator* (September 1992) and is reprinted here with the author's permission.]

### Strange New Respect, 1992

*Tom Bethell*

In recognition of his school prayer and abortion rulings, Justice Anthony Kennedy recently received the Strange New Respect Award for 1992. The award ceremony, attended by prominent journalists, was held in the Georgetown garden of a retired Washington publisher. I was fortunate enough to attend, the ground rules specifying that no one present, other than Kennedy himself, could be identified. The award was actually presented by a well-known liberal columnist with a northeastern newspaper, who has become a tremendous Kennedy admirer. To those who may not have heard, the Strange New Respect Award is given to political figures who betray their conservative supporters after moving to Washington. Such people are usually said to have “grown.”

Kennedy, of course, went to the Supreme Court with strong support among conservatives and pro-lifers, and a general expectation that he would not let them down. Now he has “surprised friend and foe alike.” He has also hired a law clerk trained by Laurence Tribe, Harvard's best-known progressive thinker.

Kennedy was also honored with the prestigious Taney medal, which from time to time is awarded to justices who uphold the neglected constitutional doctrine that “the legislative will must remain subordinate to the judicial power of the Supreme Court.” The most recent recipient was Justice Harry Blackmun. The medal is named after Chief Justice Roger B. Taney, who presided over an 1857 ruling of the court, *Dred Scott v. Sandford*, which oddly prefigures *Roe v. Wade* (1973).

In its recent case, *Planned Parenthood v. Casey*, the Court reaffirmed *Roe*, with three of the five justices appointed by Reagan and Bush (O'Connor and Souter, in addition to Kennedy) joining Blackmun and Stevens. Everyone at the ceremony was delighted and even surprised that Republican Presidents had managed—from the point of view of their supporters—to choose so poorly. Kennedy was feted for his “growth,” and reporters present were smiling broadly at rumors (thought to emanate from Kennedy's law clerks) that the Justice has become very attentive to his newsclips. His “courage” was much praised, but there was a certain amount of grumbling at Robert Bork's contrary view that the *Casey* ruling was “intensely popular with just about everybody Justices care about: the *New York Times*, the *Washington Post*, the three network news programs, law school faculties, and at least 90 percent of the people justices may meet at Washington dinner parties.”

In the *Dred Scott* case, Chief Justice Taney found that, constitutionally, Congress had no power to prohibit slavery in the Territories, because such a

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prohibition would constitute a “taking” of private property. In *Roe*, Blackmun found that, constitutionally, state legislatures had no power to prohibit abortion in the states, because such a prohibition would interfere with the “right to privacy.” Both cases used constitutional rhetoric to preempt legislative action. Taney, like Kennedy, was a Catholic and a decent fellow who was “personally opposed” to slavery and “personally kind to Negroes,” according to one of his biographers. But he would not allow his personal beliefs to interfere with his judicial duties as he saw them. Slaves, like the unborn, were not considered to be “fully human,” but were to be regarded as the property of their owners (mothers).

Dred Scott was a slave, but at least he emerged from his encounter with the Supreme Court in one piece. “This doughty gentleman of color has become the hero of the day, if not of the age,” the St. Louis *Washington Union* reported in 1857. Barnum’s Hotel in St. Louis supported him as a public attraction, “and while life lasted he enjoyed himself hugely,” according to another Taney biographer. Taney was praised by some newspapers (“The decision in the Dred Scott case must be a *finality*, so far as federal legislation is concerned,” the Richmond *Enquirer* editorialized), reviled by others, and as for himself, serenely confident “that this act of my judicial life will stand the test of time and the sober judgment of the country.”

It was widely expected at the ceremony that Justice Souter would also win Strange New Respect. He had stood shoulder-to-shoulder with Kennedy in the abortion and prayer cases. Three days after the Casey decision was announced, Fox Butterfield wrote a Souter Has Grown story for the *New York Times*, a good specimen of the genre, and in writing it Butterfield in effect nominated Souter for the award. But there was a last-minute decision to withhold it from the reclusive Justice, because of an apparent and little-noted conflict of interest in the abortion case.

During Souter’s confirmation hearings in September 1990, Howard Phillips of the Conservative Caucus testified that in February 1973, when Souter was a member of the board of trustees of Concord Hospital, “he participated in a unanimous decision that abortion be performed at that hospital. . . . Similarly, Dartmouth Hitchcock Hospital, which is associated with the Dartmouth Medical School, has performed abortions up to the end of the second trimester. During the period of Mr. Souter’s tenure as a decision-maker of these two institutions, many hundreds of abortions were performed under his authority, with no indication that he ever objected to or protested the performance of these abortions.”

Souter had gone much further than merely claiming abortion should be legal. As Phillips said, he joined the court as “an accomplice to abortion,” giving him a personal stake in the issue. It was as though a member of Taney’s court had voted against Dred Scott while being a trustee of a market where slaves also happened to be sold. (Taney had shown “sensitivity” by manumitting his personal slaves before coming to the Court.) “Under the circumstances,” the columnist Joseph Sobran has written for *Human Life Review*, “is it likely that

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[Souter] would have voted to overturn *Roe*? Could he even rule impartially on it, when to reverse that decision might imply something awful about his own willing part in promoting abortion in private life?" Souter's role as a hospital overseer for many years "makes problematic the propriety of his ruling on a question that could reflect so keenly on his own past. He came to the Court with a personal interest in the legitimacy of *Roe*."

Because of this cloud, it was regrettably decided to deny Souter an award this year. People who "grow" must be quite above suspicion before they can win Washington's glittering prizes, and we can only assume that Butterfield didn't know about the Concord Hospital, for he said nothing about it. But the committee is still enthusiastic about Souter and sees him as one of the most promising Republicans in years, outside of Kennedy himself. (Justice O'Connor, it's widely conceded, already grew years ago.) Since Souter can count on accolades and media glory if he continues to grow as a Justice, he can no doubt be expected to rule soundly in the future.

At the ceremony, the written opinion of Souter, Kennedy, and O'Connor was praised as "a magnificent example of Republican jurisprudence." Radical precedent was upheld (and *Roe* indeed was radical) with suitable obeisance to *stare decisis*. Footnotes and tiny demurrals sufficed to avoid the appearance of mere slavishness. That is the way the Washington establishment likes and expects Republicans to behave; Kennedy, Souter, and O'Connor did not disappoint. "They are the real conservatives," I heard it said a dozen times as I strolled about the R Street garden.

There was also some quiet grumbling amid the backslapping, on account of the inept admission by the center-holding trio that they weren't entirely sure that *Roe* had been properly decided in the first place. In withholding judgment on the correctness of *Roe* and then meekly upholding it, the centerholders, it was felt, had unnecessarily given the game away. They had shown, rather too conspicuously, that they were responding to the very public pressure they had decried.

I also heard expressions of surprise at George Bush's response. He oddly boasted that the ruling showed he had told the truth when he claimed there had been "no litmus test" for Souter. He seemed to think his own truthfulness was at stake, rather than the Court's integrity. Bush's inopportune self-vindication told the Washington establishment what it did not expect to hear from him, that he is really not too concerned about the way the Court rules on abortion. He might more logically have taken credit for appointing Clarence Thomas, who did not betray those who supported his nomination.

A couple of days after its Souter-has-grown story, the *New York Times* attacked Justice Thomas for not following Souter's "pattern of growth." Here we come to an unreported aspect of the story. An increasing percentage of women seeking abortions are black; for every three black babies born, two are aborted; black women are more than twice as likely to get abortions as white women. At least 400,000 black pregnancies are aborted each year; 70 percent of Planned

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Parenthood clinics are in black and Hispanic neighborhoods. As Micheal K. Flaherty pointed out in last month's issue, Planned Parenthood founder Margaret Sanger wrote that "we do not want word to go out that we want to exterminate the Negro population and the minister is the man who can straighten out that idea if it ever occurs to any of their more rebellious members."

Hmmmm. Is it possible that word of this somehow got out to Justice Thomas even though the news is not fit to print? There is, no doubt, considerable right-wing support for abortion today, but its basis is carefully left unstated—at least in print. A right-winger I know is *particularly* in favor of subsidized abortions. Here's an angle on racism that journalists *don't* want to dig into. It might be a little uncomfortable for their choice-promoting feminist friends to see who their real bedfellows are. Harken unto abortionist Edward Allred, quoted in the San Diego *Union* as saying: "When a sullen black woman of 17 or 18 can decide to have a baby and get welfare and food stamps and become a burden to us all, it's time to stop. In parts of South Los Angeles, having babies for welfare is the only industry the people have."

A little more of Allred & Co. in print and blacks might become more suspicious of the abortion-promoting liberals they have faithfully followed for years. But it's worth noting that the published expression of right-wing (as opposed to merely conservative) opinion is taboo in the U.S. today. The taboo is faithfully observed by conservatives. Liberals, by contrast, relish the added leverage provided by those on their own side but further to the left, and they are delighted not to have to contend with the full spectrum of opposition from the right. If books like *The Rising Tide of Color*, written by Lothrop Stoddard (Ph.D., Harvard) were still published by respectable houses (Scribner's), those who support abortion on ostensibly liberal grounds might also come under suspicion of liking its demographic outcome. Liberals *are* big supporters of population control in the Third World, after all, not to mention subsidized abortions here.

Don't expect the New York *Times* to play up minority abortions any time soon, then. Recently, however, the maverick Nicholas Von Hoffman wrote a bold column, published in the Philadelphia *Inquirer*, applauding the Court's ruling. Although he avoided any mention of blacks, he did say that the people who are aborted are just the kind who would be confronting us with Uzis later in life if they were not. Disdaining the evasive rhetoric of "choice," he came right out and applauded the sociological outcome of abortion on demand. A breakthrough, if I'm not mistaken. I'm sorry he couldn't make it for the Strange New Respect award. Nick is a sociable old cove and I think he would have been delighted to pin the Taney Medal on Kennedy's chest.

## APPENDIX D

[Maggie Gallagher, a senior fellow at the Center for Social Thought, is author of the forthcoming book, "The Abolition of Marriage." The following article appeared in the *New York Times* (September 24, 1992) and is reprinted here with the author's permission.]

### An Unwed Mother for Quayle

Maggie Gallagher

Like Murphy Brown, I am a journalist and an unwed mother. After 10 years as an unwed mother and six years of writing about family issues, I would like to share my personal recipe for single motherhood. It is too late for Murphy Brown, but, after all, she's only a fictional character who doesn't matter so much.

But it may not be too late for the many young professional women I interview who are actively contemplating raising children outside of marriage.

If you're thinking of unwed motherhood, it helps to:

1. Have relatively affluent parents who got and stayed married themselves. That way you can rely on their marriage, rather than your own, to give your child the emotional and financial emergency support system he or she needs.
2. Be able to choose a profession with flexible hours that allows you to take time out and work from home, and be sure to get an Ivy League degree first.
3. (This one is especially tricky.) Find a boss who doesn't mind if you bring a sick 4-year-old and his dinosaurs to the office, which will happen regularly.
4. Accept that, even if you make a good living, you are going to have far less money than anyone you know—except other single mothers.
5. Expect to give up all the advantages of single life—freedom, romance, travel—and receive none of the advantages of marriage—emotional, logistical and financial support.
6. Prepare for the nights when your child cries himself to sleep in your arms, wondering why his father doesn't love him. (If your child is allowed to express his real feelings, there will be many such occasions.)

In other words, even if you are lucky enough to find yourself in the most privileged circumstances, unwed motherhood is a bad bargain, whether planned or unplanned. When *Glamour* magazine recently asked its readers to describe "the highs and lows" of being single moms by choice, fully half expressed serious regrets. It is an even worse bargain for the children.

Dan Quayle was right on target when he said that marriage is the best social program ever invented for the protection of children.

The evidence on this is now overwhelming. (To cite only one of many statistics that back up this claim, single mothers are six times more likely to be poor than married mothers are.)

As impressive as the body of evidence is, it doesn't capture the true costs of the collapse of marriage. Even the many children in single-parent households who grow up with all the material accouterments of a middle-class family are

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being deprived of one very precious and irreplaceable thing: a father.

And, as Murphy would find out if she were a real person and not a Hollywood fantasy, children not only need a father, they *long* for one, irrationally, with all the undiluted strength of a child's hopeful heart. To raise one's own child without a father may, at times, be a painful and tragic necessity, but it should never be just another life-style option.

Before we can address the real problems single mothers and their children face, we must admit that there is a problem.

We have to stop pretending that all choices are equally good—that single motherhood is just an alternative family form and that fathers are just another new disposable item in the nursery.



*'... and the knife ran away with another knife.'*

THE SPECTATOR 16 March 1991

## APPENDIX E

*[The following column appeared in the New York Daily News (September 9, 1992) and is reprinted here with the author's permission.]*

### Mom-to-be Shot Dead

*Patrice O'Shaughnessy*

A pregnant woman was killed when gunfire erupted at a Bronx block party but her tiny girl was delivered with a beating heart.

Doctors and nurses at Lincoln Medical Center tried for three hours to keep her alive, but the 1-pound-15-ounce infant was listed yesterday along with her mother as a homicide victim.

The cause of death "prematurity; maternal gunshot wound."

The final toll was three dead and one wounded by bullets, and one woman and two cops injured in a bottle-throwing melee, at the close of an all-day Labor Day street fest on Clay Ave. between 166th and 167th Sts. in Melrose.

#### Two disputes

Police said two disputes broke out simultaneously at 11:30 p.m. Monday at the party hosted by the Clay Ave. Association, where people ate, drank and listened to music. At least two men fired weapons, said Lt. James Malvey of the Sedgwick Ave. station squad.

As two women argued on Clay Ave., a third intervened and then a man pulled a gun, police said.

Nicole Brown, 20, of Findlay Ave., a Jamaican immigrant in her second trimester of pregnancy, was shot in the back, and Paul Speid, 22, of E. Fifth St., Manhattan, was fatally shot in the head.

Anthony Feliciano, 25, was shot in the buttocks when he tried to assist a woman in another dispute 100 feet away, said Malvey.

Ambulance workers took Brown to Lincoln.

"She was so critical," said Emergency Medical Technician Tony Dedivanovic. "On the way to the hospital we determined she may be pregnant—she looked it—and then we had two lives to worry about."

Brown was dead on arrival at Lincoln, said Norma Noriega, deputy executive director.

"The trauma team met them in the emergency room," said Noriega. "She had died at 11:50 p.m. The baby was delivered by emergency Caesarian section at 12:19 a.m. The baby had a heartbeat, it was alive, but it had no muscle response, no reflexes.

"The baby was resuscitated and given drugs, everyone made an effort to have the baby survive. She was taken to the neonatal intensive care unit, and in spite of the efforts she was pronounced dead at 3 a.m."

#### Valiant effort

At the hospital, Dedivanovic said, "it was so crowded, they were trying to revive the baby. The doctors at Lincoln made a valiant effort. I found out later the baby died . . . I felt bad."

Police had no suspects in the shootings.

## APPENDIX F

[The following editorial appeared in *First Things* (October, 1992) and is reprinted here with permission of the editors. (© 1992 by The Institute on Religion and Public Life.)]

### Abortion and a Nation at War

*Editors of First Things*

Surely, one may devoutly hope, Justice Scalia exaggerates. In his dissent from *Planned Parenthood v. Casey* (joined by Rehnquist, Thomas, and White), he develops the analogy between this case and the infamous *Dred Scott* decision of 1857. What happened then is, in ways ominously parallel, happening now. Claiming to “resolve” a question in passionate dispute, the Court simply takes one side and demands that the nation follow. It did not work then, Scalia argues, and it will not work now.

For years, some of us have been writing about the “culture wars” in which our society is embroiled. We are two nations: one concentrated on rights and laws, the other on rights and wrongs; one radically individualistic and dedicated to the actualized self, the other communal and invoking the common good; one viewing law as the instrument of the will to power and license, the other affirming an objective moral order reflected in a Constitution to which we are obliged; one given to private satisfaction, the other to familial responsibility; one typically secular, the other typically religious; one elitist, the other populist. The strokes are admittedly broad, but the reality is evident enough to anyone who attends to the increasingly ugly rancor that dominates and debases our public life. And, of course, for many Americans the conflicts in the culture wars run through their own hearts.

No other question cuts so close to the heart of the culture wars as the question of abortion. The abortion debate is about more than abortion. It is about the nature of human life and community. It is about whether rights are the product of human assertion or the gift of “Nature and Nature’s God.” It is about euthanasia, eugenic engineering, and the protection of the radically handicapped. But the abortion debate is most inescapably about abortion. In that debate, the Supreme Court has again, as it did in *Roe*, gambled its authority, and with it our constitutional order, by coming down on one side. There are shadings of difference between *Casey* and *Roe*—e.g., “liberty” replaces “privacy” as the controlling concept—but the end result is the same.

The result is a clear declaration of belligerency on one side of the culture wars. The Court decision endorses the radically individualistic concept of the self-constituted self. It waxes metaphysical in its assertion that the abortion liberty is necessary in order “to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.” (Such philosophical speculation, bear in mind, is by



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lawyers presumably interpreting the Constitution.) Not only does authentic personhood require freedom from the state, but also freedom from other potentially encumbering community. From spouses, for example. The Court strikes down the requirement that fathers be notified before mothers get an abortion. That, it is said, would be an “undue burden.”

Marriage, the Court declares, is only an “association” of individuals entered into for the fulfillment of personal needs. The notion of the unburdened, unencumbered, autonomous self drives the entirety of the Court’s opinion. *Casey* continues and expands the philosophical presuppositions of some earlier decisions, as brilliantly described by Gerard V. Bradley in “The Constitution and the Erotic Self” (*FT*, October 1991). In *Casey*, liberty is not the “ordered liberty” of the Founders, nor is it liberty directed to the good and formed by communities of memory and obligation. According to the Court, liberty is, without remainder, the liberty of self-will, self-expression, and indeed self-constitution. For the Court, as for so many Americans, that radically reduced concept of liberty “trumps” every other consideration. Which is why, of course, the slogans of “choice” serve the pro-abortionists so well.

In the otherwise lamentable *Lee v. Weisman* decision handed down only a few days before *Casey*, the Court wisely cautions against the establishment of a state-sponsored “civic religion.” The same justices seem to be blithely unaware, however, that in *Casey* and other rulings they are in fact asserting and endorsing a philosophy of at least quasi-religious status. Addressing the “concept of existence, of meaning, of the universe, and of the mystery of human life” crosses into those “ultimate concerns” by which religion is ordinarily defined. Against alternative understandings of the self in relation to community, normative truth, and even revelation, the Court recognizes no other reality than the isolated individual defining his or her reality.

Thus does it reinforce the Hobbesian idea that we are a society of strangers, perhaps of enemies, and it is the chief business of the state to prevent others from interfering with or obliging the Sovereign Self. The result is the atomistic, and potentially totalitarian, doctrine that society is composed of only two actors, the state and the solitary individual. It is a “civic” religion in the sense of being sponsored by the state, but it is hardly civic in character and consequence. Rather, it is the undoing of the *civitas*, of the “civil society” of myriad persons, associations, and communities of moral tradition interacting within the bond of civility and mutual respect. The construal of the self, of community, and of ultimate meaning that is espoused by the Court is incompatible with Christian and Jewish teaching and, we expect, with the common experience of most Americans. It is, in effect although not in name, another religion.

In expounding the doctrine of the unencumbered self, the joint opinion of Justices Kennedy, O’Connor, and Souter employs conventional feminist rhetoric to argue that abortion on demand is necessary for women to “order their lives.” In that view, order presupposes autonomy and, above all, control. This religio-

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philosophical doctrine of the self and community is not new in the Court's jurisprudence. In the past, however, it has usually been sprinkled through dissenting opinions. What is new in *Casey* is that it is the central argument of a decision supported by a majority of justices. It is a doctrine that grossly insults the women beyond number who believe that their lives are rightly ordered in exercising the responsibilities of marriage and motherhood. The Court assumes that the abortion license has been a critical factor, if not the critical factor, in securing greater dignity for women. It does not even deign to notice the counterarguments: that *Roe* has increased the abuse of women by irresponsible and predatory men; that it has created a huge abortion industry, dominated by men, that exercises a minimum of care in extracting a maximum of profit from the suffering of women.

Protective abortion laws, on the other hand, encourage women to order their lives in ways more positive and secure. For example, during the more than four years that the Minnesota parental notice law was in effect, the teen pregnancy rate dropped by more than 20 percent. In Massachusetts, when a parental consent law was in effect, the teen pregnancy rate fell by 16 percent. That such protective law protects the woman as well as the child is not considered by the Court in its long and rambling disquisition on the need for abortion on demand if women are to "order their lives."

Nor does the Court show any awareness of alternatives to pitting the interests of the woman against the interests of the child. In our society, there is no shortage of policy proposals aimed at providing maximum feasible protection for the unborn, and maximum feasible care and support for pregnant women, mothers, and children. The Court is appropriately concerned for women with crisis pregnancies, but it utterly ignores the possibilities of law and public policy that could help the woman by eliminating the crisis, not the pregnancy. If the Court is to put itself in the business of policy analysis and prescription—a business that is not its constitutional assignment—it might at least acquaint itself with policy alternatives. But it is understandable that such alternatives are not taken into account, for the very consideration of them raises challenges to the dogma of the autonomous and unencumbered self.

The most glaring omission in the Court's decision is the recognition of the other party involved in abortion. The Court recognizes the fetus as "potential human life" in which the state has a legitimate interest (but not a "compelling" interest that could challenge the unfettered right to abortion). Like the *Roe* decision that it affirms, *Casey* suggests that the Court cannot resolve the question of whether the fetus is a human life. It is not, however, a question to be resolved but a fact to be acknowledged. Even the otherwise persuasive dissents by Rehnquist and Scalia (both joined by Thomas and White) fail to get this right. Whether or not the fetus is "a human life," Scalia writes, is a "value judgment" that the Court is not competent to make. Since the American people disagree on this question, he continues, the Constitution

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mandates that it be addressed through the political process in the several states.

Whether the fetus is a human life is not a value judgment but a biological and medical determination that is beyond dispute. That is to say, no reasonable person denies that it is *life*. Further, possessing as it does an utterly discrete genetic program, it is *a* life. Finally, there is no question that this life is *human*. It follows necessarily that the fetus is a human life. Allowed to develop, it is not going to turn out to be a goldfish. Barring natural disaster (as in a miscarriage) or lethal intervention (as in abortion), the fetus will become what every sane person in the world will recognize as a human baby. The fetus is a “potential” many things—a potential rock artist, a potential policeman, a potential criminal, a potential Supreme Court justice. But it is only those things potentially because it already *is* a human life.

The “value judgment” (the more accurate term is moral judgment) enters when we ask what we are going to do about this human life. What, if anything, is owed this human life? What rights, if any, are possessed by this human life? Scalia notes that, up until the peremptory abolition of abortion law by *Roe*, the settled practice of our society was to provide, with few exceptions, legal protection for the fetus. He writes that the text of the Constitution and an interpretation of it that respects its original understanding tell us nothing about what ought to be done with respect to abortion. Therefore, he concludes, in a representative democracy it is a question to be resolved by the people, as best as they are able.

We note as an aside that, if the constitutional tradition includes the Declaration of Independence (as Abraham Lincoln and many others have contended), the argument is significantly affected. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” Since the Founders did not indicate at what point in life people are so endowed by their Creator, one may reasonably argue that they are so endowed at every point along the continuum of life. That having been said, however, the Rehnquist and Scalia dissents are undoubtedly right in saying that the *Roe* and *Casey* decisions take on a surreal quality when they pretend to have “resolved” the abortion dispute without ever having engaged the central question of the dispute.

Let us put it as clearly as possible. There would be no abortion debate, there would be no pro-life or pro-choice movement, were it not for the fact that there are two parties immediately and inescapably involved in the abortion decision, the mother and the child. In the decision to abort, the life of the one party may, in some rare instances, be at stake. The life of the other is always forfeited. Remove the question of the other life, and abortion is a relatively safe procedure for getting rid of an unwanted growth. The entire abortion controversy is occasioned by the perceived fact of the other life. The extraordinary thing about the Court’s position is that it claims to settle the

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debate by eliminating the concern that occasions the debate.

The Court's assertions about the state's interest in "potential" human life are made nugatory by its dismissal of any claims for the legal protection of that life. Americans are painfully confused and divided over the moral status of the life in the womb. But, except for the most radical pro-abortionists, they know that it is not a moral nothing. They know it is a child, or at least a child in the process of becoming, and, although they are not agreed on how it should be done, the great majority believe that it should somehow be protected. They believe strongly that it is wrong that this life can be terminated at any time for any reason.

Media chatter notwithstanding, *Casey* is neither an accommodation of conflicting views in the abortion debate nor a movement of even one inch toward an accommodation. The Court majority is absolutely right when it says that it absolutely affirms "the essential holding of *Roe v. Wade*." O'Connor, Kennedy, and Souter are not the "moderates" finding a middle way between extremes. On the substantive question, their way is the way of Blackmun and Stevens. In an apocalyptic concurring opinion that depicts "two worlds" at war—the children of darkness vs. the children of light—Justice Blackmun, the author of *Roe*, celebrates *Casey* by declaring that once again "the flame has grown bright."

The "essential holding" of *Roe* and of *Casey* is that a woman has an undeniable right to obtain an abortion at any time during the nine months of pregnancy. There may be regulation after the point of "viability," but even then exceptions must be made for reasons of "health"—including psychological health, which can mean emotional distress at being denied an abortion. The pro-life argument is for the maximum possible legal protection of the unborn. And for the protection of women who are pressured into abortion by men—men for whom *Roe* makes it convenient to abdicate their responsibilities. Nobody should fudge the fact that after *Casey*, as before *Casey*, not one unborn child in America is legally protected from being killed by abortion. That is the brute fact that, as demonstrated by every study over the last twenty years, is unacceptable to the overwhelming majority of Americans, and more unacceptable to women than to men. That is the fact reinforced by the Court's "accommodation." (See James Davison Hunter, "Abortion: What Americans Really Think About It," *FT*, June/July.)

Particularly unacceptable to most Americans is the idea that abortion should be used simply as another means of contraception. Yet that is precisely the view that the five justices of the majority move toward endorsing. The joint opinion states that "in some critical respects the abortion decision is of the same character as the decision to use contraception." The opinion invokes the doctrine of "reliance," which means that so many people have come to rely on abortion as contraception that it would be excessively disruptive to allow protective laws at this point in our history.

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The justices put it this way: "To eliminate the issue of reliance . . . would be simply to refuse to face the fact that for two decades of economic and social developments, people have organized intimate relationships and made choices that define their views of themselves and their places in society, in reliance on the availability of abortion in the event that contraception should fail." More than 40 percent of abortions performed are on women who have had one or more abortions before. The Court's logic is that 1.6 million abortions per year is the price that must be paid in order not to interfere with lifestyles that presuppose the availability of abortion on demand. That is the judgment imposed by judicial fiat on a society in which 75 percent of the people say that abortions should not be allowed for the reasons that 95 percent of abortions are in fact performed. Most in that majority believe that abortion should be available in circumstances of extreme necessity. Again, there is no agreement on what constitutes extreme necessity, but that majority is of one mind in believing that access to abortion should be limited.

It is not true that the Pennsylvania provisions upheld by the Court place some "restrictions" on abortion. They set out some procedures for obtaining abortions, including procedures for minors to obtain abortions without a parent's consent. The Court says that no "undue burden" can be placed on the right to abortion, and any burden that prevents a person from getting an abortion is by definition undue. In their dissents, both Rehnquist and Scalia underscore the double-talk of the decision. Both note that the Court allows restrictions, so long as they do not actually restrict anyone from ready access to abortion. Both observe that the "undue burden" rule will keep the Court in the abortion-deciding business for years to come as it is forced to micromanage every provision adopted by fifty state legislatures. With Thomas and White, they beg their colleagues to abandon the madness of turning the Court into the political cockpit for the endless battle over a great moral question that, according to the Constitution, is rightly to be decided by the people in the political arena.

In one of the most stunning passages of a stunning decision, an imperial Court suggests that, its having chosen sides in the culture wars, the American people are obliged to submit to its decision. "Where, in the performance of its judicial duties, the Court decides a case in such a way as to resolve the sort of intensely divisive controversy reflected in *Roe* . . . its decision has a dimension that the resolution of the normal case does not carry. It is the dimension present whenever the Court's interpretation of the Constitution calls the contending sides of a national controversy to end their national division by accepting a common mandate rooted in the Constitution."

Such judicial hubris clearly and rightly outrages Justice Scalia. The Court majority, he says, has concocted an "Orwellian" decision that rules out the possibility of political compromise on the most agitated question of the day, and then declares it the duty of the American people to accept its "resolution" of the question. The Court says that citizens will be "tested by following" its

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decision. Suddenly, it is not the Court but the American people who are on trial. Perhaps it is even contempt of court to hold this decision in the contempt that it invites. “It is instructive,” writes Scalia, “to compare this Nietzschean vision of us unelected, life-tenured judges—leading a *Volk* who will be ‘tested by following,’ and whose very ‘belief in themselves’ is mystically bound up in their ‘understanding’ of a Court that ‘speak[s] before all others for their constitutional ideals’—with the somewhat more modest role envisioned for these lawyers by the Founders.”

Mary Ann Glendon of Harvard Law School is *the* authority on abortion law in the Western world. She notes that, of all democratic societies, the U.S. is far and away the most permissive on abortion. In the very week of the *Casey* decision, she observes, the now-united Germany adopted a new abortion law providing significant protections for the unborn. As is the case in every democracy except the U.S., the law was adopted through legislative politics. But the Supreme Court has in effect declared that the American people, once thought to be the teachers of the world in the ways of democracy, are peculiarly unfitted for self-governance.

We have no illusions about the infallibility of the democratic process. But, with the four justices of the minority, we believe it would be the better part of practical wisdom and constitutional order to let the states work through as best they can the impassioned confusions surrounding abortion law. As of this writing, there is a strong push to pass the Freedom of Choice Act (FOCA) in a Congress controlled by the Democratic party. The proposed act would entrench abortion on demand in statutory law. If it passes, it will almost certainly be vetoed by President Bush, and there will not be enough votes to override the veto. The strategy of the pro-abortionists assumes that opposing FOCA will be an electoral liability for politicians. That may be a serious miscalculation. No more than 20 percent of the American people favor abortion on demand. The focus on FOCA would expose the truly radical position of the pro-abortionists, and greatly benefit those politicians who support a democratic resolution of conflicting views on abortion.

In American politics, the surer ground is usually the middle ground of perceived moderation. The two “extremes” are construed as those calling for abortion on demand and those calling for an absolute prohibition of abortion. In that context, the middle ground is support for the most protective abortion law that is politically and culturally sustainable. Political calculations aside, however, it is obvious that *Roe* and *Casey* have in no way “settled” or “resolved” the abortion conflict. The American people will not, and should not, accept the word of the current five-to-four majority as the definitive word. If President Bush has the chance to make it, the next nomination to the Court will provoke a battle that will turn “Borking” into a synonym for civility. But more important than the makeup of the Court, as Justice Scalia forcefully argues, is the right of the people to deliberate and decide what justice requires

regarding “an issue involving life and death, freedom and subjugation.”

Abraham Lincoln had *Dred Scott* in mind when he asserted in his First Inaugural Address: “The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, . . . the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.” As Lincoln would explain to the Stephen Douglasses of today, *Casey* is not “the law of the land.” It is one wrong decision of the Court affirming an earlier wrong decision of the Court. So long as it stands, it must guide the decisions of other courts, and those in government office must be mindful of that. But the Constitution is the law of the land and, contrary to some judicial “realists,” the Constitution is not whatever the Supreme Court says it is. In this land, in this constitutional order, the people, through their representatives, make the laws.

Before and after he became President, Lincoln strove earnestly for the overturn of *Dred Scott*. He failed, and war came. It is almost impossible to imagine that there could be a civil war like the last one. But the destructive effects of anomie and anger are already evident as a result of law divorced from constitutional text, moral argument, and democratic process. The ever-fragile bonds of civility are unravelled as politics becomes, to paraphrase Clausewitz, war pursued by other means. Lawless law is an invitation to lawlessness. The four justices dissenting from *Casey* are not alarmists, but they are raising an alarm. Those who refuse to listen bear responsibility for the consequences. “Against the Court,” writes Scalia, “are the twin facts that the American people love democracy and the American people are not fools.” They will not forever, they will not for long, be denied democracy and treated like fools.

William Lloyd Garrison and his fellow abolitionists publicly burned the Constitution, believing it to be—as interpreted by the Court—“a covenant with death and an agreement with hell.” The Court minority worries about the angry disillusionment of millions of Americans who have been denied their right to make the case in the political arena for protective abortion law. But also the main opinion in *Casey* is filled with ominous worries about the moral legitimacy of the Court and the difficulty of maintaining the rule of law. Indeed, in affirming *Roe*, only two justices (Blackmun and Stevens) are prepared to argue that it was rightly decided law. Kennedy, O’Connor, and Souter say that, right or wrong, precedent must be upheld in order to sustain the perceived legitimacy of the Court. So that they will not appear to be “surrendering to political pressure,” they surrender to the political pressure in favor of *Roe*. They are right to be anxious about the moral delegitimation of the Court and the undermining of the rule of law. The course that they have chosen is the surest way to the end that they fear.

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[Professor Mary Ann Glendon teaches law at Harvard Law School. The following column appeared in *The Wall Street Journal* (July 1, 1992) and is reprinted here with the author's permission.]

### **U.S. Abortion Law: Still the Most Permissive of the Liberal Democracies**

*Mary Ann Glendon*

While Americans are deploring or applauding the latest touches applied by the Supreme Court to its abortion code for the states, Germans this week are coming to terms with a new system of abortion regulation produced the old-fashioned way—through legislative politics. Nothing more dramatically illustrates the singularity of the American way of dealing with this most vexing issue than that the “restrictive” Pennsylvania statute upheld on Monday in *Planned Parenthood v. Casey* is far more permissive than the new German law, which has been hailed as a “liberal” victory.

The German statute sought to break an impasse between proponents of the anti-abortion policy of the old West Germany and of the abortion on demand law of the former East Germany. The result, which is closer to the East German position, permits first trimester abortions if the pregnant woman declares she is in “distress” and waits three days after mandatory counseling. (West German law had previously required a doctor’s certification stating whether the woman was in a situation of “exceptional hardship.”) After those first 12 weeks, abortion is permitted only if a doctor attests that the pregnancy poses a threat to the life of the woman or that the fetus has grave medical problems.

Neither the Bundestag nor any other Western legislature has gone so far as *Roe v. Wade*, which tolerates no significant fetal protection measures before viability (roughly the first six months) and forbids any restriction thereafter that burdens the health, broadly defined, of the woman seeking abortion.

Pennsylvania’s statute, in line with *Roe*, makes no attempt to require a reason for abortion until the last trimester. For pre-viability abortions, it confines itself to requiring informed consent followed by a 24-hour wait, parental consent for minors, spousal notice (struck down by the Supreme Court) and data reporting. Its stringent requirements for post-viability abortions was unchallenged by the plaintiffs in *Casey*, but the actual opinion leaves their constitutionality in doubt.

The chief significance of the *Casey* decision is that a five-judge majority, though not obliged to do so by the facts of the case, went out of its way to affirm the abortion rights granted by *Roe v. Wade* in 1973. *Casey* thus disappoints those who hoped that the court would adhere to the principle that, in the absence of clear guidelines from constitutional text or tradition, controversial social issues are to be worked out through the ordinary processes of bargaining, education and persuasion, rather than resolved by judicial fiat.



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Like the court's 1989 decision in *Webster v. Director of Reproductive Services*, though, *Casey* does slightly enlarge the category of abortion-related issues that can be thrashed out in the legislative process. Moreover, state abortion laws need no longer survive "strict scrutiny," as *Roe* had held. Instead, their constitutionality will depend on whether they are rationally related to a legitimate state purpose and whether they impose an undue burden on a woman's liberty to choose abortion.

The experience of other liberal democracies could be helpful as America's struggle with the abortion question continues. That experience shows, first, that political compromise on abortion is not only possible, but usual. Second, it indicates that effective legislative strategies to reduce the incidence of abortion cannot rely exclusively on criminal law. Third, it throws into high relief the extremism of America's judge-made abortion law: In Western nations where abortion policy has been left up to the people and their elected representatives, all the compromises that have emerged have been more protective of unborn life than *Roe v. Wade*.

Typically, in the earliest weeks of pregnancy, other countries permit abortion and pay for it with state funds, but rely on information, counseling and material assistance to encourage women to continue with the pregnancy. After that initial period (from 10 weeks in France to 18 weeks in Sweden), strong justification is needed for abortion and procedural safeguards are imposed.

European abortion laws, interestingly, correspond to what polls consistently reveal about American sentiment. Majorities sympathize with women in difficult circumstances, but their sympathy is tempered by uneasiness about *Roe*'s grant of a nearly absolute "right" to dispose of developing life and the foreseeable extension of *Roe*'s lethal logic to other helpless individuals. That uneasiness increases as fetal development progresses.

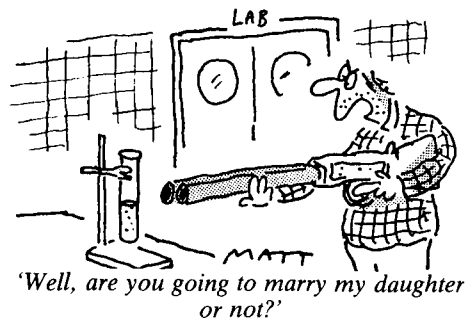
In a situation where most people are uncertain about the best way to accommodate competing interests, there are distinct advantages to giving state lawmakers more leeway. Experiments are long overdue, for example, with legislation that combines prevention, education, realistic alternatives and material assistance to pregnant women. Sweden, after adopting such an omnibus approach in the 1970s, saw sharp declines in both teen-age pregnancies and teen-age abortions.

*Casey*'s narrow opening to politics will not, however, be welcomed by politicians. Republicans have carried the pro-life banner, but have not extended much of a helping hand to women in crisis. Democrats have professed a commitment to a more inclusive society, but have turned their backs on its weakest and most vulnerable members. Most office-holders have been only too happy to hide behind *Roe*. *Casey*'s reaffirmation of *Roe* not only enables them to go on hiding, but guarantees further bitter struggles over judicial appointments.

Perhaps it is time for all to recognize that the Supreme Court cannot solve this issue. Meaningful gains for women and enduring protection for human life

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will require that young people be prepared for responsibility in their sexual relationships and that our culture attach more value to children and those who raise them. In the struggle to define what kind of a society we are and want to be, persons on all sides of the abortion controversy could find much common ground. Of course, the precondition for finding that common ground is engaging in ordinary politics—taking one's case to one's fellow citizens, rather than to the courts. It's a radical suggestion, but other Western nations have managed it. And, once upon a time, we Americans, too, showed a certain aptitude for self-government.



THE SPECTATOR 16 March 1991

## APPENDIX H

[James J. Carberry is a professor of chemical engineering at the University of Notre Dame and member of the National Academy of Engineering. Douglas W. Kmiec is professor of law at Notre Dame, former assistant attorney general in the Reagan administration and author of the recent book *The Attorney General's Lawyer*. The following column appeared in the *Chicago Tribune* (July 14, 1992) and is reprinted here with the authors' permission.]

### **Abortion: How law denies science**

*James J. Carberry and Douglas W. Kmiec*

Supreme Court Justice Harry A. Blackmun wrote in *Roe v. Wade* that “we need not resolve the difficult question of when life begins. When those trained in . . . medicine . . . are unable to arrive at any consensus, the judiciary, at this point in the development of man’s knowledge, is not in a position to speculate as to the answer.” In rendering a ringing reaffirmation of abortion in *Casey v. Planned Parenthood*, Justices Sandra Day O’Connor, Anthony M. Kennedy and David H. Souter concluded that the “factual underpinnings of *Roe*’s central holding” have not changed.

Even as he wrote in 1973, Justice Blackmun was likely wrong on his science, but he nevertheless identified that science—in particular molecular and cell biology—is necessarily a salient consideration in the abortion debate. In the aftermath of *Casey*’s startling pro-abortion result at the hands of Reagan/Bush appointees, and as Congress rushes to enact abortion on demand into federal law under the so-called Freedom of Choice Act, it is important to make plain what science knows today as fact—there is a specific and unique human being present from the moment of conception.

“This is not ‘inference,’ a deduction. It is just plain observation,” explains Dr. Jérôme Lejeune, the world-famous geneticist from the University of Paris who is credited with discovering the first chromosomal abnormality in man, Down’s syndrome. Moreover, in Dr. Lejeune’s view this is the “consensus” of scientists everywhere.

How do scientists know this? By direct observation of the chromosomal and molecular structure of the first cell of life. In that cell are 46 chromosomes, 23 each from mother and father. This has been known for some time. What was not available until a few years ago was a method for extracting molecules of DNA (deoxyribonucleic acid), the so-called building block of life, from the cell in order to better identify and understand its composition.

Thanks to the work of Dr. Alec Jeffreys of Leicester University (U.K.), this can now be done. In 1985, Jeffreys developed a technique for analyzing the genetic sequence of DNA from human tissues and blood, using biochemical agents called “probes.”

With Jeffreys’ methodology, scientists are able to demonstrate that each

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person—from the moment of the first fertilized cell—is unique. In essence, there is a “bar code” for a person, much like the codes on products in the supermarket, with one very important difference: No two persons in the world have exactly the same bar code, perhaps not even identical twins. If John and Mary Doe decide to have a child, from the moment of fertilization, Baby Doe is a unique individual like none other to recur in the universe. In scientific terms, at the moment of fertilization, the uniquely coded DNA network bathed in an environment of diverse bio-reactants and catalysts (enzymes) establishes the unborn child as part of the human species and that child’s individuality within the species.

Now, to be sure, science has yet to fully reveal every secret of life. The Jeffreys technique and other means of DNA typing notwithstanding, we are far from being able to completely decipher DNA and related codes. That said, after a two-year study, the National Academy of Sciences recently supported the use of DNA evidence to identify criminals. True, the academy expressed concern about the present reliability of laboratory means to test DNA samples, a matter vitally important to the high standard of proof in the criminal process, but for the question at hand—identifying the existence of a specific, unique individual from the moment of conception—beside the point.

So, too are a host of other obfuscations that are occasionally put forth to deny the scientific personhood of the unborn child. For example, it may be claimed that only a small amount of genetic information is fully expressed in a fertilized egg. This is correct but highly misleading. It diverts attention from the fact that *all* of the genetic information that a person will ever have is contained in the first cell, whether it is expressed or not. The hidden premise is that life should not matter until there is a certain level of genetic expression, a proposition that in itself ignores that there is more genetic life in the first cell than in all the others later produced.

Genetic expression does not end at birth, but continues throughout life. Surely, no one would seriously argue that a 6-month old infant could be denied nutrition because of insufficient genetic expression. Children are given sustenance, counseling and shelter long after birth through adolescence, and indeed, these days, even after college graduation.

Yet another attempted denial of the scientific facts of life rests upon the absence of differentiated neurons or a functioning brain stem in the fertilized cell. Since those without such functions are said to be “brain dead” at the other end of life, the argument proceeds, so too the unborn child is claimed to be not yet “alive.” This little sleight-of-hand, however, ignores that withdrawing life support from a person in a vegetative state does nothing to revive the brain stem; whereas, it is the violent intervention of abortion that stops the development of the brain stem and nervous system in the unborn child.

When Texas defended its criminal prohibition of abortion in *Roe*, the nature of fetal development was premised upon inference. It is now a matter of fact and

observation. Would this have mattered to the Supreme Court? Justice Blackmun wrote: “If this suggestion of personhood is established, the [pro-abortion] case, of course, collapses . . .” In this, Blackmun was not precisely speaking of scientific personhood—even though he pretended to camouflage his result behind the uncertainty of science—but of constitutional or legal personhood.

And there’s the rub. Even if science now demonstrates, as it does, the existence of a specific human being from the moment of conception, will the law presume to deny scientific fact? We submit that no one in the founding generation would think this possible. The erudite Justice James Wilson, who both signed the Declaration of Independence and the Constitution, sagely considered that the positive law should always strive to be in accord with human nature: “Law can never attain either the extent or the elevation of a science,” Wilson wrote, “unless it be raised upon the science of man.”

The law can no longer conceal its policy choice to take life behind the mantle of science. Scientists testified in the 1850’s that black men and women were human, yet the law pointedly chose to treat them unhumanly. The bloody consequences of the law’s impertinence in ignoring human nature are etched in our history. It remains to be seen if the law will make that tragic choice again.

## APPENDIX I

*[Alan Dershowitz is a professor at Harvard Law School. The following article appeared in the Washington Times (August 3, 1992) and is reprinted here by permission of UFS, Inc.]*

### **Teens, sex, rights and reason**

*Alan Dershowitz*

If a 15-year-old girl has the constitutional right to choose an abortion, does it follow that she also has the right to choose to engage in sex? That is the issue recently confronted by a Florida judge who had before him the constitutionality of the state's statutory rape law. The Florida law, like many others, makes it a crime for anyone over the age of 18 to have sex with anyone under the age of 16. In the case before Judge Jerry Lockett, the rape "victims" were two 15-year-old girls who told the court that they wanted to have sex with their boyfriends, one of whom was 19, the other 20.

In a precedent-breaking decision, Judge Lockett took recent abortion rulings to their "logical" conclusion. He held that the same right of privacy and reproductive freedom that guaranteed 15-year-olds the right to have an abortion also assured them the right to engage in consensual sex without becoming "jail bait" for their boyfriends. Accordingly, he dismissed the criminal charges against their 19- and 20-year-old boyfriends.

The Florida Supreme Court had ruled back in 1990 that a teen-age girl has the same privacy rights as adults when it comes to abortion and that the state could not require parental consent. Judge Lockett concluded that "if this constitutional right to privacy extends to (abortion), it must extend to the decision to engage in sexual intercourse."

But must it? Is the logic as inescapable as Judge Lockett makes it sound? And must the law be bound by abstract logic? Or was Justice Oliver Wendell Holmes right when he said that "the life of the law has not been logic: It has been experience"?

The decision whether or not to have an abortion is a "tragic choice" for many teen-agers who did not wish to become pregnant. Neither option is desirable, but one must be chosen. If the girl chooses abortion, she will have to undergo a medical procedure that might prove physically and emotionally trying. If she opts against abortion, she will have to carry to term and decide whether to keep the child or put it up for adoption.

The choice to engage in sexual intercourse is very different from the choice to have an abortion or carry to term. The teen-age girl has the option of simply saying no. To be sure, she may lose her boyfriend or may miss a sexually gratifying experience if she says no, but the choice is simply not comparable to the abortion dilemma faced by an already pregnant teen-ager.

It is the terrible nature of the abortion dilemma that has led courts to conclude teen-age girls have privacy and reproductive rights in the context of choosing

whether to abort or carry to term. But it simply does not follow that teenagers have unrestricted privacy and reproductive freedom rights in every other context. They cannot drink alcoholic beverages. They cannot smoke. They cannot leave school. They cannot vote. They cannot sign contracts. They cannot marry. The state generally has the power to decide—within limits, of course—the appropriate age at which teen-agers may engage in various activities in which adults may freely engage.

Courts generally decide the constitutionality of such restrictions on a case-by-case basis, not by inexorable rules of logic. It may well be that punishing 19- and 20-year-old men for having voluntary sex with their 15-year-old girlfriends is so irrational—and so futile—that it should be deemed unconstitutional. But that conclusion simply does not follow from the abortion cases. Surely there must be some age at which it is unlawful to engage in sex. In the abortion context, there are at least some biological age limits: Young girls below a certain age simply cannot become pregnant. But there are virtually no biological age barriers to sexual intercourse, as we have tragically learned from the newspapers [sic] accounts of incest and sexual abuse involving toddlers.

The state need not make the age of consent for sex the same as the biological age at which it is possible to become pregnant and thus face the abortion decision. Nor need the state make that age the same as the age at which a young person becomes psychologically capable of consenting to sex.

Teen-age sex is, of course, a reality of modern life. But the state should be free to decide—within reasonable limits—that the imprimatur of law should not be placed on sexual relations with very young people who do not have the emotional maturity to deal with risk of disease, birth control, pregnancy, abortion and other difficult issues associated with sex. It is unlikely, therefore, that Judge Lockett's "logical" decision will become the law of the land. Having sex with a 15-year-old will continue to be illegal in most places regardless of how often it may occur.

## APPENDIX J

*[The following column appeared in the Washington Times (July 6, 1992) and is reprinted here by permission of Mona Charen and Creators Syndicate.]*

### **Myths About Adoption**

*Mona Charen*

The Supreme Court's abortion decision has given rise to a great deal of shrill posturing from the pro-choice side. Enforcing the Pennsylvania statute requiring women to wait 24 hours before undergoing an abortion means "women will die," according to the most febrile pro-choicers. Many of us recognize such theatrics as manufactured hysteria, probably intended more for fund raising than for policy effect.

But there's another kind of misinformation kicked up by the abortion ruling that is more insidious—because it springs from deep-seated prejudices we all share. These are the myths about adoption.

When adoption is mentioned as an alternative to abortion, many pro-choice people think they can end the argument with a few quick jabs. What they don't realize is that their cherished rejoinders about adoption are mostly ill-informed or just plain wrong.

Myth No. 1: Adoption is a viable option only for totally healthy Caucasian babies under the age of 1 year.

False. Of 51,157 unrelated domestic adoptions in 1986, 50 percent were of children over 2 years old or with special needs like physical, mental, or emotional disorders. Moreover, the National Committee for Adoption maintains a waiting list of families eager to adopt Down's syndrome or spina bifida babies. After the TV program "20/20" broadcast a report on Romanian orphanages, ABC received 25,000 letters from families wishing to adopt those special-needs children.

Myth No. 2: Adoption is harder on birth mothers than abortion.

There is no evidence to support this widespread belief. Yet there is evidence that unmarried birth mothers who make adoption plans for their babies earn higher educational degrees, have higher incomes, are less likely to have a repeat out-of-wedlock pregnancy, are more likely to marry eventually, and are less likely to receive public assistance than those who choose to become single mothers.

Myth No. 3: Adopted kids have more problems than biological kids.

This is simple prejudice, nothing more, but it is believed by some teachers, doctors and even social workers who deal with birth mothers. There is no evidence that adopted children have more difficulties in life than other kids. Indeed, since adopted children are more likely to live in a two-parent home with a comfortable income than other children, it may be the case that adopted kids, on average, are actually better off.



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Myth No. 4: Giving up a child for adoption is an unloving act by a birth parent.

This is an astounding sentiment, unblushingly expressed by people who have little difficulty recommending abortion. In fact, making an adoption plan for a child one cannot support is the most loving, self-less course possible for a woman who finds herself with a crisis pregnancy.

Myth No. 5: Most adopted children eventually seek out their biological parents.

Actually, fewer than 5 percent undertake a search.

Myth No. 6: Adoption is baby selling.

Even counselors at crisis pregnancy centers express timidity about mentioning adoption to pregnant teens for fear of seeming to want to “buy” their babies. Adoption is highly regulated by the states to avoid any taint of baby selling.

Myth No. 7: Adoptive parents are saints or saviors “taking in” and raising an abandoned child.

Nonsense. Adoptive parents feel exactly the same way about their children as biological parents. In their best moments, they feel incredibly blessed to have the honor and joy of raising a child. At their worst moments, they want to hang the kid by his ankles. But those who adopt are not charity workers, they’re just parents.

Adoption has become more difficult in the past 20 years as abortion has become freely available and single motherhood has become socially acceptable. But cultural bias too has played a role in hampering adoption. The myths and misunderstandings have helped contribute to the reality that only about 25,000 infants are placed for adoption every year, while 1.6 million are aborted.



*'Well, first of all, you're very gullible.'*

THE SPECTATOR 26 September 1992

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