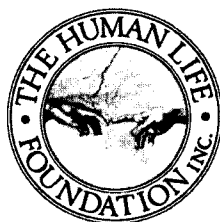


# the HUMAN LIFE REVIEW



SPRING 2006

*Featured in this issue:*

William Murchison on . . . . . Too Late for Debate?  
Chris Smith on . . . . . Planned Parenthood, Inc.  
Ramesh Ponnuru on . . . . . Weeding Out the Unfit  
Sandi Seyferth on . . . . . The Story of Grace  
Mary Meehan on . . . . . Supremes Flunking History  
Brian Clowes on . . . . . Scientific Racism  
Harold O.J. Brown on . . . . . Choice before Life  
Ian Hunter on . . . . . Honouring Life

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*Also in this issue:*

John O'Sullivan • Richard Stith • Alicia Colon  
Thomas Berg, LC • Wesley J. Smith

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ABOUT THIS ISSUE . . .

. . . the Human Life Foundation was delighted to host a “book launch” at Fordham University this spring for *Review* contributor Melinda Tankard Reist’s *Defiant Birth: Women Who Resist Medical Eugenics* (Spinifex Press). Ms. Reist, a peripatetic Australian who’s also travelled to Rome, London, and Washington, D.C. to promote her important and eye-opening book, was introduced by Nat Hentoff, the Foundation’s 2005 Great Defender of Life honoree. Our thanks to both of them and to the many subscribers who helped make the event a big success. In this issue we reprint a chapter from *Defiant Birth* (“The Story of Grace,” p. 35); and we have a store of books in the office for anyone who wishes to order one (\$15.95). *Insisting on Life*, the collection of Mr. Hentoff’s work we published in conjunction with our award dinner last year, is also available (\$10.95)—just give us a call (212-685-5210) or email us at [humanlifereview@mindspring.com](mailto:humanlifereview@mindspring.com) if you’re interested.

Ramesh Ponnuru, whose work for *National Review* we regularly reprint, also has a new book out—*The Party of Death: The Democrats, the Media, the Courts, and the Disregard for Human Life* (Regnery). As you will see in the chapter we feature here (“Weeding Out the Unfit,” p. 29), it too is an important new contribution to the pro-life intellectual arsenal. You can order a copy on *National Review*’s website, [nationalreview.com](http://nationalreview.com), or check your local bookstore.

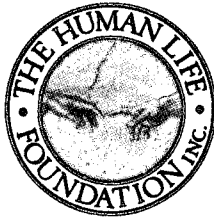
Chris Smith of New Jersey has been a tireless crafter of pro-life legislation in the House for 25 years. I had the pleasure of meeting him last April at a *Crisis* dinner honoring him and his wife Marie. During his remarks, the congressman mentioned a recent floor speech he’d given which, he later agreed, would also be at home in the *Review*. “Planned Parenthood: Time to take a Second Look at Child Abuse Inc.” (p. 15) is another reason we can be happy this Mr. Smith went to Washington.

Not far from D.C. is Front Royal, Virginia, home of Human Life International, the Catholic organization (no relation to us) that describes itself as “pro-life missionaries to the world.” We’re happy to welcome Brian Clowes, HLI’s research director, whose first article for us, “The Mathematics of Applied Scientific Racism” (p. 52), documents how pro-death missionaries to the world like Planned Parenthood systematically target minorities for abortion.

We’d also like to extend a “Welcome back” to Harold O.J. Brown (“Choice before Life: The Victory of the Abstract over the Real,” p. 64) who last wrote for us in 1996, and to Ian Hunter, whose March address to the Southwestern Ontario Right to Life Annual Banquet we include here. “Honouring Life” (p. 71) is dedicated to the memory of John Muggeridge, our late senior editor. As it happens, Mr. Hunter’s last article for us, in 1992, was an appreciation of John’s father, Malcolm.

Finally, a *mea culpa*: last issue I said the *National Catholic Register* was the nation’s oldest Catholic paper. Not so. Both the *Wanderer* and *Our Sunday Visitor*, I’m told, have been around longer. Still, at 79, the *Register*’s no upstart.

ANNE CONLON  
MANAGING EDITOR



# the HUMAN LIFE REVIEW

Spring 2006

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## INTRODUCTION

**WE** OPEN THIS ISSUE WITH SENIOR EDITOR William Murchison's exasperated appeal—can't we *talk* about abortion? Let's have a debate: "Real, democratic debate. We have not had it. The Supreme Court in *Roe* foreclosed any wide and useful consideration of the profound question at hand." Indeed, "the question of human life and its meaning joins itself to every other question under the sun," and yet, even though most Americans have at least some misgivings about abortion, proponents of *Roe* are determined to squelch any meaningful public dialogue.

Murchison writes about a time of "growing restlessness over the duty imposed on state governments" to adhere to *Roe*, and recent attempts by some states to restrict abortion. South Dakota has gone so far as to attempt a near-total ban: "One could call the Dakotans brash," but "Democracy is brashness, brazenness, effrontery on the hoof." Democracy is also about compromise, but "How do we compromise, I inquire, with a do-it-our-way High Court looking over all our shoulders? I believe this condition is called an impasse."

An impasse is exactly the, er, status *Roe* that abortion rights supporters seek to preserve; as Murchison writes, "Arguments in support of the *Roe* regime . . . have increasingly a Rhett Butlerish quality. Frankly, certain Americans don't give a damn whether their fellow citizens dislike *Roe*." They want things their way.

A valiant fighter against this impasse is the Republican Congressman from New Jersey, Chris Smith. Smith has spent his long career (he's been in the House since 1981) fighting for, in his own words, "human rights and healthcare." He has fought for protection of the unborn, protections for women and children against sex trafficking and violence; for veterans' rights, for autism-research funding, for better healthcare in developing countries—and the list could go on. We reprint in this issue a floor speech he gave last February, in which he sets forth for the record the truth about one of the prime supporters of status *Roe*, Planned Parenthood, Inc. Smith begins by defending his own good name against Planned Parenthood's malicious attacks; they accused *him* of attacking the political rights of women! The occasion was, as he explains, his sponsoring of an amendment which would authorize funding for treatment centers to correct a terrible condition—obstetric fistula—which afflicts many women in developing countries. Planned Parenthood backed efforts to mandate that the new centers "expand access to contraception"—which would have excluded faith-based health groups, opposed to abortifacients, from receiving the funds.

Smith goes on to reveal Planned Parenthood's massive body count. With its primary emphasis on abortion ("family planning," and pre-natal care make up a tiny part of its services), Planned Parenthood provides "nearly one out of every five abortions performed," and their numbers are rising, even as abortions nationwide have declined. They run a hugely profitable business (subsidized by American

taxpayers); in 2004, Planned Parenthood performed 255,015 abortions, at \$350 to \$700 for each child killed.

Smith also shows how Margaret Sanger “laid the groundwork for this business plan” with her passionate promotion of eugenics. He includes a devastating passage from Sanger’s book *Pivot of Civilization*, in which she speaks of the “cruelty” of organized charity, calling it a “symptom of a malignant social disease” that only “encourages the perpetuation of defectives, delinquents, and dependents.” Sanger encouraged breeding only among the “fit,” meaning white, well-off and well-educated women. “All our problems,” she once asserted, “are the result of overbreeding among the working classes.” Today’s Planned Parenthood, Smith observes in his floor speech, “has stayed true to Sanger’s school of thought, identifying its ‘core clients’ as ‘young women, low-income women, and women of color.’”

We go next to sad evidence of how thoroughly our medical culture has accepted eugenics. Titled “Weeding Out the Unfit,” it is a chapter from an important new book, *The Party of Death: The Democrats, the Media, the Courts, and the Disregard for Human Life*, by *National Review* senior editor Ramesh Ponnuru. Mr. Ponnuru, a brilliant political analyst, has been consistently eloquent in defense of the unborn and life at all its stages; his new book, we hope, brings his voice to a wide audience (it has gotten quite frenzied attention from liberal critics). The chapter we’ve chosen to reprint is, no surprise, about prenatal testing, and subsequent abortions. As Ponnuru writes, noting the routine prenatal test administered to mothers, we now “abort most children with Down syndrome, or Tay Sachs disease, or spina bifida, or cystic fibrosis.” Those parents who don’t choose to abort often find themselves the object of disapproval from the medical community, their neighbors—even strangers. “Our country now has a reasonably strong norm that disabled babies should be aborted. This type of diversity we do not wish to tolerate.” Besides aborting these “defective” infants, he writes, we also abort countless children who are fine, because tests are imperfect.

What follows is another book chapter, this one about a little girl, Grace, who could have become an abortion statistic—but didn’t, because her parents chose not to take their doctor’s advice. It’s from a powerful new book from our long-time contributor Melinda Tankard Reist: *Defiant Birth: Women Who Resist Medical Eugenics* (you can purchase a copy from our Foundation; see “About this Issue” on the inside front cover for details). Reist gathered together a collection of 19 stories by women who were “defiant,” either by bringing to term a child who was diagnosed in utero as disabled, or choosing to become (or stay) pregnant—against medical advice—despite their own medical conditions. Sandi Seyferth, pregnant with her fifth child, was told after a high-tech ultrasound “detected” a rare and lethal form of dwarfism that “your baby will die.” Abortion was recommended, but Sandi and her husband “decided to carry our child to term and love her for the time she would spend with us.” Grace’s story is gripping, beautiful—and surprising.

Senior Editor Mary Meehan wants *Review* readers to know about another new

book: *Dispelling the Myths of Abortion History* by law professor Joseph Dellapenna. This is a massive book (1,283 pages and over 8,000 footnotes!), but Meehan is so convinced of its importance that she wrestled with it all to bring our readers a guide to the important research and arguments it contains, the fruit of years of vigorous scholarship. As Meehan explains, Dellapenna, though he is not pro-life, has been a “fierce critic” of *Roe v. Wade* for over 30 years. He was studying population policy when *Roe* was decided in 1973; after reading articles by Cyril C. Means upon which Justice Blackmun had relied, Dellapenna found their claims to be “seriously deficient” and started then to research and write about the history of abortion law. His book focuses on abortion law in England and the United States—important because English common law “often was decisive in early U.S. history unless replaced by specific statutory law.” Dellapenna shows that Means was wrong “in claiming there was a common-law liberty to have an abortion,” and charges that Means, who was general counsel of the National Association for the Repeal of Abortion Laws (NARAL) when he wrote one of the articles cited by Justice Blackmun in *Roe*, “designed his research to support the political task of changing abortion laws.”

We return next to a subject discussed in Congressman Smith’s speech: the racism of pro-abortion forces. Brian Clowes, of Human Life International, contacted us to say he appreciated the articles we have featured in the *Review* on the history of eugenics (see Mary Meehan, Fall 1998 and Winter 1999; and Rebecca Messall, Winter 2000 and Fall 2004); he wanted, as he writes here, to “build on them” by “delving into the history of scientific racism (the theory that some races are more fully evolved than others) in the early 20th century.” In “The Mathematics of Applied Scientific Racism,” Clowes traces the history of the racist agenda that formed the foundation of what are current-day abortion policies, and quantifies these policies’ deadly success. He presents figures that show “the number of abortion clinics in a city correlates directly to the size of the town’s minority population,” and, not only do minority women “obtain abortions at nearly three times the rate that white women do,” but “the death rate among minority women is nearly twice as high” as that of white women who abort.

As Clowes writes, pro-abortionists argue that “minority women must have easy access to abortion”—it’s about their “right” to a “necessary” service. This is an example of how language has been used to obstruct the truth. In “Choice before Life: The Victory of the Abstract over the Real,” Professor Harold O.J. Brown takes as his starting point a book by French mathematician Aaron-Arnaud Upinsky, *La tête coupée. Le secret du Pouvoir (The Severed Head: The Secret of Power)*. Upinsky, writes Brown, describes the “age-long war between what he calls ‘strong language’ and ‘true language,’” between nominalism (the abstract) and realism; Upinsky says that, today, nominalism is the language of power and is used to deprive us of freedom. Brown argues that the pro-choice movement’s language represents a triumph for the use of strong language: “There is no better example of

manipulation by strong language than the victory of choice over life.” As Brown explains in his eloquent essay, “choice” is an abstract concept; it is a “wonderful term” that stands for freedom. It can be given away and taken back. “Life” is a reality, an absolute; each abortion involves a real life, not an abstraction. Choice for minority women (nominalism) equals death for minority children (reality). Brown talks about the real consequences of abortion: not only to the child and his or her mother, but to the father and extended family as well. The “right” to abort, he insists, “undermines the basic building block of our society,” the family.

Our final article is the text of a splendid address given by Professor Ian Hunter at the Southwestern Ontario Right to Life Annual Banquet last March. Hunter explored the concept of honour (in the Canadian spelling), asking: “What is honour? And what, you may ask, has honour to do with the pro-life movement? Well, a great deal, as I hope to demonstrate.” He begins by noting that honor is one of the Judeo-Christian principles current society has turned its back on; and goes on, in an essay filled with dramatic literary allusions, to explore the concept. Along the way he gives a fascinating account of the pro-life movement in Canada, and assures his audience that they are men and women of honor, because they honor God and the truth. “Sometimes I think this is the most important role the pro-life movement has played—to be a silent witness to honour the right; we are often mocked, sometimes reviled, always it seems ignored, but we bear a *constant* witness that even in these dark times not everyone looked the other way when the unborn and the vulnerable were left unprotected.” Most fittingly, Hunter dedicated his speech to a man of extraordinary honor, John Muggeridge, his beloved friend and ours. Muggeridge, a Senior Editor of the *Review*, and a luminary of the pro-life movement in Canada, died of cancer last November 25th at age 72.

\* \* \* \* \*

*Appendix A* is an exceptionally good column by former *National Review* editor John O’Sullivan, “The End of Ignorance . . . and Innocence.” He cites Ramesh Ponnuru’s book as one that discusses the important question: Just how much *do* Americans understand about what *Roe v. Wade* allows, and he discusses the same kind of question *vis à vis* Europeans’ knowledge of and attitudes toward their own abortion legislation. As O’Sullivan writes, most Americans are against most abortions; the attitude of the people is not nearly as radical as our current abortion-on-demand policy. This is not surprising, our next writer would argue, because *Roe v. Wade* is such an *illogical* decision. In “*Roe v. Reason*,” Professor Richard Stith observes that *Roe* is based on a highly unreasonable position: “*Roe* holds that a change in location, passage through the birth canal, can turn a potential human being into an actual human being.” (Ironically, Stith writes, this logic was discarded in *Stenberg v. Carhart*, which found that, in a partial-birth abortion, the fact that the fetus was four-fifths of the way outside of the womb made the child no worthier of protection.)

Our friend, New York *Sun* columnist Alicia Colon, got her dander up after reading

Natalie Angier's "Mother's Day" column (in the *New York Times*) about how lots of animal mommies actually kill their offspring. Angier seemed to be making the evolutionary biologists' point that, since animals do it, maybe women are hard-wired to kill their babies—it's "natural." More evidence, writes Colon in her vigorous response (*Appendix C*) of America's "anti-child culture." On to the youngest children: In *Appendix D*, Father Thomas Berg reports on current news in embryonic stem-cell research. As you'll see, the bad news is how much opportunity and money there is from the private sector to continue to try and do what South Korea's Hwang Woo Suk falsely claimed he had done—clone human beings. The good news is that more and more scientists are exploring alternatives to cloning, both research on adult stem cells, and the possibility of "altered nuclear transfer" (discussed at length in our Winter 2006 issue; see Joan Frawley Desmond, *Appendix E*).

Our final appendix is from our friend Wesley Smith, champion opponent of euthanasia and assisted suicide, who reports on the real goal of "aid in dying" proponents: so-called "rational suicide." In a slippery-slope nightmare come true, a Swiss activist, Ludwig Minelli, is actually planning to "create a sort of Starbucks for suicide: a chain of death centers to end the lives of people with illnesses and mental conditions such as chronic depression." A terrible prospect indeed. On a more positive note, Smith contacted us recently about Starbucks itself. He had submitted a quote for their "The way I see it" campaign, and he was amazed that the following actually got printed on coffee cups across the nation: "The morality of the 21st century will depend on how we respond to this simple but profound question: Does every human life have equal moral value simply and merely because it is human? Answer yes, and we have a chance of achieving universal human rights. Answer no, and it means that we are merely another animal in the forest." Bravo, Wesley, good for Starbucks, and thanks for a nice way to wrap this up, along with our abiding appreciation for the sometimes light (if not, deadly accurate) touch of our favorite cartoonist, Nick Downes.

MARIA MCFADDEN  
EDITOR



## Too Late for Debate?

William Murchison

This essay concerns political science. Bear with me. I expect that, when all is done, we will understand political science and human life questions to be joined at the hip. A truism? Sure. What of it? Truisms become true from their success at embodying truth.

The truth is—if I might continue—that the question of human life and its meaning joins itself to every other question under the sun. It is, you might say, *the* question. To pretend otherwise is to misapprehend the depth and dimensions of the mess made by *Roe v. Wade*—a mess whose bearing on political science is nearly as profound as its bearing on morals and philosophy, not to mention theology.

We enter a time of growing restlessness over the duty imposed on state governments 33 years ago to stand by while hundreds of thousands of women, and their physician-collaborators, sock it to babies conceived but not yet born. States are beginning to back up that restlessness with bolder and bolder initiatives, and people are starting to look hopefully to a day when lawmakers reclaim from judges the power to decide what actions are just and right with regard to human life.

For now the possibility of the states regaining their lost purview over human life questions seems shaky and remote. Who can say, nevertheless? That we're even talking about such a possibility shows how little the U.S. Supreme Court settled when it bade Americans, on hearing the sound of the sackbut and dulcimer, to fall down and worship the new doctrine of abortion as a constitutional right. If the states manage in some way or another to undermine *Roe* as doctrine and stern mandate, what will that mean? For that matter, what if—certainly the likelier possibility right now—*Roe* continues to hover over the landscape? What will *that* mean?

A good idea at the start would be to refresh our recollections. Concerning abortion, things weren't always as they are now: one framework, one policy, for a nation of 50 states and countless localities; no significant variations allowed; no strategic nuances; one act of volition—the mother's—accorded constitutional preference. That was thanks to *Roe v. Wade*. However, *before Roe v. Wade* (January 22, 1973) the states were free to regulate or prohibit abortion according to the preferences of their own electorates. And how did these preferences come to be known? In the same way that all voter

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preferences come to be known. As a political scientist might choose to put it, voters install and maintain in office such representatives as they trust to carry out their wishes. From the abhorrence of abortion that pre-*Roe* state statutes generally expressed, one could have inferred that we, the people, entertained generally strong convictions about the worth and sacred character of unborn life. Then, three fourths of the way through the 20th century, the Supreme Court declared abhorrence of abortion no longer tenable as policy. Henceforth, said the Court, there would be one policy, a national one. Justice Harry Blackmun, speaking for himself and six colleagues, outlined the policy to which, again broadly speaking, we still adhere. The right to end a pregnancy became, with *Roe*, a fixed star in the constitutional heavens, twinkling brighter and brighter as time went by. In the first trimester of pregnancy, said the Court, the states could lift not a hand against the mother who chose to abort. In the second trimester, states could “regulate the abortion procedure in ways that are related to maternal health.” In the third trimester, states could “proscribe” abortion entirely, save in cases where the mother’s life or health might be at risk.

I know we know all this. I bring it up to emphasize the political science aspects of the abortion question as distinguished from those aspects that center on theology and philosophy. The political science aspects are reemerging in a new and fetching way—mainly because the theological and philosophical aspects refuse to go off and die. That is, a large percentage of Americans, obedient to theological and philosophical principles, *still* oppose abortion, *still* desire it not to take place, *still* work to that end in politics. Politicians notice, because how can they not?

Arguments in support of the *Roe* regime—in court decisions, press releases, or angry screeds on the Internet—have increasingly a Rhett Butlerish quality. Frankly, certain Americans don’t give a damn whether their fellow citizens dislike *Roe*. What, you don’t care for this wonderful piece of creative jurisprudence? Well, so’s your own old man. Get lost. Jump in the lake. *Roe* isn’t going anywhere, though maybe *you* should.

Which is certainly one long-recognized way of handling divisive questions. A TV commercial from the ’60s comes to mind. Edward G. Robinson, arch-Hollywood tough guy, leans into the camera (in behalf of a product whose name I can no longer recall) and barks, “Do it *my* way . . . see?” Yeah, mine. Mine only.

Democracy’s flaws are real, as are, all too clearly for comfort, the flaws of every human system in our fallen world. Nevertheless, democracy—the rule of the people—displays special credentials for dealing with tough guys, including those brandishing a judicial opinion. As these credentials kick in,

Edward G. retires from the set, dribbling cigar ash on his double-breasted pinstriped suit. In ambles Jimmy Stewart: "Now wait a second here . . . now just wait. Everybody's going to have his say . . . and when we've all said what we want to, by golly, we'll vote."

The proponents of *Roe v. Wade*, disliking the Jimmy-Stewart-shake-hands-fair-play approach to these things, don't want you to vote. Or if you insist on voting, they don't want you to think it will count, or change anything, or matter to anyone but you, and why *you* should care they can't imagine. Do it *their way*, see?

Such authority as *Roe v. Wade* still enjoys is mainly of a political kind: the U.S. Supreme Court acting as enforcer of ideas that lack general acceptance in the society whose affairs the Court adjudicates. Just what do modern Americans say they think about *Roe*? A May 4, 2006, Harris Poll claims that 49 percent agree that (as the pollsters phrased the question) "the decision on whether a woman should have an abortion up to three months of pregnancy should be left to the woman and her doctor to decide." Forty-seven percent voted the contrary position: No, the woman and her doctor shouldn't get to decide. Not much of a gap—just 2 percent; about as even a match-up as one ever finds on vexed questions. No current question, of course, is so vexed as *Roe*.

A degree of tolerance persists. Should a woman be allowed an abortion in "all circumstances"? Twenty-four percent said yes, according to Harris; 20 percent replied no. In 1985, it was 26 percent for, 20 percent against. No seismic shifts here. How about abortion under "some circumstances"? Fifty-three percent, yes, according to the 2006 poll—the same level of support as in 1985.

What, then, about laws designed to make it harder or easier to procure an abortion? Harris reports 40 percent in favor of the tougher approach, 40 percent in favor of "no change." (Just 15 percent want easier access.)

A so far unbridgeable gap. The term seems accurately to describe the situation existing on account of a 33-year-old Supreme Court decision that to millions (though I am unaware of any poll's ever inquiring along these lines) remains as illegitimate as on the day it was handed down. As to *Roe v. Wade* the United States of America seems signally disunited, with no prospect of achieving anything like that theoretical unanimity the *Roe* court struck down. Not without cause the New York *Times* columnist Nicholas Kristof has called abortion possibly "the most polarizing issue in America today."

Against this unprepossessing backdrop let us consider present events, of which the largest, or anyway most resounding, occurred March 6, 2006. That was when South Dakota's Republican governor, Mike Rounds, signed

into law the Women's Health and Human Life Protection Act—an imaginative bit of unilateralism.

South Dakota—which already required abortion counseling and a 24-hour waiting period before an abortion—has purportedly outlawed abortions, save those necessary to save the mother's life. I say “purportedly,” inasmuch as the new law looks for all the world like a Dakota whitetail buck staring down the barrel of a .30-30 Winchester. The survival, in federal court, of a near-total abortion ban is not presently a prospect on which many will wish to wager their spouses and their mortgages. “We really think we're pushing the envelope on that issue,” admits a South Dakota senator who worked for the ban. Even with the addition to the Court of two justices—John Roberts and Samuel Alito—who *might* be induced to vote for overturning *Roe*, pro-*Roe* justices seem to enjoy a one-vote edge over the antis.

What the late John Kenneth Galbraith called the conventional wisdom has Stephen Breyer, Ruth Ginsburg, John Paul Stephens, David Souter, and Anthony Kennedy outvoting Antonin Scalia, Clarence Thomas, John Roberts, and Samuel Alito. Scalia himself told a meeting in Switzerland soon after the South Dakota vote that there seemed no chance of the new law's prevailing. Indeed, a number of pro-life activists see South Dakota as guilty of quixotically picking the wrong quarrel at the wrong time. Meanwhile a statewide poll insists that nearly three of every five South Dakotans oppose the law—good news for the organizers of a November voter initiative that would wipe the law from the books. Gov. Rounds, who two years ago vetoed a similar bill, urges now that South Dakotans “continue to work at chipping away at *Roe v. Wade*”—while the chips, we must infer, fall where they may.

One could call the Dakotans brash; what one probably should avoid is disputing their feel for the patterns and techniques of democratic practice. Democracy is brashness, brazenness, effrontery on the hoof. Some people get hold of an idea; they like the heft and the feel. Why not? says someone. Let's go! says someone else. A cause is born. There are rallies, petitions, ads, phone banks, fund-raisers. The topic can be restriction of eminent domain powers, or it can be the free and unlimited coinage of silver at the ratio of 16:1. Not many innovations, these days especially, are beyond the pale. Nor is the outcome of a debate, for better or worse, determined by universal principles. Government of the people, by the people, for the people embodies—when it works—the aspirations, the notions, occasionally the sourness or perversity of the people. Except in those cases where the popular will undergoes modification while passing through the representative government filter—its cost and timing and content and scope shaped by political give-and-take.

Then there are those cases in which jurists interpose themselves deliberately between “the popular will” and high principle—as best understood, one gathers, by the jurists themselves. That is of course the case with *Roe*. The consensus of state legislation, not to mention religious and legal tradition, was of minimal interest to seven of the nine justices. As the majority saw it, “the people,” being wrong by modern lights, needed directly and immediately to be set right.

Here was pride of a high order indeed. Alas, what we know of pride is that it goes, proverbially, before a fall. The Court, you might think, would have benefited itself as well as the country by resting its ruling on the narrowest rather than the broadest grounds for deciding the case. Well, it didn’t. No surprise, then, that great numbers of “the people,” instead of kissing the hems of the justices’ gowns as abortion became legal and widespread, demanded action to reverse the Court’s reversal of principles older than the Court itself.

No Supreme Court decision save perhaps *Dred Scott* was ever so ill-considered as *Roe*: so sure *not* to solve the problem at hand. Overriding the varied decisions of elected lawmakers, the Court showed calculated indifference to what mere citizens, as distinguished from judicial demi-gods, might think and believe. Do it *our* way, see?

Millions could not and would not. Their unwillingness to run up the white flag on a matter of profound principle meant continued strife and struggle over that opposite principle the justices had adopted without, as is customary in judicial systems, warning or public commentary. Into the Court’s own precincts the tide of bitterness would eventually wash. As the Roberts and Alito confirmation proceedings make clear, abortion is for many *the* consideration when it comes to populating the federal bench. Either we want pro-*Roe* judges or we want anti-*Roe* judges. Little else matters as much. It was not so even in the ’80s, when Antonin Scalia easily passed muster with the Senate despite his intellectual opposition to *Roe*. The persistence since then of the legal campaign against *Roe* has convinced supporters that, given time and new faces, the campaign could succeed.

Meanwhile impatient state legislators—often goaded by impatient pro-life leaders—now are testing the limits, almost daring the high court to knock the chip from their shoulders. As it was, the wall of restrictions enacted by state legislatures in recent years was thick with barbed wire meant to slow or discourage ascent. As the Alan Guttmacher Institute (never accused of putting a thumb on the scales to the advantage of pro-lifers) recently summarized the matter, 12 states ban partial-birth abortion; 34 require parental

involvement to some degree or other; 24 require a waiting period, generally of 24 hours' duration; 28 require pre-abortion counseling; and 36 prohibit abortion at some point, usually that of fetal viability. No one, I believe, could on this showing call "abortion on demand" the general rule. Yet on it goes anyway, the business of states reasserting the lost (more accurately, "stolen") privilege of judging for themselves the degree of protection that should be accorded unborn life.

South Dakota's act of deliberate effrontery has stirred the troops elsewhere to new activity. Louisiana in the spring began moving in the same direction. (I write without knowing the outcome of the move.) Ohio as well. Reported *USA Today*: "'Now is the time to get moving on this in Ohio,' says Tom Brinkman, a state senator who has introduced a bill to ban almost all abortions. Meanwhile Kellie Copeland of NARAL Pro-Choice Ohio is braced. 'Our supporters feel the fight is coming back to the states,' she says."

Well, what if it does come back? What if *Roe v. Wade*, due to some concatenation of judicial circumstances, goes gurgling down the drain? What might that portend for the cause of unborn life? Something favorable? Something of a different character entirely?

All is speculation at the moment. It might better serve present purposes to reflect on the relationship between democracy and democratic mores. A democracy, we may say at the outset, will in greater or lesser degree operate by the rules for which the majority calls. Which is why Massachusetts decided same-sex unions were hunky-dory, whereas Texas, to cite just one contrary example, amended its constitution to define marriage as the union of a man and a woman and that's it, sorry, Boston, sorry, San Francisco. The middle class moral consensus of the mid-19th-to-late 20th centuries has about as much relevance (core principles notwithstanding) to 21st century culture as have the Flora Dora Girls to the Dixie Chicks.

I think it has to be conceded at once that, whatever happens to *Roe*, the status quo ante *Roe* is gone. Nor will it return in our time. No phalanx of anti-abortion sentiment at the state level seems re-creatable, save perhaps in the great providence of God. *USA Today* suggests that, in the event of *Roe*'s demise, 22 states would likely impose "significant new restrictions on abortion"—including "nearly every state in the South and a swath of big states across the industrial Rust Belt, from Pennsylvania to Ohio and Michigan." By contrast, 16 Northeastern and West Coast states would likely "continue current access to abortion." The remaining 12 would "fall into a middle ground"—half of these in the West, "the rest scattered from Arizona to Rhode Island." A highly familiar pattern emerges here—the "red state"/"blue state" pattern of 2004 and beyond; George W. Bush's America v. John Kerry's.

That which we believe about human life and its fragility and contingency turns out to be strongly indicative of our other convictions—on religion, on party preference, on the responsibilities of government. If we can hardly agree on who should be president, perhaps it is no wonder we disagree to one extent or another on school prayer, tax cuts, Iraq—and abortion.

How do we work out these disagreements? Through compromise? How do we compromise, I would inquire, with a do-it-our-way High Court looking over all our shoulders? I believe the condition this produces is known as impasse. That may be where we are—stalled at the stoplight, revving engines, going nowhere, as I was once stalled at a Portuguese toll booth, the transmission of my rented Ford Focus having picked that moment to malfunction. Our democratic gears don't mesh any better: The Court keeps them locked.

It may be the Court of the future will recognize the terrible destructiveness of its handiwork and just go on and strike *Roe* dead. In that event the states at last could legislate, and the proponents of life could lean on their lawmakers to accommodate for a change the priorities of life as distinct from the priorities of choice. Certainly the proponents of choice would attempt to sway ensuing debates to their own advantage.

It could be that is what we need: debate. Real, democratic debate. We have not had it. The Supreme Court in *Roe* foreclosed any wide and useful consideration of the profound question at hand. Mr. Justice Blackmun's research at the Mayo Clinic seemingly did the trick—for all that, as Gregory J. Roden has pointed out (*Human Life Review*, Fall, 2005) the Court erroneously bought into a NARAL lawyer's assertion that the common law had been indifferent to the question of the fetus' personhood.

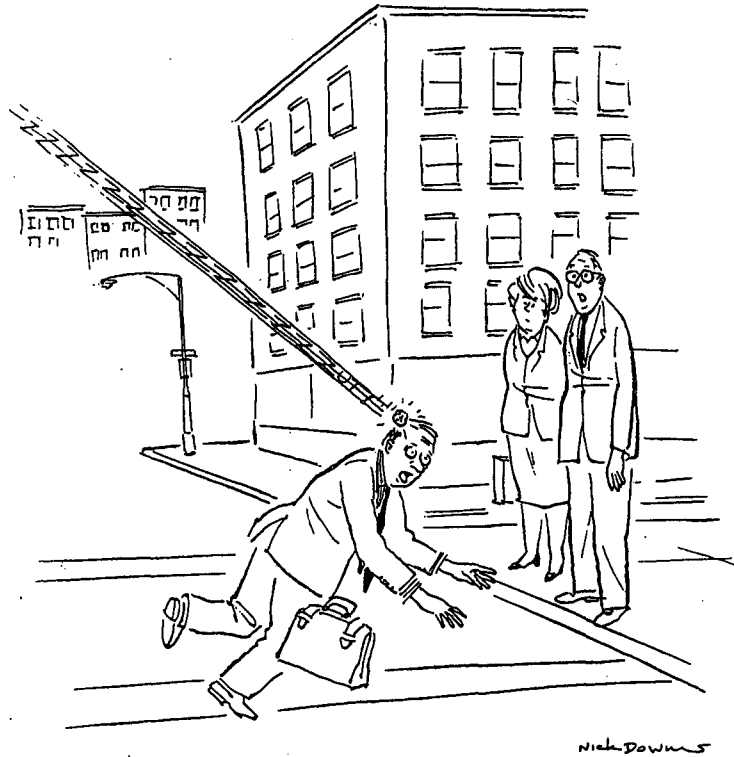
As a newspaper reporter in Austin, in 1969, I covered an hours-long legislative committee hearing on a proposed loosening of the same Texas abortion statute the High Court later polished off in *Roe*. I recall expressions of deep anguish over deaths from botched abortions and births of severely handicapped children. I recall no trenchant defenses of the principle that unborn life merits protection, or any assaults on the principle that a mother's choice is dispositive. The bill got nowhere; the debate fizzled. A few years later came *Roe*. A few *minutes* after that came the first salvos against the Constitution's sudden transformation into an instrument for the disposal of the inconvenient or troublesome. And so it has gone since—the two sides hitting each other with accusations whose credibility owed as much sometimes to the political and cultural affiliations of the witnesses as to the power of their testimony.

WILLIAM MURCHISON

It may be too late for the meticulous debate we should have had three decades ago concerning stewardship of human life. Then, again, how often is democratic debate truly meticulous (or temperate for that matter)? The opportunity is what we need—the opportunity, on a level constitutional playing field, for the proponents of life to engage the proponents of death.

It could be wonderful to watch. Doubt it? Read *Areopagitica*. Recall how Milton regarded contests when, “though all the winds of doctrine were let loose to play upon the earth,” Truth could be counted on to have her say and her way.

“Let her and Falsehood grapple,” he declared. “Who ever knew Truth put to the worst, in a free and open encounter?” The kind of encounter, if the great man’s spirit will permit a 21st century footnote—the kind of encounter so long, so foolishly, denied Americans by their highest tribunal.



*“It’s amazing how little of a meteor is left after it burns through the atmosphere.”*



**Planned Parenthood:**  
**Time to Take a Second Look at Child Abuse Inc.**

*Chris Smith*

Mr. SMITH of New Jersey:

Mr. Speaker, I rise tonight to set the record straight about significant misinformation that continues to be disseminated concerning an amendment I offered last summer. Planned Parenthood has refused to admit the truth about the true genesis of this amendment. Because Planned Parenthood boasts that “trust is the cornerstone of why people choose [them],” I cannot allow its lies to continue unanswered. And I believe it’s time Americans take a look at Planned Parenthood on other issues as well, including abortion.

Several years ago I became aware of a devastating condition called fistula. Fistula is a terribly painful disorder that marginalizes women in many parts of the developing world, yet is relatively inexpensive to treat. I authored legislation to authorize USAID to provide much-needed assistance to women desperate for treatment. Unfortunately, with the help of organizations like Planned Parenthood, some of my colleagues tried to weaken the authorization by adding language that would have prevented crucial faith-based health care providers from helping women through this program.

Women suffering with fistula need treatment, and provisions mandating contraceptives would have prevented some health care providers most suited to provide treatment from doing so. These women need speedy treatment, not politicized language.

As the prime author of H.R. 2601—The Foreign Assistance Authorization Act of FY 06 and 07—I personally wrote the section in the bill (Sec. 1001) that authorizes the President to establish at least 12 treatment centers to provide surgery and healing therapies for women suffering from a devastating condition known as obstetric fistula. The bill also provides for the dissemination of educational information so that women will know where to go for affordable treatment and how to protect against the occurrence of this preventable, curable condition.

Obstetric fistula is an excruciatingly painful hole or rupture in tissues surrounding a woman’s birth canal, bladder, or rectum that is caused by rape, physical abuse or untreated, obstructed labor. Tragically, the constant leaking of urine and feces leads to sickness, desertion by husbands and

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**Chris Smith**, a Republican, has represented the citizens of New Jersey’s Fourth Congressional District since 1981. We reprint here the text of a floor speech he gave in the House on Feb 8, 2006.

family, extreme social isolation, and poverty.

Amazingly, for \$150-\$300, a woman victimized by fistula can obtain a surgical repair which gives her back her life. No woman should be denied this minimal, life-saving surgical repair. For several years now, I have asked USAID and the Congress to establish a program to assist women who suffer from obstetric fistula. According to USAID, an estimated 2 million women suffer needlessly from fistula, with 50-100 thousand new cases added every year, mostly in Africa.

USAID has begun to provide support for fistula centers, and that's great. They hoped to put \$3 million into the program by the end of 2005 and they have already identified a dozen medical facilities ready to participate and help these women. My bill, which originally authorized \$5 million for 2006 and \$5 million in 2007, ensures that the program is properly implemented and able to aid as many women, and young girls, as possible.

During committee mark-up on H.R. 2601, Rep. Joe Crowley (D-NY) amended my language in H.R. 2601, to mandate that the new centers "expand access to contraception." At first blush, the language looked OK, but it became very clear that it would have had the dire consequence of excluding certain faith-based health providers who, while deeply committed to mitigating the pain of fistula, would be barred from receiving funds. For example, the Crowley language would have excluded NGOs and church-based organizations opposed to chemicals that act as abortifacients—those that prevent implantation of a newly created human life—from getting any U.S. funds. Had my amendment not succeeded, several hospitals selected by USAID as "fistula centers" would have lost funding.

The amendment I offered that passed on the floor in July corrected this problem so that the faith-based sites including those already identified for the program by USAID—and perhaps others in future—could participate and provide assistance to women in need. My amendment to my own bill also increased the funding in 2007 to \$7.5 million, since it is obvious that once the centers are up and running the demand for the cure will be even greater. To participate in the program, providers must offer critical treatment care—including increased access to skilled birth attendants—and may offer information about a number of preventative practices such as abstinence education, encouraging postponement of marriage and childbearing until after teenage years, and family planning services for women whose age or health status place them at high risk of prolonged or obstructed childbirth.

Nothing in my original fistula language or my amendment adopted on the floor restricts access to family planning services. Rather, my amendment made a variety of preventative practices optional and as such is sensitive to and

consistent with the values of the people—and the hospitals that serve them—in developing countries.

Despite all this, Planned Parenthood still insists on praising the people who would have killed the amendment and attacking me. The headline on its website reads: “Rep. Chris Smith’s Latest Political Attack on Women.” The closing line of its story says, “The gentleman from New Jersey would do well—just once—to try and feel the pain of others.”

I have authored numerous laws—that is to say, I am the prime sponsor of laws—that directly benefit women, including the Victims of Trafficking and Violence Prevention Act of 2000 (P.L. 106-386), the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193), the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164), the Results and Accountability in Microenterprise (P.L. 108-484), and the Microenterprise Enhancement Act of 2003 (P.L. 108-31), just to name a few. I helped secure the passage of the Violence Against Women Act Reauthorization in 2000 by incorporating its major provisions into my law, the Victims of Trafficking and Violence Prevention Act of 2000. I have fought for human rights and health care my entire career.

I am currently the chairman of the Subcommittee on Africa, Global Human Rights, and International Operations and the Co-Chairman of the Commission on Security and Cooperation in Europe (also known as the United States Helsinki Commission), which works to promote and foster democracy, human rights, and stability in Eastern and Central Europe. I served as the Chairman of the Veterans Affairs Committee until 2005, where I authored laws that are helping veterans to this day and will for as far as the eye can see in the areas of health care, college education, widows’ benefits, and the creation of a new comprehensive program to help homeless veterans. I also presently serve as the co-chair and co-founder of the Congressional Task Force on Alzheimer’s Disease, the founding co-chair of the Congressional Spina Bifida Caucus, the co-founder of the Coalition for Autism Research and Education, the co-chair and co-founder of the Congressional Refugee Caucus, and the co-chair of the Congressional Pro-Life Caucus. Having served 26 years in Congress, I could continue this list, Mr. Speaker.

I set forth my dedication to these causes here not to promote myself, but to show Planned Parenthood’s deceptions. Planned Parenthood’s vicious attacks on me are, at best, misinformed; at worst, libel.

Sadly, this is a pattern of conduct with Planned Parenthood, seeking to discredit anyone who includes the protection of the unborn along with fundamental human rights. When one stops to consider the big business that is abortion, it is no wonder.

**Abortion is big business**

Planned Parenthood makes millions of dollars plying its lethal trade at nearly 850 clinics in the U.S. alone. Judith Fetrow, a former Planned Parenthood worker, verifies this fact: "It is extremely difficult to watch doctors lie, clinic workers cover up, and hear terrifying stories of women dragged out of clinics to die in cars on the way to the hospital without beginning to question the party line. I began to wonder if we were really caring for these women, or if we were just working for another corporation whose only interest was the bottom line."

Tragically, the seemingly benign Planned Parenthood is in the grisly business of dismembering the fragile bodies of unborn children with sharp knives and hideous suction machines that are 25 to 30 times more powerful than a vacuum cleaner used at home. Planned Parenthood ought to be known as "Child Abuse, Incorporated," for the large number of children that it has killed and continues to kill, all the while being subsidized by American taxpayers. This is not a business of healing, nurturing, or caring—this is a business of killing.

For Planned Parenthood, business is good. Violence against children pays handsomely. In 2004, it increased the number of abortions it performed by 10,000—while abortions nationwide have declined—for a total of 255,015, a new pathetic record of kids killed even for Planned Parenthood. For "medical abortions," Planned Parenthood quotes prices from \$350 to \$650. For first-trimester vacuum and D&E abortions, the only type of surgical abortions for which they provide a price range, Planned Parenthood earns \$350 to \$700 apiece.

To put the number of child deaths in perspective, picture this: 67,500 fans filled Ford Field to watch the Super Bowl last Sunday night. Planned Parenthood performed 255,015 abortions in 2004. The number of unborn babies whose lives were taken from them before they could take their first breath by this one corporation in one year could have filled that stadium nearly four times over. Planned Parenthood is now responsible for committing nearly one out of every five abortions performed in the United States, with its numbers steadily rising while the overall totals in the U.S. have been declining. Over the course of time, Planned Parenthood's tally in the taking of innocent children's lives has exceeded the three million mark.

If the number of abortions performed alone doesn't convince you of Planned Parenthood's agenda, Mr. Speaker, just compare it with the other services it provided in the name of "family planning." Planned Parenthood—parenthood, Mr. Speaker—provided a mere 17,610 clients with prenatal care.

That's a ratio of one parent to every 14 women who lost their children to abortion. Planned Parenthood referred a meager 1,414 clients to adoption services. That means it killed 180 babies for every one it referred to be placed with a couple desperately seeking a child. To me, Mr. Speaker, this record doesn't seem to be that of an organization dedicated to preserving women's "choices."

And if that is not enough, this so-called "pro-choice" organization does everything within its power and massive budget to prevent women from knowing all their options and being certain that their choices are truly informed. Planned Parenthood both lobbies and litigates against virtually every child protection initiative at both the state and federal level, including parental and spousal notification, women's right to know laws, waiting periods, partial-birth abortion bans, unborn victims of violence laws, statutory rape reporting laws, and abortion funding bans. It inflates statistics to promote its own agenda.

One of the abortion community's own exposed them, though, when Ron Fitzsimmons, the director of the National Coalition of Abortion Providers publicly admitted that he "lied through (his) teeth" when he told a TV interviewer that partial-birth abortion was "used rarely and only on women whose lives were in danger or whose fetuses were damaged." Fitzsimmons confessed that the myth about this horrific abortion procedure was deliberately propagated by the abortion lobby—including Planned Parenthood and its research arm, the Alan Guttmacher Institute (AGI).

In a 1995 letter to Members of Congress, Planned Parenthood, AGI, and other groups stated, "This surgical procedure is used only in rare cases, fewer than 500 per year. It is most often performed in the cases of wanted pregnancies gone tragically wrong, when a family learns late in pregnancy of severe fetal anomalies or a medical condition that threatens the pregnant woman's life or health." In truth, Fitzsimmons explained, the vast majority of partial-birth abortions are performed on healthy fetuses, 20 weeks or more along, with healthy mothers. The number of 500 partial-birth abortions a year that Planned Parenthood cited in its letter was also a complete falsehood. Fitzsimmons estimated that the method was used 3,000-5,000 times annually. I would argue that even this number is low—in just one New Jersey abortion mill, the Bergen *Record* newspaper reported that 1,500 children were killed by partial-birth abortion in one year.

When Planned Parenthood can't accomplish its deadly goals through the democratic process, it turns to the courts. It files approximately 50 lawsuits a year to protect its business interests in abortion. Then, Planned Parenthood fights tooth and nail to prevent judges who recognize the inherent value of

CHRIS SMITH

human life at every stage, as well as the constitutional protections of that life, from getting on the bench. Luckily for us, the American people and our President and Senate have seen through that propaganda blitz.

#### **International efforts**

Sadly, it does exactly the same thing overseas, and many foreign governments are eventually deceived by its arguments. The Planned Parenthood Federation of America-International is leaving no stone unturned in its misguided, obsessive campaign to legalize abortion on demand. If it succeeds, millions of babies will die from the violence of abortion. We cannot add to the body count.

In Planned Parenthood's 2003-2004 annual report, the organization clearly admits its goal. It states that programs supported by Planned Parenthood Federation of America-International "guarantee the sexual and reproductive health and rights of individuals by providing . . . safe abortion and post-abortion care services . . ."

The use of family planning to cloak its real agenda—the use of family planning as a cover for permissive abortion laws—is now commonplace, and must be stopped. In over 100 countries around the world, the lives of unborn children are still protected by law. But in country after country, we find Planned Parenthood zealots partnering with well-financed NGOs from Europe to promote violence against unborn babies.

And as Planned Parenthood—the most prominent advocate, sometimes the only advocate—of legalizing abortion on demand—has said, "When abortion laws are liberalized, the number of abortions skyrocket." That is Planned Parenthood's word, skyrocket. So if we want more abortions—more dead babies and more wounded women—liberalize the laws.

#### **Taxpayer subsidy**

Over a third of Planned Parenthood's income comes from the pockets of tax-paying Americans, through local, state, and federal governments. Sure, we have the Hyde Amendment in place, thankfully, which prevents taxpayer dollars from directly funding abortions, but money is fungible. The millions of dollars we give to Planned Parenthood to provide so-called "family planning" services immediately frees up millions more to be used for the performance and promotion of abortion. Americans' hard-earned money goes to keep the lights on and pay the heat bill for this industry that is literally making a killing taking the lives of the children they'll never get the chance to meet. People who see that abortion is murder are still forced to subsidize the lawsuits and lobbying that keep abortion legal.

Planned Parenthood's 2003-04 annual report brags about how it helped increase Title X funding, for a total of \$273 million in taxpayer dollars. It also discloses that it received \$265.2 million in government grants and contracts from Title X and other sources during that period.

The abortion promoters never tire of reminding us that they promote abortion with what they call "their own money," but this argument deliberately misses the point.

First, it ignores the fact that all money is fungible. When we pay an organization like Planned Parenthood millions of dollars, we cannot help but enrich and empower all of that organization's activities, all that it does, even if the organization keeps a set of books that says it uses its money for one thing and our money for something else.

We must begin to stand with the victims, both mother and child, and against the victimizers. When we subsidize and lavish Federal funds on abortion organizations, we empower the child abusers; and Planned Parenthood, make no mistake about it, both here and overseas, is "Child Abuse, Incorporated."

#### Abortion clinics = torture mills

Abortion mills do not nurture, they do not heal, they do not cure disease. Abortion is violence against children. Some abortion methods dismember and rip apart the fragile bodies of children. Other methods chemically poison children. Abortionists turn children's bodies into burned corpses, a direct result of the caustic effect of poisoning and other methods of chemical abortions.

I would say to my colleagues, there is absolutely nothing benign or curing or nurturing about abortion. It is violence. It is gruesome. And yet the apologists sanitize the awful deed with soothing, misleading rhetoric. Abortion methods are particularly ugly because, under the guise of choice, they turn baby girls and baby boys into dead baby girls and dead baby boys.

I have drafted a bill that would inform women about the pain their unborn babies experience during abortions, the Unborn Child Pain Awareness Act, H.R. 356. This bipartisan bill requires that those performing abortions at or beyond the 20-week point provide the mother with certain information regarding the capacity of her unborn child to experience pain during the abortion, and offer the mother the option of having pain-reducing drugs administered directly to the unborn child to reduce his or her pain. Not surprisingly, the abortion lobby—including Planned Parenthood—has opposed informing women of this truth, though they do not deny that unborn children may feel pain after 20 weeks gestation.

### **Conscience protection**

Forty-five States and the Federal Government protect the right of health care providers to decline involvement in abortion. Planned Parenthood has launched an active campaign to abolish these legal protections, arguing on its website:

*While everyone has the right to their [sic] opinions about reproductive health care, including . . . abortion . . . Health care providers who object to providing certain services still have an obligation to respect the rights of their patients and to enable them to access the health care they need.*

Planned Parenthood wants to compel hospitals and health care providers of conscience to do abortions—it's that simple. Not all of the hospitals and health care providers who oppose this plan are religious. There are people who are not religious who have deep, moral convictions, and they believe that abortion takes the life of a baby. We ought to be nurturing. We should not compel our places of healing to become killing fields.

### **Pro-choice?**

Planned Parenthood reasons that every child should be a wanted child. While the implication of this goal is valiant and an ideal I share, how we go about achieving it is much, much different. I agree, every child deserves to be loved with every ounce of her parents' being—Planned Parenthood, however, would rather kill her than allow her to be born into a home that might not have planned for her or allow another loving family to adopt her. This philosophy turns children into a commodity that is owned—and if they aren't wanted, they are expendable.

Planned Parenthood also claims to promote informed choice for women, but the reality of its words and actions belies this assertion. When describing abortion procedures on its website, it consistently talks about the emptying of the uterus, and the elimination of the “products of conception.” Even its clinic layouts aim to avoid the acknowledgment of the life of the unborn. One of their employees explained that “Planned Parenthood is set up so clinic workers never have to see the babies. It's set up that way because having to look at the babies bothers the workers.” Although Margaret Sanger, Planned Parenthood's founder, supported abortion, she did recognize that it was murder, admitting, “Abortion was the wrong way—no matter how early it was performed it was taking a life.” It is incredibly sad that the Planned Parenthood of today has entirely dismissed the humanity of the unborn, and works to delude women into doing the same.

Planned Parenthood's website states that it believes: “Information about



becoming pregnant and about postponing, preventing, continuing, or terminating pregnancy should be easily available; the choice of whether or not to parent should be free and informed,” and that: “People need accurate and complete information to make childbearing decisions that are appropriate for them. They want and need to know about abstinence, birth control, abortion, adoption, prenatal care, and parenting in an age-appropriate context.” They say that they believe “in trusting individuals and providing them with the information they need to make well-informed decisions about sexuality, family planning, and childbearing.”

If all that is true, why do the organization’s actions, services, and expenditures not reflect it? Why does it lobby against and sue to overturn every informed consent provision enacted? Why does it provide so many abortions, especially when compared to so few adoption referrals and so little prenatal care?

Mr. Speaker, why would Planned Parenthood and a virtual who’s who of abortion activists in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead? Why would it take a position so extreme that 80 percent of Americans oppose it? The mothers of these babies have made their “choice” to have their babies, and someone else takes that decision from them. Should a mugger have unfettered access to maim or kill that baby without triggering a separate penalty for the crime?

Why would it oppose parental involvement in their daughters’ pregnancy decisions, in one of the most important decisions those young girls will ever make?

Because, Mr. Chairman, Planned Parenthood is not supportive of “choice”—it is supportive of abortion, because, after all, that’s how it stays in business.

#### **Planned Parenthood’s targets**

Planned Parenthood has been very clever and self-serving in its business practices. Not only has it fought to keep abortion legal and to give it protection that is to be found nowhere in our Constitution, not only has it kept its income stream pouring in from local, state, and federal governments and from clients, but it has successfully brainwashed its target audiences so that its “services” remain in high demand.

Again, Margaret Sanger, the founder of Planned Parenthood, laid the groundwork for this business plan back in the early 1900s. In her book, *Pivot of Civilization*, Sanger argued, “We are paying for and even submitting to the dictates of an ever increasing, unceasingly spawning class of

human beings who never should have been born at all.” In Chapter 5 of that book, which is entitled the “Cruelty of Charity,” she pulls no punches in condemning those of us who seek to help poor, disadvantaged pregnant women get maternal health care:

*. . . Organized charity itself is the symptom of a malignant social disease. Those vast, complex, interrelated organizations aiming to control and to diminish the spread of misery and destitution and all the menacing evils that spring out of this sinisterly fertile soil, are the surest sign that our civilization has bred, is breeding and is perpetuating constantly increasing numbers of defectives, delinquents and dependents. My criticism, therefore, is not directed at the “failure” of philanthropy, but rather at its success . . .*

*But there is a special type of philanthropy or benevolence, now widely advertised and advocated, both as a federal program and as worthy of private endowment, which strikes me as being more insidiously injurious than any other. This concerns itself directly with the function of maternity, and aims to supply gratis medical and nursing facilities to slum mothers. Such women are to be visited by nurses and to receive instruction in the “hygiene of pregnancy”; to be guided in making arrangements for confinements; to be invited to come to the doctor’s clinics for examination and supervision. They are, we are informed, to “receive adequate care during pregnancy, at confinement, and for one month afterward. Thus are mothers and babies to be saved, “Childbearing is to be made safe.” The work of the maternity centers in the various American cities in which they have already been established and in which they are supported by private contributions and endowment, it is hardly necessary to point out, is carried on among the poor and more docile sections of the city, among mothers least able, through poverty and ignorance, to afford the care and attention necessary for successful maternity . . .*

*The effect of maternity endowments and maternity centers supported by private philanthropy would have, perhaps already have had, exactly the most dysgenic tendency. The new government program would facilitate the function of maternity among the very classes in which the absolute necessity is to discourage it.*

*Such “benevolence” is not merely superficial and nearsighted. It conceals a stupid cruelty . . . Aside from the question of the unfitness of many women to become mothers, aside from the very definite deterioration in the human stock that such programs would inevitably hasten, we may question its value even to the normal though unfortunate mother. For it is never the intention of such philanthropy to give the poor over-burdened and often undernourished mother of the slum the opportunity to make the choice herself, to decide whether she wishes time after time to bring children into the world. . . . The most serious charge that can be brought against modern “benevolence” is that it encourages the perpetuation of defectives, delinquents and dependents.*

In 1922, Margaret Sanger stated, “All our problems are the result of overbreeding among the working classes.” The Planned Parenthood of today has stayed true to Sanger’s school of thought, identifying its “core clients” as “young women, low-income women, and women of color.” Planned Parenthood’s research arm, the Alan Guttmacher Institute, has disclosed that

this objective has been achieved: forty-five percent of women who have abortions are college-age, 18-24 years old.

Women aged 20-24 have a higher abortion rate than any other group, followed closely by women aged 18-19. Black women are three times as likely as others to have abortions, and the numbers of poor women who have abortions are triple those of others. Since 1973, the year the unelected, lifetime-appointed justices on the Supreme Court made abortion legal on demand, at least 13.8 million minority babies have been aborted. Black and Hispanic women represent only a quarter of American women of child-bearing age, yet account for more than half of all abortions in the U.S.

Alveda King, the niece of the late Dr. Martin Luther King, Jr., was herself deceived by the lies of the abortion lobby in the wake of *Roe v. Wade*. Alveda experienced firsthand the tragic consequences abortion inflicts on women who undergo them—she had two abortions and now deeply regrets them—and to their entire families, and to society in general. Citing her uncle, who once said, “The Negro cannot win as long as he is willing to sacrifice the lives of his children for comfort and safety,” Alveda asks, “How can the ‘Dream’ survive if we murder the children?” Today, Alveda is part of a courageous group of women, all of whom have had abortions and have come to regret that fact, called Silent No More. These amazing women help women who have had abortion find peace and reconciliation.

#### **Effects of abortion on women**

Planned Parenthood also perpetuates the myth that abortion is safer than childbirth. Of course it’s never safer for the baby. And the CDC abortion surveillance, however, doesn’t even track morbidity, so data on injury and illness from abortion is obtained from the abortion mills—talk about a conflict of interest. Mortality—death to women from abortion—is likely to be underreported. That’s true, in part, because women who have had abortions, suffering serious complications, often seek assistance at hospital emergency rooms rather than the abortion mill, and the death certificates, at times, list sepsis or infection, rather than abortion, as the cause of death. Moreover, national reporting of death to women from abortion is extremely passive, thus the likelihood of underreporting.

I would encourage anyone seeking the truth on this question to ask the family and friends of Holly Patterson, who died two weeks after her eighteenth birthday from septic shock after taking RU-486, the abortion pill. Her parents had no idea what she had done until arriving at the hospital the day she died. The abortion pill was provided to her at a Planned Parenthood clinic. A state of California investigation into her death found that that

clinic failed to report her death to the state Department of Health, and that it did not give her full information and education on how to take the drug.

This is not surprising, considering that Planned Parenthood was involved in the sham trials that allowed RU-486 to be approved for sale by the Clinton FDA, something that needs to be seriously reconsidered and the drug pulled off the market. Between October 1994 and September 1995, the Des Moines, Iowa, Planned Parenthood clinic participated in these trials. Based on Planned Parenthood's accounting, news reports said no problems had been experienced in the trials. One Iowa doctor watching the news was in disbelief about what he was reading. This doctor, Mark Louviere, had attended to a woman who had participated in the trials and had suffered serious side effects two weeks later, as a result of taking the abortion pill. When Dr. Louviere arrived in the emergency room, the woman had lost between half and two-thirds of her blood volume, and she was in shock. Dr. Louviere immediately took her into surgery to save her life. In his own words, "If near death due to the loss of half of one's blood volume, surgery, and a transfusion of four units of blood do not qualify as a complication, I don't know what does." Planned Parenthood responded that they only reported what happened during the immediate time period of the trial—so the fact that this woman nearly died from taking a drug that they were responsible for reporting the effects of was of no concern to them.

In challenging Planned Parenthood's assertion that abortion is safer than childbirth, I'd also look into the story of Michelle Madden, an 18-year-old college freshman who decided to have an abortion after a doctor told her that the drugs she was taking for epilepsy would cause her baby to be deformed. Michelle collapsed three days after the abortion, and at the hospital, doctors found that pieces of the baby were still inside her. Michelle died of a blood infection resulting from the abortion three days after admission to the hospital.

I would suggest reading about what happened to Mary Pena, 43 years old, the mother of five children, who died after she underwent a second-trimester abortion and bled to death on the operating table.

You might also be interested in the story of Debra Ann Lozinski, who was 16 years old when she went in for an abortion in my home state of New Jersey. Due to a lack of oxygen caused by the general anesthesia she was given for her abortion, Debra fell into a coma, where she remained for several months before developing pneumonia and then going into septic shock. Debra died 12 days after her 17th birthday.

I'd also suggest learning about 22-year-old Tamika Dowdy, who sought

an abortion when she was four months pregnant so that she could finish her college education. Paramedics were called to the clinic where Tamika's baby was being aborted, because Tamika was having problems breathing. They were unable to save her.

There are many, many more heart-breaking accounts just like those of these women—and those are only the ones we know about. Multiples of these exist, but the whole story hasn't been disclosed.

Justice Blackmun, the author of *Roe v. Wade*, helped create the safe abortion myth, based on studies and opinions of population control advocates, who were avidly promoting liberalized abortion laws. In reality, not only can abortions immediately kill women, through hemorrhaging, septic shock, uterine perforation, cervical lacerations, etc., but there are also long-term consequences of abortion that can lead to death, including suicide and breast, cervical, and ovarian cancer.

Beyond these deaths, the impact of abortion on women, both physical and psychological, is devastating. Women suffer from many adverse post-abortion reactions, ranging from bleeding, cramping, and infection to depression and substance abuse to breast cancer and infertility. The risk of these detrimental effects of abortion is greatly multiplied in teens, one of the groups Planned Parenthood specifically targets. The brave women in the Silent No More Awareness Campaign have shown us that abortion really does hurt both babies and women, and sometimes even kills both. Abortionist Warren Hern admits, "In medical practice, there are few surgical procedures given so little attention and so underrated in its potential hazards as abortion. It is a commonly held view that complications are inevitable." This is not a simple surgical procedure, the same as any other, and the baby being killed is not a clump of cells.

Planned Parenthood downplays the physical or emotional after-effects of abortion. Their website claims, "Most women feel relief after an abortion. Serious emotional problems after abortion are much less likely than they are after giving birth." While this may be true immediately after the abortion, a new study from New Zealand has shown that the long-term psychological consequences are much greater. Women who have had abortions are, in many cases, the walking wounded.

The people pushing the safe abortion myth are the same as those who inflate the statistics about back-alley abortions. They are the same ones trying to instill a sense of pride about abortion by marketing "I had an abortion" T-shirts. These people, the people behind the propaganda machine at Planned Parenthood, are the same ones who are making millions from abortion, from killing our babies.

CHRIS SMITH

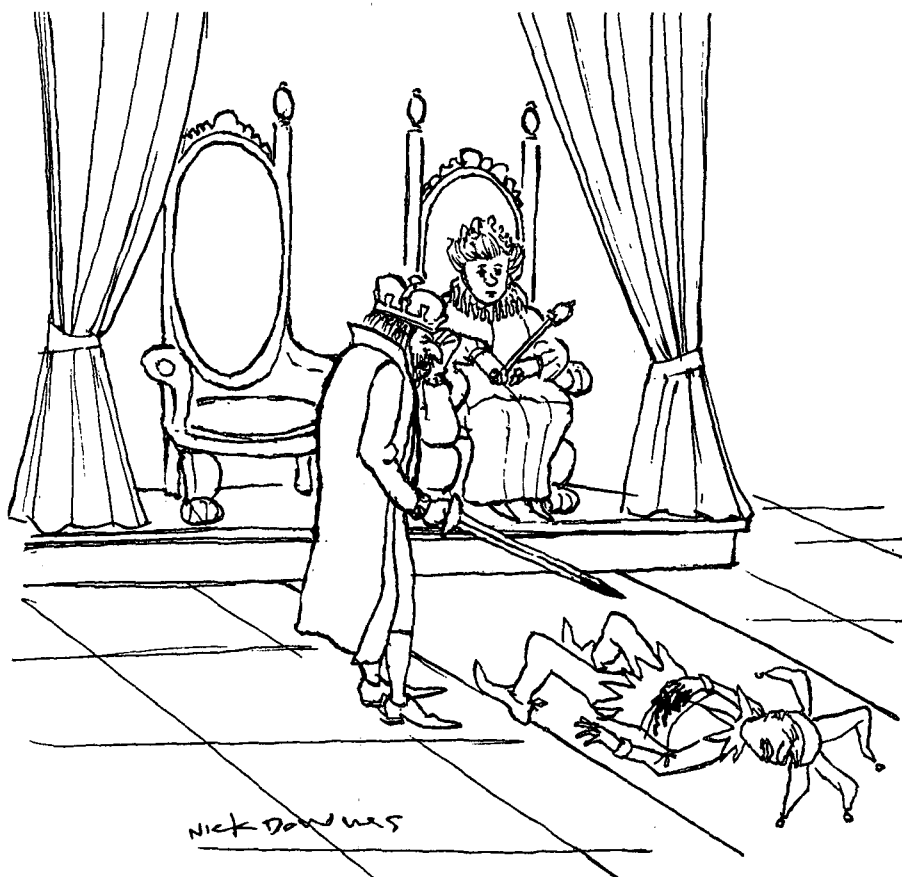
Planned Parenthood cannot be trusted, and it appears that even it is starting to recognize that fact. Until July of 2005, its tagline read:

*Planned Parenthood Federation of America is the nation's largest and most trusted voluntary reproductive health organization.*

It has since dropped the reference to trust and replaced that line with this slogan:

*Planned Parenthood Federation of America is the nation's leading sexual and reproductive health care advocate and provider.*

Mr. Speaker, the truth about Planned Parenthood's pattern of deceit and destruction of human life must at long last be brought to light. The cover-up is over.



*"I'm sorry—I'm just so easily bored."*

# Weeding Out the Unfit

Ramesh Ponnuru

In recent years, many Americans have become concerned that our schools “overtest” children. In truth, however, the first test to which they are subject comes long before school, and it’s the highest-stakes test of all. We test our children in the womb and, depending on the results, decide whether they live or die.

The number of children in this country with Down syndrome, for example, has fallen over the last fifteen years. That’s not because a cure has yet been found. The rising number of older women having babies should, indeed, have increased the prevalence of the syndrome. The reason for the drop is the increased use of “second-trimester screening.” When people find out that they are having a child likely to have the syndrome, more than 80 percent of them opt to abort the baby. Prenatal testing is routine, and its point is less to prepare parents for the challenges of raising a disabled child, or to determine whether the baby needs medical treatment in the womb, than to determine whether to kill the baby. We abort most children with Down syndrome, or Tay-Sachs disease, or spina bifida, or cystic fibrosis. And we abort some children who don’t have those conditions because the tests aren’t foolproof.<sup>1</sup>

Parents of children with Down syndrome often report that they were encouraged to have an abortion or, what might be worse, simply expected to have one. (Just as parents are simply expected to have prenatal testing, even when that testing poses risks to the baby. Physicians who don’t offer the tests might later find themselves facing a “wrongful birth” lawsuit—a kind of legal action that itself reflects the influence of abortion on our mores.) Beth Allard reported that an obstetrician had told her that her child might have the syndrome, and then explained what that meant. “It could just be hanging off of you, drooling,” the doctor said, and then “contort[ed] her face into a saggy, expressionless imitation of what a child [with the syndrome] might look like.”<sup>2</sup>

A study released in 2005 found that a majority of mothers of children with Down syndrome reported that their doctors accentuated the negative, that many got out-of-date information about the trials of living with the

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**Ramesh Ponnuru** is a senior editor of *National Review*. “Weeding Out the Unfit” is reprinted from the book *Party of Death: The Democrats, the Media, the Courts, and the Disregard for Human Life* by Ramesh Ponnuru. © 2006. Published by Regnery Publishing, Inc. All rights reserved. Reprinted by special permission of Regnery Publishing Inc., Washington, D.C.

condition, and that pressure to have an abortion was not uncommon.<sup>3</sup>

Parents also sometimes report that their decision *not* to abort elicits criticism, even from strangers. In the 2005 study, one woman related that after her baby was born, “the doctor flat out told my husband that this could have been prevented . . . at an earlier stage.” Patricia Bauer wrote an op-ed about the phenomenon. “I see the way people look at [my daughter]: curious, surprised, sometimes wary, occasionally disapproving or alarmed.”

At a dinner party not long ago, I was seated next to the director of an Ivy League ethics program. In answer to another guest’s question, he said he believes that prospective parents have a moral obligation to undergo prenatal testing and to terminate their pregnancy to avoid bringing forth a child with a disability, because it was immoral to subject a child to the kind of suffering he or she would have to endure. (When I started to pipe up about our family’s experience, he smiled politely and turned to the lady on his left.)

Margaret does not view her life as unremitting human suffering (although she is angry that I haven’t bought her an iPod). She’s consumed with more important things, like the performance of the Boston Red Sox in the playoffs and the dance she’s going to this weekend. Oh sure, she wishes she could learn faster and had better math skills. So do I. But it doesn’t ruin our day, much less our lives. It’s the negative social attitudes that cause us to suffer.

Bauer’s op-ed drew several letters decrying her as “sanctimonious.”<sup>4</sup>

Senators Sam Brownback and Ted Kennedy, a pro-life Republican and a famously pro-choice Democrat, are co-sponsoring a bill to provide funding so that doctors can provide parents with better information, including contact information for support groups for parents of children with congenital diseases or syndromes. It’s a worthy effort.

But the testimony of parents such as Bauer suggests that our country now has a reasonably strong social norm that disabled babies should be aborted. This type of diversity we do not wish to tolerate. In Chapter 17, I will go through poll data that suggest that Americans are much less supportive of abortion than is commonly thought. But no such claim can be made about abortion of the disabled. In every poll, Americans strongly support the right to abort *them*.

Leon Kass, who has thought deeply about medical ethics for years, concludes, “We are largely unaware that we have, as a society, already embraced the eugenic principle, ‘Defectives shall not be born,’ because our practices are decentralized and because they operate not by coercion but by private reproductive choice.”<sup>5</sup> We are, however, occasionally given glimpses of the import of our choices.

When Joycelyn Elders was Governor Bill Clinton’s surgeon general in Arkansas, she testified before Congress in favor of the Freedom of Choice Act. Abortion “has had an important and positive public-health impact,” she



said. It “has reduced the number of children afflicted with severe defects.” She gave an example: “The number of Down’s syndrome infants in Washington state in 1976 was 64 percent lower than it would have been without legal abortion.”<sup>6</sup> The remark did not keep her from being nominated by Clinton, a few years later, to be the surgeon general of the United States, or from being confirmed.

We like to think that eugenics is a thing of the past, that it died in the ashes of Nazi Germany. Today’s Supreme Court would not bless a forced sterilization with the words “Three generations of imbeciles are enough.” (Also: “It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.”)<sup>7</sup>

Yet the history of eugenics is worth reflecting on, not least because the history of abortion cannot be divorced from it. Consider the case of Margaret Sanger, the founder of Planned Parenthood, who is still revered by it. While she herself opposed abortion,<sup>8</sup> Planned Parenthood takes its support for it to be a straightforward extension of its support for birth control. And Sanger’s crusade for birth control and “voluntary sterilization”<sup>9</sup> was openly eugenicist.

She worried about the “increasing race of morons” in the United States, and complained that “a moron’s vote” was just as good as that of his betters. She told the New York legislature that “the Jewish people and Italian families” were “filling the insane asylums” and “hospitals” and “feeble-minded institutions.” Taxpayers were thus subsidizing the “multiplication of the unfit” when they should have been spending money “on geniuses.” She condemned eighty-five million Americans as “mediocre to imbecile.”<sup>10</sup>

Lest we judge her too harshly, we should note that these sorts of sentiments were not unusual among the upper class and the intelligentsia in the first half of the last century. To take one example from hundreds: *The New Republic* editorialized in favor of contraception in a similar vein. “Few intelligent people would still maintain that it is better to have been born an imbecile than not to have been born at all.” This “hideous doctrine,” it continued, must be denounced “as a conspiracy by the superstitious against the race.” The conspiracy resulted in “the multiplication of the unfit.”<sup>11</sup>

This kind of thinking remained very much alive during the debate about abortion in the run-up to *Roe*. The respected scientist Ashley Montagu wrote:

If life is sacred . . . then it is about time we began treating it as such, instead of continuing to commit the frightful tragedies we do in permitting individuals to be brought into the world who will suffer all the days of their lives from seriously disabling defects . . . The initial basic right of the individual should be to be born

without handicap. Anyone who, in the light of the facts, assists in bringing a seriously handicapped child into the world in my view commits a crime against humanity. Abortion could prevent that “crime.”<sup>12</sup>

A similar view was expressed by Bentley Glass in his 1971 presidential address to the American Association for the Advancement of Science. Defending “the right of every child to be born with a sound physical and mental constitution, based on a sound genotype,” he looked forward to a “future time” when “[n]o parents will . . . have a right to burden society with a malformed or a mentally incompetent child.”<sup>13</sup>

Traces, and more than traces, of the old eugenics live on in current attitudes and practices. The eugenic mindset has spread since *Roe*. It can be seen in the popularity of *Freakonomics* and its speculations about abortion and crime.<sup>14</sup> It can also be seen in the selective abortion of those whom we no longer label, but obviously still consider, the unfit.

We frown on abortion for the purpose of sex selection (although we don’t prohibit it and it would be hard to do so while keeping abortion generally legal), in part because we think it expresses a negative view of women. We don’t seem to have that worry about people with disabilities.

Health is a basic human good. It is perfectly understandable that disabilities should frighten (and sometimes even disgust) us. We might look at a disabled person and, comparing his condition to our own health, believe we wouldn’t “want to live that way.” This is especially true if we have more fears than knowledge about what life with a disability entails. Almost every parent of a disabled child would wish that his child not have a disability or that a cure be found. We are right to value health, but not by devaluing the unhealthy. Notice the way our language sometimes slips into identifying a person with his affliction, as in Elders’s reference to “Down’s syndrome infants.” (We wouldn’t call someone a “breast cancer woman.”) The medical project should be to make people better, not to make better people.

The improved condition of people with Down syndrome over the last few decades complicates both sides of the debate. Such people—at least those whom we allow to live—have better prospects than ever before. Their life expectancies have risen, and most of them can learn to read and hold a job (contrary to what some pregnant women are told).<sup>15</sup> Our society treats disabled children and adults, in general, better than it used to, outside the contexts of abortion and euthanasia. So the worst pro-life fears about the dehumanization of the disabled have not been realized. It may be, of course, that our treatment of disabled children and adults would be even better if we did not routinely kill disabled fetuses in the womb.

But the same trends also make our treatment of disabled fetuses, in a way,

more alarming. Down syndrome isn't a terminal illness, although it is a difficult (and expensive) condition. Yet we consider it something to be stamped out in the womb. We don't even protest at the starvation of infants who have it. In the "Baby Doe" case of 1982, a baby boy was born in Indiana with Down syndrome and a common symptom of that syndrome, an improperly formed esophagus. The boy's parents decided against surgery to fix the esophagus, opting instead to give him painkillers and let him die of starvation. The Reagan administration sought to intervene but was turned aside. It later promulgated regulations to ensure that babies receive medical care, but courts struck them down.<sup>16</sup> Perhaps some future society, no doubt with its own smugness and its own sins, will condemn our barbarity.

Or perhaps our eugenic tendencies will grow even stronger. One danger is that we will come to see children less as gifts than as products of manufacture. The commodification of human life is almost upon us: The biotech industry is looking at patenting early-stage human organisms pursuant to stem-cell research. Will we grow less and less tolerant of what we see as defective goods? Will we abort children who are deaf, or blind, or dumb, or short, or gay? How will the health and insurance industries treat us if we don't? How will our neighbors—or the strangers that we meet?

All over this country, there are people sitting in seminars at think tanks, colleges, and working groups, pondering these questions as though they concern the future. But these evils already exist, in embryonic form, today. Just ask Patricia Bauer. Or listen to Joycelyn Elders.

The party of death has corrupted the practice of medicine, turning healers into killers. Bernard Nathanson made that journey, and returned.

Nathanson was one of the founders of the National Association for Repeal of Abortion Laws. In the 1970s, he directed what was at the time the largest abortion clinic in the world, the Center for Reproductive and Sexual Health in Manhattan. He performed, he says, "many thousands" of abortions.

It was not a religious conversion, but technological and scientific advances, that changed his mind. His thinking about abortion, like that of many other people, was powerfully affected by the development of ultrasound technology. "When ultrasound in the early 1970s confronted me with the sight of the embryo in the womb, I simply lost my faith in abortion on demand," he later wrote. He was, at the time, an atheist.

It was not only the images that swayed him, but the new understanding of fetal development that ultrasound made possible. "As recently as [1969], we knew almost nothing of the fetus; when abortion on demand was unleashed in the United States, fetology essentially did not exist."

Nathanson went on to become a pro-life author, speaker, and documentary producer. His 1985 film *The Silent Scream* is misremembered today. It was not primarily an attempt to prove that abortion inflicts pain on a fetus (exactly when the fetus develops to the point of feeling pain is still a disputed question). It was a depiction of the violence of abortion.

By 1984 . . . I had begun to ask myself more questions about abortion: What actually goes on in an abortion? I had done many, but abortion is a blind procedure. The doctor does not see what he is doing. He puts an instrument into a uterus and he turns on a motor, and a suction machine goes on and something is vacuumed out; it ends up as a little pile of meat in a gauze bag. I wanted to know what happened, so in 1984 I said to a friend of mine, who was doing fifteen or maybe twenty abortions a day, "Look, do me a favor, Jay. Next Saturday, when you are doing all these abortions, put an ultrasound device on the mother and tape it for me."

He did, and when he looked at the tapes with me in an editing studio, he was so affected that he never did another abortion.<sup>17</sup>

#### NOTES

1. "The Year in Medicine," *Time*, Dec. 5, 2005; Amy Dockser Marcus, "A Brother's Survey Touches a Nerve in Abortion Fight," *Wall Street Journal*, Oct. 3, 2005, p. A1; Tucker Carlson, "Eugenics, American Style," *Weekly Standard*, Dec. 2, 1996, p. 20.
2. Jonathan Finer, "Study: Negativity Often Tied to Down Syndrome Diagnoses," *Washington Post*, April 29, 2005, p. A3.
3. *Ibid.*; Marcus, *op. cit.*
4. Marcus, *op. cit.*; Patricia Bauer, "The Abortion Debate No One Wants to Have," *Washington Post*, Oct. 18, 2005, p. A25; "Disability, Abortion and the Nature of a Tough Decision," letters to the editor, *Washington Post*, Oct. 22, 2005, p. A19.
5. Leon Kass, "A More Perfect Human," speech at the U.S. Holocaust Memorial Museum, March 17, 2005. Of course, "private reproductive choice" does worse than "coerce" the unborn child.
6. Joycelyn Elders, testimony before Senate Committee on Labor and Human Resources, May 23, 1990.
7. Justice Oliver Wendell Holmes's opinion for the Court in *Buck v. Bell* (1927). See also Paul Lombardo, "Three Generations, No Imbeciles: New Light on *Buck v. Bell*," *New York University Law Review*, vol. 30 (April 1985).
8. At least in public. See Angela Franks, *Margaret Sanger's Eugenic Legacy* (McFarland & Co., 2005), p. 11.
9. Sanger was a sponsor of Americans for Voluntary Sterilization, but both its and her view of what constituted a "voluntary" sterilization were elastic. See Ian Dowboggan, "'A Rational Coalition': Euthanasia, Eugenics, and Birth Control in America, 1940-1970," *Journal of Policy History*, Vol. 14, No.3 (2002), pp. 238-39. See also Franks, *op. cit.*, pp. 187-88.
10. David Tell, "Planned Un-Parenthood," *Weekly Standard*, Jan. 27, 2003; see generally Franks, *op. cit.*
11. "The Control of Births," *The New Republic*, March 6, 1915, p. 114.
12. "Letters to the Editor," *New York Times*, Feb. 28, 1969.
13. Bentley Glass, "Science: Endless Horizons or Golden Age," *Science*, Vol. 171 (1971), p. 28.
14. To be precise, the *Freakonomics* theory is *eucltural* rather than eugenic. The authors don't claim that genes destine certain unborn children to be criminals; poor upbringing, brought on by their unwantedness, does. Such distinctions probably have little to do with the *popularity* of the theory.
15. See George Will, "It's Better to Exercise the Right to Live," *Augusta Chronicle*, April 14, 2005.
16. Jim Holt, "Euthanasia for Babies?" *New York Times Magazine*, July 10, 2005.
17. Bernard Nathanson, *The Hand of God* (Regnery, 1996), esp. pp. 129, 140-41.

“Your baby will die”:

## The Story of Grace

Sandi Seyferth

*Sandi Seyferth lives in the Midwestern United States (Michigan) with her husband Patrick and their five children. She is a stay-at-home mom and enjoys managing her active family; volunteering at school and within the community; photography; scrapbooking; and travel. As a “retired” certified public accountant, she hopes to one day assist her husband’s busy law practice.*

In early June 2002, my husband and I found out we were expecting our fifth child. We were very excited about the news and everything seemed normal as I began the familiar symptoms of nausea, moodiness and fatigue, and I silently prayed for an uneventful nine months.

During my first doctor’s visit, the need for prenatal testing was brought up. I listened politely, but quickly informed him that I was really not interested and that I would be committed to the pregnancy regardless of any anomalies. He went on to explain that I really did not know what I would do if I had the information and I should get it anyway. Since I continually declined testing, the doctor wanted to make sure that my ultrasound was done right at 18 weeks.

The ultrasound date came quickly and my husband and I were excited to see our growing baby. The routine ultrasound seemed to be moving along okay, although it took a very long time and the technician seemed to be taking a lot of pictures of my baby’s bones. We thought this was rather odd, and joked between ourselves with eye gestures and smiles. After all the ultrasound pictures were completed, the technician left and was gone for a long time. When she returned she began taking additional measurements of our baby’s kidneys. I started to worry, but was somewhat relieved that we were not immediately referred to the staff doctor. After that, we were free to go home.

I phoned my doctor that afternoon and when he called me back he announced that there were some problems with my baby. My amniotic fluid was very low; my baby’s bones were small; the femur bones were curved; the head was odd-shaped, and the kidneys, stomach and bladder were abnormally sized. In addition, the report said that my baby’s left foot was

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*Sandi Seyferth’s “The Story of Grace” appears in *Defiant Birth: Women Who Resist Medical Eugenics* (Spinifex), the new book by long-time *Review* contributor, Melinda Tankard Reist. Ms. Reist is an Australian writer and researcher with a special interest in bioethics, women’s health, and medical abuses of women. Reprinted with permission of Spinifex Press.*

turned—possibly clubbed. He referred me to a perinatologist—and added that the report indicated a pregnancy which, in his opinion, “smelled like chromosomal problems,” especially in light of my advanced maternal age (37) and that I should keep my options open.

My husband and I reacted quickly. We were lucky enough to get an appointment with the Director of Ultrasound who is a board-certified perinatologist at a well-regarded research facility in our major city. The hospital and our doctor both have national reputations in handling high-risk pregnancies. We were hopeful that the small local hospital that performed the first ultrasound was simply wrong and that the specialists here would set the record straight. My ultrasound was scheduled for Thursday 12 September.

Our world would never be the same after that day. After an hour-long ultrasound performed by a highly skilled technician, the nationally regarded perinatologist personally came in to perform a second ultrasound, in uncomfortable silence.

We watched in horror at the whispering between the growing team. Finally, the curved femurs were pointed out to my husband and me and we were then asked to wait for the doctor in the office down the hall. She arrived about half an hour later and informed us of the devastating diagnosis: a lethal type of skeletal dysplasia. As a result, there was no reason to mince words: “Your baby will die.”

Lethal skeletal dysplasia, the doctor explained, is a rare form of dwarfism in which the child’s arms and legs are extremely short and malformed, and the chest cavity is very small. In these circumstances, a baby cannot sustain life for more than a few hours because the narrow chest cavity does not allow the lungs to develop properly or to expand and provide the proper amount of oxygen necessary to sustain life. So long as the baby is attached to the mother, she will develop and grow. However, the cutting of the cord is itself the severing of the only lifeline sustaining the child. As a result, the baby dies of respiratory distress. The options: “interruption” of the pregnancy, or continue on, with periodic monitoring of the baby’s condition, and prepare for a burial shortly after the birth. We left in a pool of tears and shattered dreams.

Over the course of the next few days my husband and I discussed our so-called “options.” We did not want to terminate, although we did not yet quite understand how long we should carry the baby—whether or not we should deliver early after seven months. We talked with friends and family. We had such a range of advice, however one thing really hit home. My sister-in-law’s priest explained the confusing situation in clear and beautiful words: God does not value a life as a number of years (or even days) we’ve

spent alive here on earth. “All life is equally valuable, no matter how short, and we can never fully understand the impact of one life on all of humanity.”

We decided to carry our child to term and to love her for the time she would spend with us, inside me. As we made this decision, we embraced her sweet kicks each night; we found out the sex of our baby (something we had never done before) and named her Grace, which means “undeserved gift from God.”

My original obstetrician, on receiving the ultrasound report and learning of my desires to carry the baby to term, quickly dropped my case. He did not want to handle my prenatal care and even said that 90 percent of people with my diagnosis would have “made the appointment” by now. I transferred to the perinatal facility, which provided an entire team of specialists who would closely follow our case.

I entered a fetal assessment program and had ultrasounds performed monthly to monitor my baby’s progress. Our meetings were coordinated by the Director of Genetics, who was not at all sensitive to my decision not to terminate. In fact, until 28 weeks had passed and a termination was no longer possible, this topic was the focus of our monthly meetings. My husband and I stayed the course of our decision and avoided the geneticist’s attempts to spread doubt and fear. However, I must admit, it was very difficult not to be bothered by his comments and advice.

The diagnosis of our daughter’s condition was “validated” at each ultrasound: small femur bones (and other long bones); an easily manipulated bone structure; and a very narrow chest cavity. Her feet were always perplexing to the doctors; no one was ever quite sure what was wrong with them and this apparently was all part of the skeletal dysplasia. During one of the assessments, I had a three-dimensional ultrasound. A beautiful clear image of our daughter’s face was given to us. We kept this image on our refrigerator door. It carried me through the tough times and helped me believe in this little life inside of me (although the General Electric commercials with the song “The first time ever I saw your face” were simply too much to bear). I longed for the day I would hold her—even if her time alive was very short. I longed for her just the same.

The last of my six ultrasounds was performed on 30 December. Grace’s measurements were so poor at this time that they stopped the ultrasound after measuring only one side of her body. In the exam room were the Director of Ultrasound, Director of Genetics, two neonatologists and a technician. They all agreed that the prognosis of lethal skeletal dysplasia was correct and would take Grace’s life upon birth. We provided a birth plan which

stated that there would be no ventilation, that the baby was to be wrapped in a blanket and given to my husband and me after birth so that we could spend time with her. Her predicted life span was given as four to six hours. The hospital agreed to let our four other children come to see their sibling. We made plans to have the baby baptised. The only other arrangements we made were with the cemetery.

On 8 January, 2003, I started to have some slight cramping and other symptoms indicating that I may be going into early labor. My husband had a short trip to Arizona planned and was leaving on the early flight the next day. I told him about my symptoms and he insisted I call my doctor, who said to come to the hospital in the morning and he could check me out. Convinced that I may be going into labor, I packed my bags and loaded them in the car.

On the morning of 9 January I was hooked up to a fetal monitor and checked for dilation/effacement at the hospital. The doctor calmly stated that I had not dilated at all and my cervix didn't appear shortened. He said he was confident I would not deliver until closer to my due date—18 February. He told my husband to catch the next plane out. Relieved by the news, I drove my husband to the airport on an unusually warm and sunny January day. Feeling better than I had in months, I drove home and felt an unusual peace and happiness. Not that my daughter would live—but just that I could endure what lay ahead, although there were emotional lapses caused by such things as the expiry date on the carton of milk that was after the date my baby would be born and die.

At about 2 pm that day, I received a phone call from my husband. The fog was so bad in Phoenix they could not fly. He returned home. Incredibly, at about 11:30 that same evening, my water suddenly broke (at 35 weeks' gestation). We called my parents to come stay with the kids, and left for the hospital. Our adrenaline was high and our emotions ranged from fear, sadness, longing to finally hold our baby, and confusion. On arrival, my doctor examined me, checked the position of the baby via ultrasound, ordered an epidural, and informed the nurse that there was no need for a fetal monitor. The doctors were so sure that Grace would not live that there was no need for monitoring.

Grace Marie was born at 11:19 am. All eyes were on my daughter as she emerged screaming from the womb—and my first impression was Wow! She doesn't look that unusual to me. Weighing in at 4 lbs 2 oz, Grace was indeed a small baby. Doctors and nurses immediately began to assess her breathing and vitals. There were about eight to ten medical doctors and nurses in the room assisting. In addition, several other resident doctors and researchers



were in the doorway and hallway, hoping to catch a glimpse of the “dysplasia baby.” Our nurse, who by this time had become completely empathetic to our situation, forced unnecessary observers away from our room.

The doctors and nurses were busy, yet no one was saying very much. They gave Grace a little oxygen to “pink her up” and, given the fact that she was five-and-a-half weeks early, her respiratory wellness was no less than unbelievable. Grace’s APGARs were eight and nine. They wrapped her in a blanket and handed her to my husband and me. We joyfully embraced Grace and took lots of pictures of her.

Grace was cleaned up and while she was gone my parents and our children arrived, followed by my two sisters-in-law. Then came the chaplain, who performed the most beautiful baptism of Grace right in our labor and delivery room. We were all crying and so happy that Grace was alive long enough to be baptised. We took pictures of everyone holding her. Despite the fact that we were still not expecting much more time with her, everyone was so happy. We were celebrating.

About an hour later, Grace began a form of respiratory distress known as “grunting.” The neonatal nurse who had been staying with us since her birth needed to take her to the newborn intensive care unit for evaluation. We all feared that this was the beginning of the end for our beautiful daughter. The jovial mood in our room immediately changed to sadness. Our family left saying tearful goodbyes to Grace and we went out to talk to the neonatologists.

The neonatologists wanted to do a variety of tests on Grace right away. They informed us that a team of pediatric doctors were already waiting for her at the Children’s Hospital—connected to the delivering hospital by underground tunnel. We agreed to have Grace tested. My husband went with her. During the tests, Grace screamed so loud he couldn’t believe it was our little four-pound baby.

When they returned, the doctors took Grace back to Special Care and we waited anxiously for the results of the tests. About two hours later, the head of Neonatology called and asked if she could meet with us in our room. She excitedly told us the unbelievable news: the X-rays indicated that Grace did not have skeletal dysplasia (lethal or non-lethal) and that her bone structure was very proportionate. They felt she was small, however did not feel she was out of the normal range (she was in the tenth percentile for height and weight). The doctor also announced that Grace had oxygen saturation of 100 percent. Apparently the respiratory grunting had resolved itself when Grace screamed the mucus out of her lungs during testing. She was nipping bottles well, and maintaining her own temperature. They had no reason to

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even keep her in Special Care, and were bringing her down to “room in!”

We were in a complete state of shock. My husband and I just hugged and cried. Family and friends were called and we cried with each one of them. Everyone was stunned by Grace and the amazing result after all the terrible predictions. My husband and I spent the next two days in the hospital with Grace; we took turns just holding her, staring at her. We were so filled with happiness and thankfulness. The nurses had a baby shower to celebrate her life. On Sunday we were discharged together. The memorial service we had planned for Grace was immediately changed to a celebration of her life!

Grace is now fifteen months old and an exuberant bundle of energy. She is walking, talking and doing all the things a normal fifteen-month-old would do. She is still a tiny little thing—16 pounds at one year of age—but it has not stopped her one bit. She is a light to our whole family and a constant reminder that you never can lose faith even when all seems hopeless. I shudder to think of my feelings on this day had we listened to the many specialists who felt “interrupting” this pregnancy would be our best option. Would I ever have known the truth about my lovely daughter?

Even if the diagnosis had been correct, the hours or even minutes holding her would have been easily worth the pain and suffering. Later, many people told us that seeing me carry this baby had affected their lives in ways I would never know. We are forever grateful that we listened to our hearts.



*“Shhh! I hear something living.”*

## How the Supremes Flunked History

Mary Meehan

Joseph W. Dellapenna is a law professor who specializes in environmental law and has taught at Villanova University for three decades. He is a Unitarian, but says he might be described “as a lapsed Unitarian, for I find even that church too restrictive.” Married twice, he has three daughters and two sons. He notes “several close encounters with abortion in my life, including professional and personal relationships with women who have had abortions.”<sup>1</sup>

Dellapenna is also a fierce critic of *Roe v. Wade*, and has been for more than 30 years. As a young professor, he was studying population policy when the Supreme Court decided *Roe* in 1973. Justice Harry Blackmun had relied on two articles by law professor Cyril C. Means, Jr., for his *Roe* history of abortion law, so Dellapenna read the Means articles. He found some of their claims to be “seriously deficient even based on the evidence Means himself presented.” Dellapenna started researching and writing about the history of abortion law and eventually submitted friend-of-the-court briefs in major abortion cases.<sup>2</sup> His criticism of *Roe* has been so strong that in the Fall 2005 issue of this *Review*, I mistakenly identified him as a right-to-lifer. He is not. As he explains in his huge new book, *Dispelling the Myths of Abortion History* (Durham, N.C.: Carolina Academic Press, 2006, \$95), he believes abortion should be legal “up to eight weeks of gestation.” He cites articles on “brain birth” to support his position, but does not actually argue for it in the book.<sup>3</sup>

His main focus is the history of abortion law in England and the United States. The English emphasis is important because English common law—the customary law, based on cases and precedents rather than statutes—often was decisive in early U.S. history unless replaced by specific statutory law.<sup>4</sup> American lawyers and judges had to know the common law. Dellapenna says there were no state anti-abortion laws until 1821, when Connecticut enacted the first. New York City, though, had passed a municipal ordinance in 1716 that barred midwives from administering “any Herb Medicine or Potion, or any other thing” in order to cause an abortion.<sup>5</sup>

Dellapenna shows that the late Prof. Means, who taught at the New York Law School, was wrong in claiming there was a common-law liberty to have an abortion. (If there *were* such a liberty, there might be a strong argument that the Constitution’s Ninth Amendment protects it as a right “retained by the people.”) He says the “history embraced in *Roe* could not

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withstand careful examination even when *Roe* was written.” Research since that time has shown the *Roe* version of history to be even worse than many critics had thought. Sir John Hamilton Baker, an expert on English legal history who teaches at the University of Cambridge, has found and translated early case records that previously were available only in Latin or “Law French” (a leftover from the Norman conquest of England). California attorney Philip Rafferty, with much assistance from Baker, has gone deeply into those common-law cases. Dellapenna has drawn on their work and has done much of his own research on the medical history of abortion.<sup>6</sup>

In painstaking research, Baker and Rafferty uncovered early English abortion cases that the legal community—including the Supreme Court—did not know about in 1973. Rafferty, in his *Roe v. Wade: The Birth of a Constitutional Right*, documents over 100 English abortion-related cases that occurred before the American colonies declared their independence from England in 1776. His appendices, consisting mainly of verbatim case reports, provide an enormous amount of information on these and later cases.<sup>7</sup> The information shows that Justice Blackmun was clearly wrong about the common law. Legally speaking, *Roe v. Wade* is already tottering on the edge of a cliff. The Baker-Rafferty-Dellapenna research should help push it over.

Dellapenna calls *Dispelling the Myths of Abortion History* “an argumentative book.” Indeed, it is. It’s a book of ferocious intellectual combat in which he does not spare his adversaries. Prof. Means, he points out, was general counsel of the National Association for the Repeal of Abortion Laws (NARAL) when he wrote one of the articles cited by Justice Blackmun in *Roe*. Dellapenna charges that Means “designed his research to support the political task of changing the abortion laws,” missed much key evidence, and distorted other evidence.<sup>8</sup> Other scholars—including Linda Gordon, Angus McLaren, James C. Mohr, Leslie J. Reagan, John M. Riddle, and Laurence Tribe—come in for their share of criticism as well.

At 1,283 pages and over 8,000 footnotes, this is a massive book, one its author worked on for 15 years. For all its depth and richness, though, it does have real flaws. Typographical errors abound, suggesting over-reliance on a computer’s spell-checking program. Spell-checking does not catch a real word that’s used in the wrong place; so we find references to a crime “waive” and the second “waive” of feminism, as well as “principle” for “principal” and “loose” for “lose.”<sup>9</sup> There are many other typos—e.g., an abortion rate is said to be “five times more higher” than another, and a process “often has often been abused.”<sup>10</sup> I’ve never before seen so many such errors in one book. In such cases, though, the reader can usually tell what is meant. More serious is the statement that a group of people who had handicaps as children

“unanimously agree that they should have been allowed to die”: The original source makes it clear this should read “*not* have been allowed to die.”<sup>11</sup> There are also footnote references that give the wrong numbers of other footnotes,<sup>12</sup> something that often happens when notes are added or deleted during the revision process. There are places where a description is confusing or contradicts something said elsewhere in the book. An account of *Roe v. Wade* indicates that attorney Sarah Weddington did *not* use in court plaintiff Norma McCorvey’s claim that her pregnancy resulted from rape (a story McCorvey recanted years later). Yet elsewhere the same account says that “this lie, repeated frequently in open court, was carried up without question and appears in the Supreme Court opinion as well.” (In fact, the page cited in the *Roe* opinion refers *not* to McCorvey’s claim of rape but, rather, to a policy on rape and abortion proposed by a committee of the American Medical Association. The *Roe* opinion’s description of “Jane Roe” (McCorvey’s pseudonym) says nothing about a rape claim.)<sup>13</sup>

All of this might be explained by the limitations of word-processing, the many interruptions by other work over a 15-year period, or sheer exhaustion. I would hope to see a revised edition of *Dispelling the Myths of Abortion History*, one thoroughly copy-edited and fact-checked so that it can’t be challenged. A book may be accurate for the most part, as I believe this one is, yet rejected by many because it has a flock of minor errors and a few major ones. Yet the book is a gold mine of information and interpretation.

#### The True Common Law

Dellapenna believes that changes in abortion techniques had enormous influence on the incidence of abortion. Abortion was relatively rare before the 1800s, he says, because most methods tried before then were either ineffective or else very dangerous for the mother. Folk medicines often were useless; poisons could kill the mother as well as the child; and abortions by instrument were rare and exceptionally dangerous in the era before anesthesia, antiseptics, and antibiotics.<sup>14</sup>

Some medieval English cases involved women who fought with other women and injured them severely enough to cause abortion. More common, though, were cases of male assaults against women that resulted in abortion. Some assaults were connected with other crimes, such as robbery or attempted rape, while husbands or boyfriends were responsible for others. Sometimes the records suggest deliberate attempts to cause abortion, sometimes not. Many suggest great brutality. In *Rex v. Cokkes* (1415), a man was accused of beating a woman and causing her to give birth to twins five weeks “before her time, to the great despair [sic] of her life, by which assault the back of

one child and the legs or limbs of the other were broken so that they died immediately after their birth.” And in the 1622 case of *Rex v. Thomas Hallibred*, Hallibred was accused of kicking his wife when she was “great with child.” She was soon “delivered of a child with all the forepart of the skull beaten into the head, a most pitiful sight to be seen, dead.”<sup>15</sup>

Possibly the first recorded English case, *Agnes’s Appeal* in the year 1200, involved the medieval English practice of “appeal of felony.” This was a form of private prosecution that usually meant trial by combat. A woman needed a champion, a family member or someone she might hire, to battle on her behalf against the person she accused. A defendant who failed to appear for combat was declared an outlaw and, in the early years, could be killed by anyone.<sup>16</sup> Agnes, daughter of Saxi, claimed that John of Paris had assaulted her when she was actually in labor, saying that “he came to her house and dragged her out by the feet and struck her with a certain pole in such a way that she lost her child.”<sup>17</sup> John of Paris claimed he was entitled to a trial involving oaths rather than battle. The outcome is unknown, but Dellapenna says nobody “questioned the propriety of the charge, only the method of trial.”<sup>18</sup>

Henry de Bracton, the first major compiler of the common law, wrote in the mid-1200s that if someone “strikes a pregnant woman or gives her a potion in order to procure an abortion, if the foetus is already formed or animated, especially if it is animated, he commits homicide.”<sup>19</sup> Philip Rafferty says estimates of when a fetus is formed (has a human body) ranged from 45 days to three months or more. Animation (receiving a human soul) occurs at about the same time, some thought, while others placed it later.<sup>20</sup> In practice, I suspect, people in the Middle Ages and the early modern era simply judged whether an aborted child “looked human” to them. While many common-law cases clearly dealt with late pregnancy, many others said nothing about the child’s age or size.

The distinctions between formed or unformed, animated or not animated, have bedeviled the abortion debate—and discriminated against the youngest of the unborn—at least since the time of Aristotle. In the Middle Ages, as in ancient times, people had no knowledge of genetics and did not understand embryonic and fetal development. They had no ultrasound, fetoscopy, or other “windows on the womb.” St. Thomas Aquinas and other leading theologians accepted Aristotle’s theory of delayed ensoulment; they believed that early abortions were gravely sinful, but not homicide.<sup>21</sup> And lawyers had major evidentiary problems when dealing with abortion. In an early abortion, what was visible to the naked eye might not seem human to a witness. If someone beat a woman severely, and she miscarried weeks later, how could

one prove that the beating caused the miscarriage? If a child was stillborn, how could one prove that he or she was alive when the abortion occurred?

There was, though, some protection for the unborn before the time of formation—or of quickening, when that later became the norm. In the Middle Ages, and for some time after the Reformation, church courts in England prosecuted some abortion cases, including ones that involved “potions” or drugs. And for at least part of that period, doctors, midwives, and “apothecaries” (druggists) took oaths that they would not do abortions or provide drugs for them.<sup>22</sup>

In *Juliana’s Appeal*, around 1256, the defendant had beaten “one Juliana, daughter of Maynard, so that he killed her boy in her womb, and fled.” The man was outlawed.<sup>23</sup> *Rex v. Scharp*, a 1276 case, involved wool merchant Richard Scharp, who “beat his wife, Emma, so that she gave birth to a stillborn boy.” Scharp was arrested and released on bail, but died before the case could be concluded. There was a judgment, though, against the sheriff who had allowed bail on pledges from only six men, because “according to the law of the City [London] no one accused of a man’s death should be released on bail except on the pledges of twelve men.”<sup>24</sup> Thus the stillborn boy was considered a man. And the fact that most early abortion cases involved assaults against women, Dellapenna comments, reflects “the long-held tradition that an aborting mother was seen as a victim rather than a criminal.” He calls this a “common-law tradition.”<sup>25</sup>

#### A Case Misunderstood for Centuries

One assault case, known at the time of *Roe* and heavily relied on by Cyril Means, was known only by an incomplete report—and thus was misinterpreted by some major commentators. Means also misinterpreted it, claiming it established that abortion “was not a felony at all at common law.” In the 1327-28 case of *Rex v. de Bourton*, Richard de Bourton was accused of beating a woman late in pregnancy. She was carrying twins; the beating allegedly killed one in the womb and caused the other to die soon after birth. The brief report upon which Means relied said the judges “were unwilling to adjudge this thing a felony.”

Prof. Baker found original court records of the case showing that Bourton had been accused of a felony with respect to at least one of the twins, and possibly both. One record quotes a message from King Edward III about the case. Relying on information from his chief justice, the King wrote that Bourton had been indicted for beating a tailor’s wife, Alice Carles, who was “greatly pregnant” with twins, so that “he feloniously killed one of the aforesaid children in the belly of the same Alice its mother, and broke the

head and arm of the other . . . so that it was forthwith born and baptized by the name of Joan,” and immediately died. Other court documents refer to Joan’s death alone as a felony, although Prof. Baker has suggested this “may have been clerical shorthand.” Bourton’s case was delayed when he was arrested on another allegation, and delayed again when jurors failed to appear for the twins’ case. Meanwhile, Bourton obtained a royal pardon that ended the twins’ case. Dellapenna notes that pardons were then “issued to many on condition that they agree to serve in the Scottish wars.” Bourton, though, “appears to have been exempted from such a condition, perhaps indicating that he was well connected at court.”

Baker, Dellapenna, and Rafferty all say the judges’ unwillingness “to adjudge this thing a felony” was just a preliminary conclusion related to bail. In other words, the judges thought that if Bourton had beaten Alice Carles, he may not have acted with “malice aforethought” in the sense of intending to kill the twins. But the question of whether Bourton had, in fact, committed a felony was left open—until the royal pardon ended the case.<sup>26</sup>

In the 1602 case of *Regina v. Webb*, Margaret Webb was indicted for self-abortion. The indictment accused her of destroying the “child in her womb” by eating a poisonous substance called ratsbane. The brief record doesn’t show whether the case actually went to trial, but notes that Webb was pardoned “by the general pardon.”<sup>27</sup>

Sir Edward Coke, a colossus of English legal history, dealt with abortion in his *Third Institute* (1644). He said that when a woman who was “quick with childe” aborted herself, or was beaten by a man, and the child was born dead, then “this is a great misprision, and no murder.” (Elsewhere he described this type of misprision as “some heynous offence under the degree of felony.”) But if the child was born alive, and then died of an injury received in the abortion attempt, Coke said, the offense was murder.<sup>28</sup> Coke thus modified Bracton and created the “born-alive rule.” It’s hard to be sure what Coke meant by “quick with childe.” The term usually is interpreted to mean “quickening”—that is, the time when a pregnant woman first feels fetal movements. Medical authorities today generally place this at 16-20 weeks of pregnancy.<sup>29</sup> But Dellapenna and Rafferty say the term “quick with child” sometimes meant simply that the child was alive, and Rafferty makes a strong case on this point.<sup>30</sup>

#### **More Mischief: From Means to Blackmun**

Prof. Means, who claimed to have presented English common law on abortion “thoroughly,”<sup>31</sup> managed to miss most of the cases. This enabled him to say that the sketchy record of what he called *The Abortionist’s Case*



(1348) proved that abortion was not a crime of any type at common law. The case record stated: “One was indicted for killing a child in the womb of its mother, and the opinion was that he shall not be arrested on this indictment since no baptismal name was in the indictment, and also it is difficult to know whether he killed the child or not, etc.”<sup>32</sup> Yet the issue of baptismal name was not even raised in most abortion cases. And if the authorities felt the evidence was insufficient for trial in *The Abortionist’s Case*, that said absolutely nothing about evidence in other cases.

Justice Harry Blackmun, relying on the writing of Prof. Means, wrote in *Roe v. Wade* that it seemed “doubtful that abortion was ever firmly established as a common-law crime even with respect to the destruction of a quick fetus.” Compare that remark with *Agnes’s Appeal*, *Juliana’s Appeal*, *Rex v. Scharp*, *Rex v. de Bourton*, *Regina v. Webb*, and the following cases scattered over several centuries. Relying on Rafferty’s appendices, I have noted the outcome of each case where known; but the key item is the charge or indictment, since it shows the criminal status of abortion:

—*Merchant v. Andevere* (1249). Philip of Andevere was accused of beating a woman “wickedly and in felony” and thus causing a miscarriage. Andevere was convicted of striking her, but acquitted of causing a miscarriage.

—*Rex v. Haule* (1321). Maude de Haule was accused of throwing another woman out of a house and thus causing the premature birth of the woman’s baby girl, who died right after birth. Haule was hanged; but it’s not clear whether it was for this offense, another offense, or possibly a combination.

—*Rex v. Portere* (1400). John Portere was accused of waylaying William and Agnes Pounfret; he “so squashed” the pregnant Agnes that her child, Walter, “died soon after birth.” Portere was convicted, but received a pardon.

—*Rex v. Wodlake* (1530). According to the indictment, William Wodlake “feloniously killed and murdered” the unborn child of Katharine Alaund by giving Alaund “a certain drink in order to destroy the child.” Wodlake died before the case could be tried.

—*Rex v. Squire* (1687). The indictment said that William Squire “feloniously, wilfully [sic] and of his malice aforethought poisoned killed and murdered” the unborn child of himself and Hannah Holman by giving Holman a mixture including white mercury. She gave birth to a boy who was said to be “seriously diseased” by the poison and who died a few months after birth. Holman apparently was the only witness against Squire; he was acquitted.

—*Rex v. S. G. and R. T.* (between 1731-1761?). The indictment accused S. G., when “quick and pregnant,” of “feloniously” taking a poison that made her unborn son “sick and distempered” so that he died soon after birth. It

also accused R. T., a male laborer, of being an accessory. One or both defendants apparently fled and were subjected to forfeiture of goods.

—*Rex v. Beare* (1732). Eleanor Merriman Beare was indicted for aborting her servant, Grace Belford, “by putting an iron instrument up into her body.” Convicted on that count and a separate count of giving a man poison to kill his wife, Beare was sentenced “to stand on the pillory, the two next market-days, and to suffer close imprisonment for three years.”<sup>33</sup>

There were also at least six cases from 1589 to 1811 in which women died after abortions by assault, poison, or instrument—and the abortionists were convicted and executed.<sup>34</sup>

As it evolved through the centuries, English common law did not treat abortion as ordinary homicide. This was partly due to confusion about formation, animation, and quickening; but the vexing problem of evidence was also a major factor. The record shows concern about the lives of both mothers and children, but clearly not enough for sufficient protection. In 1803 Parliament passed a law that made abortion a felony, and one punishable by death when done while the mother was “quick with child.” An 1837 law deleted the “quick with child” distinction; it also substituted imprisonment or transportation (exile) for the death penalty. According to Dellapenna, the penalty was changed because “juries were increasingly reluctant to convict abortionists if the penalty were death.” He says this reluctance wasn’t unique to abortion, but “extended to all capital crimes.” He emphasizes that legal changes in the 1800s were “primarily directed at the protection of fetal life” and that new scientific evidence about conception had much to do with those changes.<sup>35</sup>

#### **Meanwhile, in America . . .**

Apparently no one has done a thorough check of American colonial records for abortion cases. Some colonial court records were destroyed or lost; others, Dellapenna says, are “in unsorted (and unindexed) boxes that must be searched item by item in each county seat.” There was a 1634 Virginia case about an alleged beating that caused a miscarriage, but the outcome is unknown. In 1683 a woman in Rhode Island was whipped for fornication and an abortion attempt.<sup>36</sup> In the early 1650s in Maryland, Captain William Mitchell was accused of trying “to destroy or Murther [murder] the Child by him begotten in the Womb” of his mistress. He had made her take some “Phisick” to kill the child, which was stillborn. Mitchell was convicted of “Murtherous intention,” as well as adultery and fornication, and was fined 5,000 pounds of tobacco. A spine-chilling Maryland case in 1663 was that of Jacob or John Lumbrozo, a surgeon who allegedly raped his maidservant

and, when she became pregnant, made her take a “Phisick” that caused an abortion. He apparently disqualified her as a witness against him by marrying her.<sup>37</sup> In a 1740s Connecticut case, a grand jury indicted John Hallowell for having tried to destroy the health of Sarah Grosvenor and “the fruits of her womb.” He had aborted Grosvenor, and she had died about one month later. Hallowell was convicted and sentenced to 29 lashes and to exposure on a gallows for two hours with a rope around his neck; but he avoided punishment by escaping the colony.<sup>38</sup>

American interpretation of the common law generally followed William Blackstone, whose 1765-69 volumes, *Commentaries on the Laws of England*, were a key authority for U.S. lawyers and judges both before and after the American Revolution. Blackstone wrote that abortion of a woman “quick with child” that resulted in the birth of a dead child “was by the ancient law homicide or manslaughter. But the modern law doth not look upon this offence in quite so atrocious a light, but merely as a heinous misdemeanor.” He supported Sir Edward Coke’s born-alive rule.<sup>39</sup>

Dellapenna shows that in the United States, as in England, new scientific evidence about fetal development led to much anti-abortion legislation in the 1800s. While early laws often made a quickening distinction, later ones generally did not. Dellapenna presents much information on changes in abortion techniques and social life that led to major increases in abortion in the late 1800s and the 1900s. Taking the story through the year 2003, he deals with *Roe v. Wade* and other major abortion cases at length.

In breaks between long sessions of reading his book, I began to wonder why it had taken the Supreme Court so long to deal with abortion. From research in other sources, it was my impression that the Court’s first abortion decision was in *United States v. Vuitch*, a 1971 case about District of Columbia law. Returning to Dellapenna, I was amazed to find *five* Supreme Court cases, long before *Vuitch*, that touched on abortion. The cases, with dates ranging from 1877 to 1949, didn’t involve constitutional challenges to anti-abortion laws. But they showed that the Court took for granted the criminal nature of abortion. None of the justices suggested any constitutional problems with anti-abortion laws. In fact, two or three of the decisions upheld state action against abortionists. Dellapenna notes that Justice Blackmun “did not even bother to cite, let alone to discuss” the five cases in his *Roe* opinion.<sup>40</sup>

In a 1988 essay describing cases unrelated to abortion, constitutional historian Leonard W. Levy remarked that the Supreme Court “rarely gets its history right” and that the Court “has flunked history.” But he also pointed out an instance of the Court’s past conduct that offers hope for the future.

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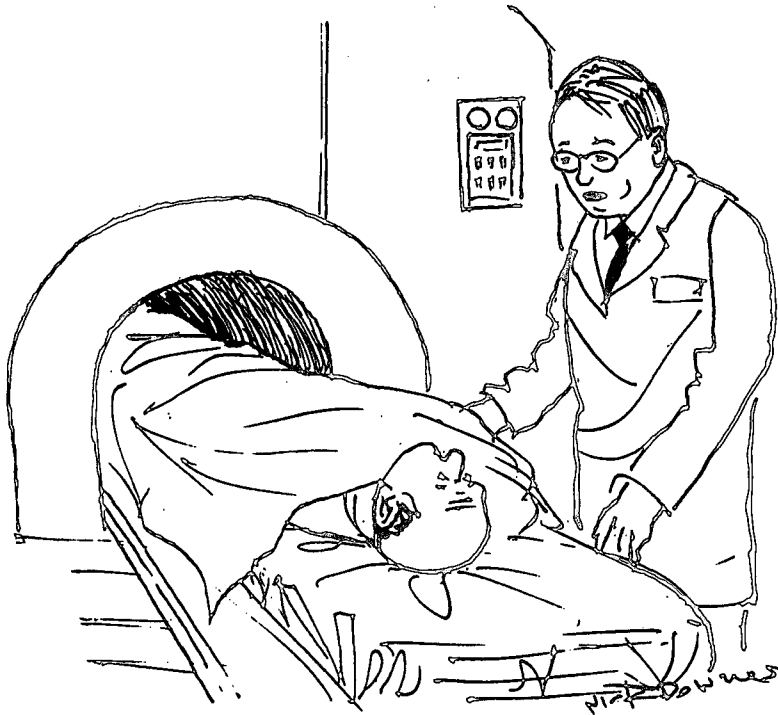
After a 1931 Court decision that mangled history in establishing a “two sovereignties rule” on compelled testimony, Levy writes, a serious historian published articles that left the Court’s “mistakes rott[ing] in the sun like dead mackerels for all to see.” A 1964 case raised the issue again, and “the Court confessed its errors, demonstrated that history belied the two sovereignties rule, and scrapped it completely.”<sup>41</sup>

NOTES

1. Joseph W. Dellapenna, *Dispelling the Myths of Abortion History* (Durham, N.C.: Carolina Academic Press, 2006), ix; and *Who's Who in America 2006*, vol. 1, 1127.
2. *Ibid.*, xi & 840, n. 38; and Gregory J. Roden, “The Abortion Mythology of *Roe v. Wade*,” *Human Life Review* 31, no. 4 (Fall 2005), 65-71.
3. *Ibid.*, x, n. 5.
4. *Ibid.*, 211-213; and Lawrence M. Friedman, *A History of American Law* (New York: Simon and Schuster, 1973), 94-99.
5. Dellapenna (n. 1), 268-269 & 227.
6. *Ibid.*, 126 & xv.
7. Philip A. Rafferty, *Roe v. Wade: The Birth of a Constitutional Right* ([Ann Arbor, Mich.: University Microfilms International], 1992), 459-765. My count of 105 does not include Rafferty’s cases from ecclesiastical, Scottish, or Irish courts, but does include several cases from English colonies in America.
8. Dellapenna (n. 1), xii & 143-52.
9. *Ibid.*, 99, 641, 644, 684, 764, & 848.
10. *Ibid.*, 736 & 1048.
11. *Ibid.*, 592; and the original source, an essay by C. Everett Koop in Dennis J. Horan and Melinda Delahoyde, ed., *Infanticide and the Handicapped Newborn* (Provo, Utah: Brigham Young University Press, 1982), 94-95.
12. Dellapenna (n. 1), 332, n. 113 (the reference to 19th-century cases); 462, n. 72 (the Wardle reference); and 465, n. 95.
13. *Ibid.*, 678-83 & n. 392; and *Roe v. Wade*, 410 U.S. 113 at 142, 113, 120, & 124-25.
14. See Dellapenna (n. 1), 18-24 & 37-50, for his strenuous disagreements with Mohr, Riddle, and others on the effectiveness and/or dangers of folk medicines and poisons.
15. Case records in Rafferty (n. 7), 579-80 & 648-49.
16. Dellapenna (n. 1), 129-31.
17. Case record, quoted in *ibid.*, 135.
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19. Quoted in *ibid.*, 132.
20. Rafferty (n. 7), 136-47.
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23. Case record, quoted in Dellapenna (n. 1), 138.
24. Case record, quoted in *ibid.*
25. *Ibid.*, 38 & 273. Violence against pregnant women is still a major problem. See the remarkable series of articles on this by Donna St. George in the *Washington Post*, Dec. 19-21, 2004 and her follow-up article of Feb. 23, 2005.
26. Cyril C. Means, Jr., “The Phoenix of Abortional Freedom,” *New York Law Forum* 17, no. 2 (1971), 335-410, 338, & 337; Dellapenna (n. 1), 144-50; and Rafferty (n. 7), 512-530 (including quotes from Prof. Baker). Means called this *The Twinslayer's Case*.

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31. Means (n. 26), 352.
32. Quoted in *ibid.*, 339.
33. *Roe v. Wade*, 410 U.S. 113 at 136; and case records in Rafferty (n. 7), 569-70, 530-31, 607-09, 504-07, 628-32, 612-16, & 672-83. See, also, Dellapenna (n. 1), 141-42, 178-80, & 233-37.
34. Case records in Rafferty (n. 7), 700-13, 715-16, & 718-22.
35. *Ibid.*, 472-74; and Dellapenna (n. 1), 243-62 & 256.
36. *Ibid.*, 211 & 220; and Rafferty (n. 7), 499 & 103-07.
37. Case records in *ibid.*, 483-96; and Dellapenna (n. 1), 215-20.
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39. Quoted in *ibid.*, 238-39.
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41. Leonard W. Levy, *Original Intent and the Framers' Constitution* (New York: Macmillan, 1988, 320, 300, & 310.



*"Some people feel they've entered a dark, claustrophobic place, from which there's no escape. They feel like a trapped rat. Hope you're not one of those."*

# The Mathematics of Applied Scientific Racism

Brian Clowes

Ever since scientific racists railed against minorities in Margaret Sanger's *Birth Control Review*, pro-abortionists and pro-lifers have debated whether or not the application of the abortion procedure itself targets women of color. Pro-abortionists, moreover, frequently argue that *any* pro-life activism directed towards the elimination of legal abortion is racist. They say that restricting women of color from being able to exercise their full range of "reproductive rights" is essentially the same as lynching them or denying them voting rights. To take just one example, the extremist Revolutionary Communist Party of the United States claims that "if abortion becomes illegal, incredible numbers of poor women, including many women of oppressed nationalities, will die horrible deaths . . . there is a very racist side to the bourgeoisie's attacks on abortion. When women of color are denied control of their own reproduction, this contributes to the overall conditions of national oppression in this country."<sup>1</sup>

Opposing this view is the simple and logical pro-life argument that there is no future for any race that destroys its children, preborn or otherwise.

Pro-abortionists who argue that minority women must have easy access to abortion make two false implicit assumptions—first, that all people must have equal access to *everything*, bad or good, in the name of equality (which is equivalent to saying that the criminalization of drug use is racist, because many women of color are poor, and cannot afford the very latest and most potent drugs), and second, that abortion is a desirable "good" that must be made available to all women by society.

Recent articles in the *Human Life Review* have discussed in depth the racist nature, philosophy, and objectives of eugenics in general.<sup>2</sup> This article builds upon this previous work by delving into the history of scientific racism (the theory that some races are more fully evolved than others) in the early 20th century. It proves, through the use of basic statistical analysis, that the abortion industry is systematically applying eugenical principles in 21st-century America to target minority women and their children.

## Early-20th-Century Eugenicists

Harvard professor Lothrop Stoddard (1883-1950) sat on the board of the American Birth Control League in the 1930s, when Margaret Sanger headed it. Havelock Ellis, one of Sanger's lovers, enthusiastically endorsed Stoddard's

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book *The Rising Tide of Color Against White World-Supremacy* in Sanger's magazine, *The Birth Control Review*.<sup>3</sup> In this book (introduced by fellow racist/eugenicist Madison Grant), Stoddard demonstrates beyond a reasonable doubt the intimate connections between abortion, eugenics, and goal-oriented racism:

. . . Upon the quality of human life all else depends . . . none of the colored races shows perceptible signs of declining birth-rate, all tending to breed up to the limits of available subsistence . . . It can mean only one thing: a tremendous and steadily augmenting outward thrust of surplus colored men from overcrowded colored homelands . . . But many of these relatively empty [Northern] lands have been definitely set aside by the White man as his own special heritage . . .

His [the "colored" man's] outstanding quality is superabundant animal vitality. In this he easily surpasses all other races. To it he owes his intense emotionalism. To it, again, is due his extreme fecundity, the negro being the quickest of breeders. This abounding vitality shows in many other ways, such as the negro's ability to survive harsh conditions of slavery under which other races have soon succumbed . . . black blood, once entering a human stock, seems never really bred out again . . .

White men cannot, under peril of their very race-existence, allow wholesale Asian immigration into White race-areas . . . The grim truth of the matter is this: The whole White race is exposed, immediately or ultimately, to the possibility of social sterilization and final replacement or absorption by the teeming colored races.

And, of course, the more primitive a type is, the more prepotent it is. This is why crossings with the negro are uniformly fatal. Whites, Amerindians, or Asiatics--all are alike vanquished by the invincible prepotency of the more primitive, generalized, and lower negro blood. . . .

Whether we consider interwhite migrations or colored encroachments on White lands, the net result is an expansion of lower and a contraction of higher stocks, the process being thus a disgenic one.

For race-betterment is such an intensely practical matter! When peoples come to realize that the quality of the population is the source of all their prosperity, progress, security, and even existence; we shall see much-abused "eugenics" actually molding social programs and political policies . . . we or the next generation will take in hand the problem of race-depreciation, and segregation of defectives and abolition of handicaps penalizing the better stocks will put an end to our present racial decline.<sup>4</sup>

Stoddard's views were based upon the concept of "differential fertility"—fears that "colored" people would have more children than Whites and would therefore eventually become dominant.

His racist writings were echoed by many other writers of his time. For example, an editorial in the September 1931 issue of *The Birth Control Review* stated that "the human race will degenerate if the superior races and the superior classes among civilized races will curtail the number of their offspring while inferior races and the inferior strata in civilized countries will continue their high birthrate. This must be prevented by all means, and it can be if we go about it earnestly and zealously, and if the civilized governments

give us their cooperation.”<sup>5</sup>

*The Birth Control Review*'s masthead slogan was “Birth Control: To Create a Race of Thoroughbreds.” Interestingly, in 1933, the magazine featured an article entitled “Eugenic Sterilization: An Urgent Need,” authored by Ernst Rudin—Adolf Hitler's Director of Genetic Sterilization, and founder of the Nazi Society for Racial Hygiene.

### Staying the Course

“Abortions are a violation not only of man-made laws but also the will of God, according to ethical medical men who refuse to traffic in the lucrative trade.”—*Ebony* magazine, 1951.<sup>6</sup>

The Planned Parenthood Federation of America (PPFA) was, before 1942, known as the American Birth Control League, or ABCL. Its primary purpose was to promote the improvement of human beings through positive eugenics—the systematic breeding of people in order to eliminate bad genes. This would presumably lead to Sanger's “race of thoroughbreds.”

Although it has been challenged to do so many times, PPFA has not repudiated the racist attitude or writings of Margaret Sanger and other eugenicists who wrote for *The Birth Control Review*. This is perhaps a wise policy, because the publication contained thousands of racist and eugenicist articles and quotes, and to attempt to disavow any of them would open up not a can, but a virtual freight car, full of worms.<sup>7</sup> So Planned Parenthood has taken the only logical course of action—it has taken the offensive, displaying an aggressive, even obnoxious, pride in Sanger's views. Faye Wattleton, former president of the PPFA (and who is herself black), has said that “I believe Margaret Sanger would have been proud of us today if she had seen the directions that we have most recently in this organization taken.”<sup>8</sup>

Sanger's grandson, Alexander C. Sanger, became president and CEO of Planned Parenthood of New York City in 1991. He boasted that “I intend to be out on the front lines of our issues. That is why I'm here . . . Right now, we have three clinics in this city and I want ten more. We currently have a small storefront office in central Harlem, and it is my first priority to see if we can transform that into a clinic . . . With all her success, my grandmother left some unfinished business, and I intend to finish it.”<sup>9</sup> And Alexander Sanger is not an aberration: Leading pro-abortionists constantly promote and encourage abortions among minority populations. For example, Malcolm Potts was the first medical director of the International Planned Parenthood Federation (IPPF), and is currently the Bixby Professor of Population and Family Planning at the School of Public Health at UC-Berkeley. He has said that “the already serious problem of induced abortion in the urban areas of



the developing world will worsen. Fortunately, the technology of early abortion is uniquely suited to an urban slum environment. . . . [and] appropriate to shantytown technologies.”<sup>10</sup>

Abortionist Edward Allred runs a chain of abortion clinics and has made tens of millions of dollars through abortion. He has said:

Population control is too important to be stopped by some right-wing pro-life types. Take the new influx of Hispanic immigrants. Their lack of respect for democracy and social order is frightening. I hope I can do something to stem that tide; I'd set up a[n abortion] clinic in Mexico for free if I could. Maybe one in Calexico would help. The survival of our society could be at stake . . . The Aid to Families with Dependent Children program is the worst boondoggle ever created. 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 all of us, it's time to stop. In parts of South Los Angeles, having babies for welfare is the only industry the people have.<sup>11</sup>

Anthony Bouza, former police chief for the city of Minneapolis and columnist for the *Minneapolis Star Tribune*, is a tireless promoter of abortion for minorities. He has described the “at risk” population as “poor, Black, and Indian,” and claimed that their offspring are “marked for failure.” He also said that “when abortions are illegal, poor women deliver and keep their babies. Then they plunk them in front of a TV set, watch them get abused and conditioned to violence by parades of males, and expose them to all the factors the criminologists describe as the precursors to a life of crime. . . . Making abortions freely available to the impoverished young women who produce our criminals is very likely the most important crime-prevention measure adopted in this country in the last 25 years.”<sup>12</sup>

Even far-Left and Marxist theorists occasionally recognize the starkly racist nature of the abortion-mad population controllers. Alexander Cockburn, one of the most prolific writers on the Left, has declared that “the not-so-concealed theme of some major figures in NARAL [Pro-Choice America] and NOW [National Organization for Women] was that abortion should be legal because the most prolific breeders were welfare mothers from the dangerous classes. . . . The leader of NARAL in New York lobbied against the provisions to protect poor minority women from involuntary sterilization, and so did Planned Parenthood.”<sup>13</sup>

As everyone knows, the future of any country or race depends on its children. Therefore, the most efficient method possible for eliminating an entire race is to destroy its children. And, of course, the easiest and most efficient way to destroy children is to kill them before they are born.

These days, except for a few brave maverick congressmen, U.S. government representatives do not talk much about how abortion targets minorities. This

has not always been the case. In 1971—two years before *Roe v. Wade*—the National Commission on the Causes and Prevention of Violence found that “the overwhelming majority of White Americans would be ‘Good Germans’ if the government turned to massive racial repression.”<sup>14</sup> There was ample cause for the Commission’s concern. Experts documented many cases of outright propaganda and coercion directed against minorities by governmental and quasi-governmental agencies in numerous states:

- In the 1960s, Chicago’s Planned Parenthood Association sponsored birth control “coffee parties” in the black sections of the inner city—but did not hold a single one in the white-dominated inner-city areas or suburbs.<sup>15</sup>

- Representatives of federally financed family-planning programs sent a brigade of “home visitors” and public-assistance workers to thousands of homes of indigent black Pittsburgh women in order to pressure them into visiting and making use of their local family-planning clinic’s services. If a woman did not immediately comply, workers would directly threaten her with a cutoff of all public assistance if she had any more children. When black citizens exposed this coercion and called it “genocide,” the Pittsburgh Antipoverty Board voted down funds from the Office of Economic Opportunity (OEO) that would have continued Planned Parenthood clinics in six of the city’s poorest neighborhoods.<sup>16</sup>

- In the 1960s, the South Carolina and Delaware legislatures considered laws that would mandate the sterilization of all welfare mothers after they had borne two children out of wedlock. In New York, municipal judges frequently offered women the choice of sterilization or no welfare money.<sup>17</sup>

It is obvious that the racist theory of eugenics, which seeks to create a “race of thoroughbreds” through birth control, abortion, and sterilization, did not die with Hitler in 1945. Some of the world’s most distinguished and influential scholars and social engineers still advocate the widespread use of eugenics to rid society of its ever-present “undesirable elements”:

- Two-time Nobel Prize winner Linus Pauling has suggested that those who carry “dysfunctional genes” have information on their disabilities tattooed in code onto their foreheads.<sup>18</sup>

- Leading biologist John Maynard Smith would like to give tax breaks and bonuses to the educated and intelligent who have children and heavily penalize others (i.e. minorities and those with “dysfunctional genes”).<sup>19</sup>

- Population controller Garrett Hardin weighed in with his eugenicist views in the June 1992 issue of *Omni* magazine: “It would be better to encourage the breeding of more intelligent people rather than the less intelligent. ZPG’s [Zero Population Growth’s] entire attraction has been among the college population. So in effect, ZPG is encouraging college-educated people to have fewer

children instead of encouraging reduced fertility among the less intelligent.”<sup>20</sup>

◦ A Washington state physician, Bruce Tracy, urged the state senate to provide sterilization bounties for women on welfare. The measure, sponsored by Sen. Scott Barr, would pay \$10,000 to a woman if she agreed to be sterilized after her first child, and \$5,000 if she agreed after the second child. The bill would also give \$500 to men vasectomized after fathering a welfare child.<sup>21</sup>

◦ Donald Kimelman of the *Philadelphia Inquirer* wrote—in a December 12, 1990, article ominously titled “Poverty and Norplant: Can Contraception Reduce the Underclass?”—that “as we read these two stories [about Norplant and Black poverty], we asked ourselves: Dare we mention them in the same breath? To do so might be considered deplorably insensitive, perhaps raising the specter of eugenics. But it would be worse to avoid drawing the logical conclusion that foolproof contraception could be invaluable in breaking the cycle of inner city poverty—one of America’s greatest challenges.”<sup>22</sup> (Vanessa Williams, president of the Philadelphia chapter of the National Association of Black Journalists, called Kimelman’s article “a tacit endorsement of slow genocide.”<sup>23</sup> *Inquirer* columnist Steve Lopez sarcastically suggested four days later that contraception would not reduce the underclass quite so fast as “just shooting them.”)

#### Mathematical Evidence that Abortion is a Racist Program

“It would be very difficult to find an American Indian person who truly knows and follows their culture who could be called ‘pro-choice.’ In the traditional culture, abortion was a crime against nature.”—Cheryl Long Feather.<sup>24</sup>

The remainder of this article presents three mathematical proofs that abortion is an egregious example of institutionalized racism. It is racist because 1) it eliminates a disproportionate percentage of minority populations; 2) abortion clinics are concentrated in cities with high minority populations; and 3) legal-abortion fatality rates are much higher among minority women than they are among white women.

#### Proof #1: Abortion Eliminates a Disproportionate Percentage of Minority Populations

There currently exists a deadly inequity between the abortion ratios of white women and minority women in the United States. Figure 1 shows that minority women obtain abortions at nearly three times the rate that white women do—and that more than twice as much of the black race has been wiped out by legal surgical abortion than of the white race. This result dovetails quite nicely with Planned Parenthood’s original racist and eugenicist philosophy of “more children from the fit, less from the unfit.”<sup>25</sup>

Figure 1

**Total Legal Surgical Abortions by Race in the United States, 1967 to 2004, and Percent of Races Wiped Out <sup>26</sup>**

<u>Race</u>	<u>Total 2004 Population</u>	<u>Legal Surgical Abortions, 1967-2004</u>	<u>Abortion Rates per 1,000 Women Aged 15-44, 1980-2004</u>	<u>Percent of Races Wiped Out by Abortion</u>
All Races	293,971,172	46,467,000	—	13.6%
White	197,916,623	21,802,000	15.4	9.9%
Black	36,026,239	14,051,000	53.0	28.1%
Hispanic	41,556,325	7,901,000	36.2	16.0%
Asian & Pacific Islander	12,553,996	2,175,000	28.6	14.8%
Native American & Alaskan	2,208,659	538,000	—	19.6%
Two or More Races	3,867,831	—	—	—
All Minorities	96,213,049	24,665,000		20.4%

Widespread abortion among minorities in the U.S. is having a profound demographic impact. The total fertility rate (TFR) of any population must be 2.11 children per woman in order to maintain a stable population. In 1970, the TFR of the black race in the U.S. was 3.07, well above replacement. Just four years later, the year after *Roe v. Wade*, the black TFR had plunged to 2.34, showing the immediate impact of easily accessible abortion. It currently stands at the below-replacement rate of 1.99, a drop of 35 percent since 1970.<sup>27</sup> Meanwhile, the white TFR is slowly rising, and in 2002—for the first time in history—exceeded the Black TFR. If the black race continues to abort at its current rate, it will inevitably occupy a smaller and smaller percentage of this country's population.

Between 1882 and 1968, 3,446 blacks were lynched in the United States.<sup>28</sup> Now, this many unborn black babies are being aborted *every three days*. In other words, for every single black person lynched by racist mobs, *more than four thousand have been lynched in the womb*, and abortion is killing blacks at a rate more than ten thousand times faster than did lynching.

In general, groups of people exert a degree of political and social influence

that is roughly proportional to their representation in terms of population. Therefore, as a group's proportional representation in a nation slowly shrinks, its influence will shrink at a similar rate. The black race has always suffered from a disproportionately small degree of influence in society; it simply cannot afford to lose any more.

**Proof #2: Abortion Clinics Concentrate in Cities with High Minority Populations**

The number of abortion clinics in a city correlates directly to the size of that town's minority population. Figure 2 shows that there are more than twice as many abortion clinics per million people in cities that have large minority populations, compared to those cities with smaller minority populations.<sup>29</sup>

Figure 2

**Comparison of Abortion Clinic Density in Cities with High and Low Minority Population Densities**

<u>Percent Minority</u>	<u>Abortion Clinics Per Million Population</u>
75.0%-100.0%	6.11
50.0%- 74.9%	4.33
25.0%- 49.9%	2.92
00.0%- 25.0%	2.77

Figure 2 is mathematical proof that abortionists are targeting minority populations by locating their clinics in high-minority areas. Abortionists know where the business is, and, to them, making money is the highest good. It would not occur to them to discourage women of color from aborting by helping provide them with the basic necessities of life. All that matters to them is making abortion as easily accessible as possible.

**Proof #3: Legal Abortion Fatality Rates are Much Higher Among Minority Women than They Are Among White Women**

The leading medical journal of Great Britain, *The Lancet*, says that "institutionalized racism" consists of "the collective failure of an organization to provide an appropriate and professional service to people because of their color, culture, or ethnic origin."<sup>30</sup> This author expended considerable time compiling a list of women who have been fatally injured by "safe" and legal abortion, and found a total of 360 verifiable deaths, broken out by race as shown in Figure 3.<sup>31</sup>

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Figure 3

Summary of the Races of Legal Abortion Fatalities

Total women killed by legal abortion: 360

Race identified: 263

<u>Legal Deaths Races of Victims</u>	<u>Total Deaths and Percentages</u>	<u>Legal Abortions by Race</u>	<u>Deaths Per Million Abortions</u>
White women	85/263 (32.3%)	21,802,000	3.90
Black Women	130/263 (49.4%)	14,051,000	9.25
Hispanic women	41/263 (15.6%)	7,901,000	5.19
Native American women	2/263 (00.8%)	538,000	3.72
Asian women	5/263 (01.9%)	175,000	2.30
Total Minority Women	<u>178/263 (67.7%)</u>	<u>24,665,000</u>	<u>7.22</u>

Figure 3 shows that 68 percent of all known legal-abortion deaths have occurred among minority women. Minority women obtain about 53 percent of all abortions.<sup>32</sup> This means that the death rate among minority women who obtain abortions is nearly *twice as high* as that of white women who abort.<sup>33</sup> This number is confirmed by Planned Parenthood, which has admitted that the risks of abortion for black women *are more than three times as high as for white women*. Planned Parenthood states that the death rates for second-trimester abortions for black and white women respectively are 24.8 and 6.8 deaths per 100,000 abortions.<sup>34</sup> The death rate among poor minority women may be even higher than this estimate, because their families are often alienated from “the system” and do not trust attorneys or anything to do with litigation--and therefore do not press their rightful claims.

If we review the above statistics, it is very difficult to conclude that the abortion industry in the United States is *not* guilty of “institutionalized racism.” Yet few “pro-choicers” seem to care. Helen I. Howe, a spokesperson for the front group that calls itself the Religious Coalition for Reproductive Choice, said that the group “views it as an insult to black women to make the generalized claim that abortions performed on black women are genocide.”<sup>35</sup>

What is the truth? Ask Mattie Byrd, who mourned her dead daughter Belinda in a letter to a friend: “I cry every day when I think of how horrible her death was. She was slashed by them and then she bled to death. . . . Where is [the abortionist] now? Has he been stopped? Has anything happened to him because of what he did to my Belinda? . . . People tell me nothing has happened, that nothing ever happens to White abortionists who

leave young Black women dead.”<sup>36</sup>

Stephen Pine of the Inglewood Women’s Hospital was the busy abortionist who killed Belinda Byrd. (Hers was one of 74 abortions he performed that day.) Pine perforated Belinda’s uterus and she died three days later. As a result of (among other things) this botched abortion, the Inglewood Women’s Hospital had its license revoked by the State of California and closed its doors. But it opened again just two weeks later under a different name: The West Coast Women’s Medical Group. It was subsequently bought by abortionist Edward Allred (who, remember, said that he would perform abortions for free on Mexican women).<sup>37</sup>

### Conclusions

“Government family planning programs designed for poor Blacks which emphasize birth control and abortion with the intent of limiting the Black population is genocide. The deliberate killing of Black babies by abortion is genocide—perhaps the most overt form of all.”—Dick Gregory<sup>38</sup>

Since it became widely available, surgical abortion (both legal and illegal) has been used by racists and population controllers to hold down peoples they see as “lower” or “primitive.”

Demographers and sociologists know very well that population equals power, and that demography is most certainly destiny. There is no better way to stunt the burgeoning power of minority groups, both in the United States and overseas, than by promoting and funding massive population-control programs that employ widespread abortion, sterilization, and contraception—all the while proclaiming that progress is not possible until every child is “wanted.”

This is why so much of the black race has been wiped out by abortion.

This is why so many minority women die of allegedly “safe” surgical abortion.

And this is why Planned Parenthood and other abortionists deliberately set up their clinics in minority neighborhoods.

Margaret Sanger would indeed be proud.

### NOTES

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3. Havelock Ellis, “The World’s Racial Problems,” *Birth Control Review*, Oct. 1920, p. 16.
4. Lothrop Stoddard, Ph.D., *The Rising Tide of Color Against White World-Supremacy* (New York:

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- Charles Scribner's Sons, 1921; reprinted 1971 by Negro Universities Press, Westport, Conn.). The complete electronic text of this book is posted on numerous racist Web sites, including those of The Church of True Israel and the Stormfront White Nationalist Community. Interestingly, Madison Grant received a personal letter of thanks from Adolf Hitler for a copy of his own book, entitled *The Passing of the Great Race*. Hitler proclaimed that "the book was his bible" (Stefan Kuhl, *The Nazi Connection* [Oxford: Oxford University Press, 1994], p. 85).
5. Editorial in *The Critic and Guide*, July 1931, quoted in "In the Magazines," *Birth Control Review*, Sept. 1931, p. 268.
  6. "Abortion Drugs Often Prove Fatal." *Ebony*, Jan. 1951, p. 26.
  7. For a compact disc containing 1,174 quotes from Margaret Sanger's *Birth Control Review*, write to the author at Human Life International, 4 Family Life Lane, Front Royal, VA 22630, or e-mail him at briancl@hli.org, and the list will be sent via e-mail.
  8. Faye Wattleton, at PPFA's annual luncheon in St. Louis on May 2, 1979.
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  20. "Interview: Garrett Hardin," *Omni*, June 1992, pp. 56-63.
  21. "Rural Doctor Proposes Sterilization Bounty," *The Oregonian*, Feb. 8, 1992, p. B2.
  22. Don Kimelman, "Poverty and Norplant: Can Contraception Reduce the Underclass?" *Philadelphia Inquirer*, Dec. 12, 1990.
  23. Vanessa Williams, quoted in Clarence Page, "Hope Best Way to Fight Poverty," *The Oregonian*, Dec. 31, 1990, p. C5.
  24. Cheryl Long Feather, "For American Indians, Abortion is a Crime Against Nature," *Bismarck (N.D.) Tribune*, Aug. 18, 1999.
  25. This slogan represents the core of the eugenicist philosophy, and was constantly stated in various forms in Sanger's *Birth Control Review*. An example: "What we need is both positive and negative birth control; positive birth control to insure the reproduction of men and women with superior gifts, and negative birth control to prevent the reproduction of the unfit. It is time to cast aside precedents, prejudices and laws that stand in the way of racial progress and to take a decided stand for race improvement" (Horatio M. Pollock, Ph.D., "The Problem of the Unfit: A Paper Presented at the International Birth Control Conference," *Birth Control Review*, Oct. 1922, pp. 205-6).
  26. U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States 2004-2005* [Washington, D.C.: Government Printing Office], Table 13, "Resident Population by Sex, Race, and Hispanic Origin Status: 2000 to 2003." Populations are updated by the 2000-2003 annual percentage rate, and the percentage of each race wiped out by abortion is calculated with the formula  $\text{Abortions}/(\text{Abortions} + \text{Current Population})$ . Recent *Statistical Abstracts* are online at <http://www.census.gov/statab/www>. For legal abortions by race, see Figure 19-5 in Chapter 19 of *The Facts of Life*, "United States Abortion Statistics," for calculations. The 2004 edition of *The Facts of Life* is on Human Life International's *Pro-Life Library Compact Disc*.
  27. U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract 2004-2005*, Table 75, "Total Fertility Rate by Race: 1970 to 2002." Recent *Statistical Abstracts* are on-line at



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- <http://www.census.gov/statab/www>.
28. Website <http://www.BlackGenocide.org>. See also "Abortion: A Law Unto Itself—Even Legal Parameters Are Being Ignored," *ZENIT* News Service, Feb. 19, 2005.
  29. The population and racial breakout of population by city is from "Sortable List of Population Totals," downloaded from the website of the Lewis Mumford Center for Comparative Urban and Regional Research on Jan. 14, 2005. The list of abortion clinics by address was downloaded from the website of Life Dynamics, Inc., at <http://www.lidi.org>. Under "Find an Abortion Clinic," there is a list of the names and addresses of 743 abortion clinics in the U.S. as of Jan. 1, 2005. Seventy of the 743 total abortion clinics are located in smaller cities and towns and are therefore not included in this analysis.
  30. "Institutionalized Racism in Health Care," *The Lancet*, Mar. 6, 1999, p. 765.
  31. For legal abortions by race, see Figure 19-5 in Chapter 19 of *The Facts of Life*, "United States Abortion Statistics," for calculations. The 2004 edition of *The Facts of Life* is on Human Life International's *Pro-Life Library Compact Disc*. "Deaths per million abortions" is a number that shows the legal-abortion death rates of women by race. Although this is certainly not a complete list of legal abortion fatalities, the sample size is large enough to be representative of the whole. Among legal-abortion fatalities whose race has been identified, the death rate for white women is (85/21,802,000), or 3.90 deaths per million abortions. The death rate for black women is (130/14,051,000), or 9.25 deaths per million abortions. Therefore, the legal-abortion death rate among black women is  $(9.25/3.90) = 2.37$  times higher than that of white women. Interestingly, this ratio has held relatively constant since abortion was legalized in the first states in 1967. The risk of a black woman dying of legal abortion during the time period 1972-1974 inclusive (Willard Cates Jr., M.D., M.P.H., Acting Chief, Abortion Surveillance Branch, Centers for Disease Control Bureau of Epidemiology, "Mortality from Legal Abortions, United States, 1972-1974," paper given at the Western Regional Conference on Abortion, Denver, Colorado, Feb. 28, 1976, sponsored by the United States Department of Health, Education and Welfare).
  32. Human Life International, *The Facts of Life: An Authoritative Guide to Life and Family Issues* (Front Royal, Va.: Human Life International), 2005 Edition of the *Pro-Life Library Compact Disc*. Chapter 19, "United States Abortion Statistics," Figure 19-5, "Summary and Analysis of United States Abortion Statistics."
  33.  $(0.677/0.53)/(0.323/0.47) = 1.86$
  34. John Benditt, "Special Report: Second-Trimester Abortions in the United States." *Family Planning Perspectives* (Alan Guttmacher Institute), Nov./Dec. 1979, p. 359.
  35. "Abortion and the Holocaust: Twisting the Language," Religious Coalition for Abortion Rights, 100 Maryland Avenue NE, Washington, DC 20002, telephone: (202) 543-7032. 1987, 24 pp., \$1.50.
  36. Undated letter from Mrs. Mattie Byrd (mother of Belinda Byrd), quoted in *Feminists for Life of America amicus* brief in the case of *Webster v. Reproductive Health Services*, No. 88-605.
  37. Leslie Bond, "Abortion Hospital Closed Because of 'Battlefront Conditions,'" *National Right to Life News*, Mar. 24, 1988, p. 5.
  38. Civil-rights activist and pacifist Dick Gregory, "My Answer to Genocide," *Ebony*, Oct. 1971.

## Choice before Life:

# The Victory of the Abstract over the Real

Harold O. J. Brown

According to the third-century Christian theologian Origen of Alexandria, freedom consists in the ability of the mind to know the good and the ability of the will to choose it. The late French philosopher Paul Ricoeur defined sin as the guilty abuse of freedom. In the modern West, we pride ourselves on our freedom, but freedom is easily abused where true knowledge is lacking. Wrong knowledge leads to wrong choices, nowhere more dangerously than when the choices concern human life. In Milton's *Paradise Lost*, the first humans are offered the chance for forgiveness because they were deceived. Satan, self-deceived, was not. Today we humans are acting like Milton's Satan. Modern man has set new records of self-deception; and his best tool is language.

In *La tête coupée. Le secret du pouvoir (The Severed Head: The Secret of Power)*, the French mathematician Aaron-Arnaud Upinsky explains how our language blinds us to truth. He describes an age-long war between what he calls "strong language" and "true language," between nominalism and realism. True language tells the truth; it describes reality. Strong language manipulates. True language is the language of wisdom and knowledge. It is, or should be, the language of the friends of truth: the scholar, the scientist, the philosopher, the theologian. Strong language is the language of power. Those who abuse it rule; those who accept it obey. Upinsky has moved the nominalist controversy out of the medieval framework and sees it as a far more universal problem. Today it deprives us of freedom by destroying our ability to know the good.<sup>1</sup>

On a radio talk show in Chicago, a caller demanding federal financing of abortion revealed that she herself had had four abortions. When the host asked what she thought abortion was, she replied: "It's kinda like killin' the baby." That's kinda like true language. Can we imagine former President Bill Clinton claiming, "Killing babies should be safe, legal, and rare"? The victory of nominalism over realism, the replacement of true language with strong language, leaves us with *la tête coupée*, unable to think. The mere mention of words such as "judgmental," "racist," and "homophobic," among others, blocks all intelligent discussion of the merits of a case.

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From Life to Choice

There is no better example of manipulation by strong language than the victory of “choice” over “life.” Wishing to avoid the negative implication of always being “against,” opponents of abortion began to call themselves “pro-life.” We should—in the words of a popular song of the World War II era—“accentuate the positive, eliminate the negative.” All too few anti-abortionists realized that their cause is not the defense of “life” as an abstract principle, but the defense of babies, each one an individual human life.

One anti-abortion billboard asks, “What does an abortion cost? One human life.” That is true language. A bumper sticker reads, “Life is a choice. Choose life.” That reveals a good intention, but it is a bit misleading. The woman who decides to carry her pregnancy to term is not choosing “life,” but a baby, one particular human baby, who will soon make very specific individual demands on her. The difference between being pro-life in general and choosing to give birth to a particular baby is like the difference between approving of love in general and loving one person in particular. Calling themselves “pro-life” entangled the anti-abortionist movement in questions of capital punishment and war. It would have been better to stay “anti-.”<sup>2</sup>

After a slight setback in *Webster* (1988), the pro-abortionists began to sense popular opinion moving against them and their enthusiasm for the bloody procedure of abortion. Suddenly they hit on a better word: choice. Abortion is messy, choice is clean. Let’s say choice.

“Choice” is a wonderful term. It is something that everyone wants. It stands for freedom. Life is absolute; one either lives or does not. It cannot be lost and regained like choice. Choice is a function, a process. It can be used or left unused. It can be given up and taken back. What is at stake in each abortion is not a general principle but a particular substantial reality. It is not life as a principle but an individual life. Each life is not an abstraction, it is a *personal* reality, one that exists only for one particular unborn human who will no longer be if abortion is chosen.<sup>3</sup>

Choice and Freedom

Choosing to abort empowers the woman doing the choosing, leaving her standing in autonomy and freedom. Choosing to have the baby limits her freedom. According to many in the crisis-pregnancy ministries, the thought of losing freedom seems far more important to many women than concern for the baby to be aborted. They are very conscious of their own individuality and of their rights and see the unborn child, “the fetus,” as a threat to their personal autonomy, not as another person. We used to think it sufficient to show the woman that she is carrying a real human being. Sometimes that

helps—for example, when she sees the baby in a sonogram—but all too often this individual human reality is less powerful than the thought that that little being, whatever we call it, is depriving her of her autonomy.

As far as she and others are concerned, being “pro-choice” brings with it no necessary obligations, financial or otherwise. Before becoming pregnant, she was a free woman, just like a man. Pregnant, she has become someone else, an expectant mother. If she keeps the baby, she becomes a single parent with all the burdens that that entails. If she gives it up for adoption, she is no longer a mother either. The unwanted pregnancy first made her an expectant mother, which she did not want to be, and threatens to make her a single parent. Giving it up for adoption deprives her of that too, making her twice a loser. Abortion is so much neater. In the current vernacular, it offers closure.

To decide for life brings duties and burdens. The social, physical, emotional, and other problems that caused a woman or girl to want an abortion will usually remain, aggravated by the demanding presence of the baby. Abortion opponents are often accused of being indifferent to her problems after delivery. Supposedly all that they want is to impose their own morality on her. Abortion providers generally think that they have done all that is required when the abortion is done, leaving her to enjoy her regained freedom.

Contrary to “pro-choice” propaganda, for most abortion opponents, concern does not end with the birth of the child. They recognize that helping a troubled woman to give life brings a duty to help her master the problems that come with the birth of a new baby, whether he or she is to be put up for adoption or raised by the mother. A large network of crisis-pregnancy-care centers offers help and care before, during, and after birth. Many will even help a woman who has chosen to abort, for instead of providing closure, the abortion choice seldom leaves her unwounded. The group with which I am most familiar, Care-Net/Christian Action Council, has over 700 centers with 10,000 volunteer workers. Given the huge number of abortions performed every year in the United States, this is far from enough, but at least it shows that there is more to opposing abortion than just passing laws against it.

#### **Individualism in the Extreme**

In *The Social Contract*, Jean-Jacques Rousseau says that freedom requires the abolition of every particular dependency. This is the freedom that abortion advocates offer. For women with unwanted pregnancies, it affirms their freedom, their autonomous authority as individuals, not their duties as wives and/or family members. Although in principle it respects the woman’s rights,

sometimes it is not her own choice that she is exercising, but the demand of a husband, a lover, or her family. In this context, the crisis-pregnancy center's ministry often helps a woman really to choose freely, for herself, to resist the pressure of others to abort.

To abort appears to liberate the woman seeking abortion. It also liberates the rest of society from the burdensome duties that might arise with the birth of an unwanted child. Thus it is not only the choice to abort that expresses individualistic autonomy; the choice to support the right to choose abortion also frees supporters from any responsibility for unwanted children. Thinking themselves benevolent towards the woman seeking an abortion, the pro-choicers rid themselves of all subsequent obligations to her or to the child who might have been.

The one who tells the pregnant woman that abortion is wrong, that she has no right to abort, is asking her to assume responsibilities of all kinds, for care, love, food, clothes, and schooling up to and perhaps beyond college. Of course, a child can also bring blessings and benefits, but these are not as easily quantified in advance, especially when a woman is in distress. An aborted child brings no further expenses and burdens, or so it is assumed.

Contrary to popular opinion, no abortion, even one that is medically recommended, leaves the would-have-been mother totally unscarred. To point this out is true language, not strong. It will be condemned as a pretext to interfere with the right to choose.

#### Ancient Precedents

Abortion, being dangerous to the woman, was infrequent in ancient times. It was punishable by law in the Code of Hammurabi (18th century B.C.) and other ancient law codes and is forbidden in the original Oath of Hippocrates. Rome and some other ancient societies did give the father the right to "expose" a newborn child, i.e., to abandon it in a wilderness, but even in Rome itself abortion was illegal. Today such "exposure" would be seen as infanticide, child murder, yet in the United States and much of the rest of the modern world the pregnant woman has the right to "expose" the unborn child to termination in abortion.

A child, once born, brings immediate and ongoing duties to his or her parents; someone has to take responsibility. The child who is aborted, "safely and legally," as President Clinton liked to say, brings no evident additional costs and duties to its would-have-been mother. Despite any emotional or psychological damage she may have suffered, having exercised her "right to choose" the woman goes on, again free to choose—including, if that be her wish, having conceived again, to abort again. The baby, deprived of its right

to live, cannot choose. It is gone; indeed, in the eyes of the pro-abortionist, it never was. There are few among the advocates of choice who are willing to say what the German *Bundesverfassungsgericht* (high court) said in its 1975 decision: "The usual language, termination of pregnancy, cannot conceal the fact that abortion is a homicidal act."

#### **Abstraction over Reality**

To prefer the right to choose over any right of the unborn child to live is to prefer an abstract principle, choice, above that which is tangible and real, a developing human. The right to abort exalts the right of the existing, mature individual to order a homicidal act, whether we call the victim embryo, fetus, or as the old common law did, *enfant en ventre de sa mère*, infant in its mother's belly. Whether or not one recognizes the being in the womb as a person to be protected by law, whatever one calls it in strong language, in truth it is a unique, individual being: It cannot be subdivided into other entities, and it cannot be restored or duplicated if it is destroyed. As it is not yet capable of demanding individual rights, when pro-lifers speak for it, they appear as a "they," as interfering Others, working against the "I" of the woman choosing abortion.

#### **The Father and the Family**

The right to abort exalts the woman against the father and the family, regardless of her civil or social status, i.e., of whether or not she is married or is a minor. Although in nature many pregnancies are spontaneously aborted, deliberately terminating a developing life is clearly *contra naturam*. It negates the reality of paternity and the rights of the father. Abortion law as it now stands gives the woman the absolute right to abort, whether or not the child is conceived within marriage, or she is still a minor under parental authority.

The father has no right to terminate the child before it is born but he has the obligation to support it once born, whether he wanted it or not.<sup>4</sup> The right of the father to have a child and of the family to perpetuate itself through children is subordinated, at least during the period of pregnancy, to the absolute power of the woman. In a strange way, for nine months the abortion community awards the pregnant woman a right no other person or agency ever has enjoyed, the right to deny life to one to whom she is in the process of giving it.

In nature the right to have a child always belongs to more than one person, at least to a couple, implicitly to a larger family. A commonsense understanding of human reproduction requires the cooperation of both sexes

for more than the biologically necessary moment of begetting. Unlike the kid of the mountain goat, which can stand up the day it is born, the human child needs years of care and teaching. The new mother needs protection and support. Christian liturgies speak of marriage “as long as ye both shall live”; common sense as well as natural law teaches that those who bring a child into the world should stay together for many years at least. Similarly, because parents, as they grow old, may themselves need support, most human societies have taught that their grown children have a duty to help them. What duty to support aged parents will be felt by a child whose brothers and sisters those parents have aborted?

The right to abort is viewed by some feminists as the cornerstone of woman’s dignity, her right to be free from artificial constraints. It implies that freedom praised by Rousseau, “the abolition of all particular dependencies.” In a society where the right to abort is dominant, there is no room for fathers, sisters and brothers, aunts, uncles, cousins, grandparents, for family at all. The woman—but not the man—enjoys a temporary autonomy, the right of the individual as such over the family and over society.

This special autonomy undermines the basic building unit of society. The family disintegrates with the disabling of the marriage covenant. The plaintive voices opposing “homosexual marriage” on the ground that having a father and a mother is better for children go unheard when children have no value: Marriage is no longer “an honourable estate, established by God” (as in the old *Book of Common Prayer*) but only an association of fully autonomous, interchangeable individuals.

#### Total Victory

The license to abort any unwanted child represents the complete victory of strong language—“choice”—over true language, “baby.” It represents the victory of the abstraction over reality. This is a victory of symbols and slogans over human beings. To the extent that we value ourselves as humans made in the image of the Creator who endowed us with rights, we must make individualistic autonomy second to the survival of the individual baby and of the family. We must value the true language of actual life above the strong language of abstract choice. Then, perhaps, when we sing “God bless America,” we will not need to fear a voice from heaven, “Why should I bother?”

#### NOTES

1. Nominalism is by no means only a medieval phenomenon. It is represented today by concepts such as logical positivism and postmodernism.

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2. The late James McFadden, founding editor of this *Review*, preferred the true language of “anti-abortion” to the strong variant, “pro-life.”
3. Freedom to choose is a positive thing only if at least one of the possible choices is a good. Having to choose between being hanged and being shot is not.
4. Currently the National Center for Men is filing suit, claiming that the obligation of fathers to support a child they did not desire is a violation of the equal-protection clause of the U.S. Constitution. During pregnancy, the woman’s right is absolute; the father’s right does not exist.



*“Does anybody have a question for Steve’s dad, about the life of a deadbeat?”*



# Honouring Life

*Ian Hunter*

*An address to the Southwestern Ontario  
Right to Life Annual Banquet, March 27, 2006.  
Dedicated to the memory of John Muggeridge.*

Ladies and Gentlemen:

Professor Peter Singer, a Professor of—what did you expect?—“ethics” at Princeton University, claims that there are two characteristics, rationality and self-consciousness, that must co-exist to make one a “person.”

Now since animals, like whales and dolphins, dogs and cats, etc., are both rational and self-conscious, they should be held to be “persons,” according to Prof. Singer, and their lives legally protected; but since the unborn, and the recently-born, and people with cognitive impairments like Alzheimer’s disease, are not self-conscious or fully rational, they are not “persons” and their lives can be aborted or euthanized without legal restriction or moral compunction.

What do you think of that?

Professors have been known sometimes to say batty things; that is half the charm of the absent-minded Professor. But Dr. Peter Singer is an influential bio-ethicist; he holds an endowed Chair at Princeton University; and his views are heard with respect in the high councils of the medical profession and of Government.

My former employer, Western University, has not yet seen fit to confer an honorary degree on Dr. Singer, but given that Western gave Canada’s most notorious abortionist, Dr. Henry Morgentaler, an honorary degree last June, perhaps it is only a matter of time. Or perhaps it is bootless to ascribe logic or consistency of purpose to such a pitiful spectacle as what the postmodern University, like Western, has become.

The cruelty and absurdity of what Professor Singer advocates would have been self-evident to our fathers and grandparents, most of whom did not have the dubious privilege of a University education. But today Peter Singer’s comments are taken seriously. Why is that?

In part, it is because we live in a credulous age. In part because, as the Terry Schiavo case demonstrated, there are individuals and organizations

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who want to bring an end to lives of people who they consider a public burden. In part, it is because we have turned our backs on the Judeo-Christian principles upon which Western civilization was founded.

Tonight, I want to speak to you about one of those principles, the concept of "Honour." And what, you may ask, has honour to do with the pro-life movement? Well, a great deal, as I hope to demonstrate.

I confess that when I began to research my subject, my heart sank; I discovered that the University Library, which boasts well over a million titles, has precisely three dealing with honour. The London Public Library has one. That piqued my curiosity more. Why is so little said or written about honour? Is honour even relevant today? What does it mean? Those are some specific questions I should like to consider.

The most famous answer to the question: "What is honour?" is, I suppose, Falstaff's answer (in *Henry IV, Part I*). Falstaff, lovable rogue and villain, must press an army, and he recruits the dregs of society—vagabonds and knaves, tapsters and thieves, prodigals and villains, "the cankers of a calm world," Prince Hal calls them. When Prince Hal remonstrates: "I did never see such pitiful rascals," Falstaff replies: "Tut, tut, mortal men, Hal, mortal men. Fit to stuff a cannon."

Now this, I submit, is precisely what the pro-life movement is made up of: mortal, fallible, men and women, ordinary erring people, fit to stuff a cannon, or fit to stuff an envelope, fit to join a life chain, fit to write a protest letter. Nothing remarkable, not many heroes, just ordinary people whose common sense and morality tells them that creatures made in the image and likeness of God are entitled to be treated with dignity and respect from conception to natural death.

In Shakespeare's play, when the noise of battle can be heard, Falstaff confesses that he would like to run away and hide, but ". . . honour pricks me on." Then follows his famous soliloquy on the meaning of honour:

Yea, but how if honour prick me off when I come on? How then? Can honour set a leg? No. Or an arm? No. Or take away the grief of a wound? No. Honour hath no skill in surgery then? No. What is honour? A word. What is in that word honour? Air—a trim reckoning! Who hath it? He that died a' Wednesday. Doth he feel it? No. Doth he hear it? No. 'Tis insensible then? Yea, to the dead. But will it not live with the living? No. Why? Detraction will not suffer it. Therefore I'll none of it. Honour is a mere scutcheon—and so ends my catechism.

This delightful but cynical, you might say "postmodern" view of honour, is prevalent today in Canada.

Now those of you who have studied English literature will know that William Shakespeare was steeped in the Bible. The Bible considers honour

to be much more than Falstaff's "mere scutcheon."

In fact, unlike the library catalogue which turns up so few references to honour, the Bible overflows with it; more than 50 references in the Old Testament, at least 35 in the New Testament, not counting 15 or so additional references to "honourable." That fact gave me my first clue as to what "honour" means. It means honouring God.

The Oxford English Dictionary includes "reverence" and "veneration" as synonyms for the word "honour." These words are applied almost exclusively to the worship of God.

For those of us in this post-Christian era who retain a vestigial memory of Scripture, some of the biblical references are familiar. "Honour thy father and thy mother that thy days may be long upon the earth." Or, God's promise to Israel in the first book of Samuel: "Them that honour me, I will honour." Or the Psalmist's hymn of wonder and praise: "When I consider the heavens, the work of thy fingers, the moon and the stars which thou hast made: what is man that thou art mindful of him; and the son of man that thou visitest him? . . . Thou hast crowned him with glory and honour . . ." Or this saying of Jesus, comforting to anyone who pontificates: "A prophet is not without honour, save in his own country . . ." And, finally, in the last book of the Bible, the Revelation that came to Saint John on the island of Patmos, when he dreamt of a second coming of the Lord, when men shall bow before Him, and He shall receive "blessing and honour and power for evermore."

In the Bible, "honour" sometimes refers to the regard in which God is to be held; at other times, it refers to the inner state of a person, an honourable man, someone who discerns a just balance between one's obligations to God and one's duties to one's fellow men. So honour originates with honouring God; He is the Creator and preserver of life, the final moral judge who will reveal all hearts aright. But honour extends to our obligations as human beings to our fellow citizens.

Let me give an example. Thomas More [1478-1545] was a man who honoured God. He was the most powerful man in King Henry VIII's government, knighted for his exemplary service to King and country. But when King Henry insisted on marrying young Anne Boleyn and divorcing his wife, Catherine, and when the King demanded that Sir Thomas More swear to the Act of Succession, More refused. He declined to speak publicly against his Sovereign, but nor would he swear the required oath. Robert Bolt's moving play *A Man for All Seasons* dramatizes the struggle between More, who insisted on remaining silent, and the King, who demanded More's acquiescence if not public support.

Now why did the King insist that Thomas More declare himself in favour

of the King's remarriage? Well, precisely because More was known to be the most honourable man in the realm. If More approved of the King's divorce and remarriage, everyone would think that it must be right.

Sometimes I think this is the most important role the pro-life movement has played—to be a silent witness to honour the right; we are often mocked, sometimes reviled, always it seems ignored, but we bear a *constant* witness that even in these dark times not everyone looked the other way when the unborn and the vulnerable were left unprotected.

After a sham trial, Thomas More was sentenced to death and executed on July 6, 1545. As he ascended the gallows, More told the expectant crowd that he died “. . . the King's loyal servant, but God's servant first.” Now that is honour.

Two centuries later, an English vicar named Frederick Faber (1814-1863) thought of Thomas More and wrote a hymn to honour, a hymn that became one of the best known hymns of Christendom, although now banned from most Protestant hymnals as “sexist”:

*Faith of our fathers, living still  
In spite of dungeon, fire and sword,  
O how our hearts beat high with joy  
Whene'r we hear that glorious word!*

*Faith of our fathers, holy faith,  
We will be true to Thee till death.*

Pro-lifers are people committed to the faith of our fathers, a faith that says the King's law is entitled to respect, but we are God's servants first.

Here a brief biographical explanation. I came to the pro-life movement at its beginning. In 1968 Justice Minister Pierre Trudeau had introduced Criminal Code amendments which, among other changes, were to allow legal abortions. Abortions became legal if three physicians on a hospital therapeutic abortion committee were prepared to certify in writing that continuation of a pregnancy would endanger a woman's life or health.

In 1970, the first full year of legalized abortion, there were 11,000 legal abortions. Despite modern medical advances reducing the risks of pregnancy, within a decade that figure had risen to over 100,000 abortions in Canadian hospitals. Then, in its *Morgentaler* decision on January 28, 1988, the Supreme Court of Canada struck down the Criminal Code restrictions entirely, as being contrary to Canada's newly-minted Charter of Rights—another Trudeau legacy. Since 1988 Canada has been unique among countries in the Western world in having no law on abortion.

As abortion was legalized and flourished, the Canadian pro-life move-

ment sprang up, and for 4 decades it has spanned all political parties, all religious denominations, all distinctions of class and race.

My first involvement came in 1970 when I moved from Toronto to Ottawa to teach law at Carleton University. At a dinner party one evening a young woman asked me what I did and I said I taught law, including Civil Liberties. “Good,” she said, “you can teach the Civil Liberties position on abortion.” “Oh, and what’s that?” I asked her. “You know,” she replied, “a woman’s right to control her own body.” Now this woman was a school teacher, and when I realized that this was the depth of her understanding, and this was what she was telling elementary school students, I knew I had to get involved in pro-life advocacy. In those early days I had the privilege of working with many of the founders of Canadian pro-life; people like Dr. Heather Morris; Joe Borowski; Dr. Morris Schumiatcher; Ursula Appolini and Gwen Landolt; Dr. Barry de Veber and Dr. Harley Smythe; George Grant and John Muggeridge; and Father Alphonse de Valk.

And that honourable roll-call brings me to the second meaning of honour—honouring life.

Here again, the Bible is our sourcebook; it says: “I have set before you this day life and death; choose life” (Deuteronomy). “See,” says the prophet Isaiah, “I will not forget you . . . I have carved you on the palm of my hand.” The Psalmist says: “In God’s favour is life; . . . weeping may endure for a night, but joy cometh in the morning.” And Jesus said: “I am come that you might have life, and have it more abundantly.” From the first page of Genesis to the last page of Revelations, the Bible says “Honour life.” The pro-life movement has sought to do that.

Yet another aspect of honour is the honour of one’s country. But today this raises a question: what if one’s country is no longer worthy of honour?

Whether Canadian law is any longer worthy of respect is a large and disturbing question; I have spent much time in recent years writing on this topic and I will not attempt here to summarize my conclusions. Let me say just this: Canada’s lack of protection of the unborn is the legacy of several Liberal Prime Ministers—Pierre Trudeau, John Turner, Jean Chretien, and Paul Martin—each one of whom was a professed Roman Catholic. Yet the greatest man of our generation, the late Pope John Paul II—a bright and shining light indeed—in his encyclical, *Evangelium Vitae*, The Gospel of Life, wrote that a Christian must not respect laws, or even comply with laws which are contrary to God’s law.

I was born in Canada and, with only occasional forays abroad, I have lived here all my life. Yet I understand Canada less and less and feel ever

more a stranger here. Canada for me has become a foreign country in many ways.

A country where Linda Gibbons is repeatedly imprisoned because she prays within 40 meters of an abortuary, but where the abortionist who practices his grisly craft there, Dr. Henry Morgentaler, is honoured by Western University. Canada has become a virtual one party state where the most significant decisions are taken not by members of parliament, whom we elect, but by unelected judges. A country where the Queen's representative is chosen from the CBC's chattering classes, people congenitally hostile to monarchical government. I could go on, but you get my point.

I do not say such things to undermine your patriotism, although I agree with Dr. Johnson that blind, unthinking patriotism is "...the last refuge of the scoundrel." Rather, I say these things because, if we are to honour our country, we must be vigilant when we see the bedrock principles of our country, democratic accountability, parliamentary supremacy, and the rule of law, undermined. C. S. Lewis put it this way in his book *The Abolition of Man*: "We make men without chests and expect of them virtue and enterprise. We laugh at honour and are shocked to find traitors in our midst."

**T**he best example of honouring one's country is the soldier. So let me ask: What is the present condition of Canada's military? Do we any longer have armed forces capable of bringing honour to our country, or have our armed forces been systematically demoralized and deconstructed? One has only to ask the question to answer it. In his poem, "The Soldier's Return," Robert Burns writes:

*For gold the merchant ploughs the main,  
The farmer ploughs the manor;  
But glory is the soldier's prize  
The soldier's wealth is honour!  
The brave, poor soldier ne'er despise,  
Nor count him as a stranger:  
Remember he's his country's stay  
In day and hour of danger.*

An illustration of honouring one's country comes to us across 26 centuries. Six centuries before Christ, the Romans were at war with the Etruscans. When the Etruscans marched on Rome, the Romans were greatly outnumbered. A messenger came to the capital to tell the Romans that thousands of Etruscan soldiers would soon be at the bridge over the Tiber River. One old man, Horatius, much too old for military service, went out and found two friends, and the three of them buckled on old, rusted armour, took up their

ancient spears, and went out to stand on the bridge. They thought they might delay the Etruscan army long enough for Roman citizens to hew down the pillars on which that bridge stood. And that is exactly what they did. Was it heroic? Well, twenty four hundred years later, the English poet and historian Thomas Macaulay, recalled what they did in this verse:

*Then out spake brave Horatius,  
The Captain of the gate;  
"To every man upon this earth  
Death cometh soon or late.  
And how can man die better  
Than facing fearful odds,  
For the ashes of his fathers  
For his country and his gods?"*

I sometimes think of pro-lifers as like Horatius standing on the crumbling bridge that is Canada, a bridge from which the foundations have been hacked away, determined to bear witness to the truth; for its own sake, for God's sake, for honour's sake, and yes, for Canada's sake.

Now through most of my years in the pro-life movement, I confess that I have been deeply pessimistic about our chances of changing anything; from the initial legislation in 1968, through the petition of one million signatures in the 70s, to the 1988 Supreme Court *Morgentaler* decision, to the Court's lowering the age of sexual consent in the 90s, right up to last June when Western University went ahead, despite widespread alumni protests, to honour an abortionist, the Canadian pro-life story is one of unbroken parliamentary and judicial defeats. Again and again we lose; yet your presence tonight is proof that we are not defeated.

Recently, however, and rather to my surprise, I have become more optimistic about the pro-life future. There are three reasons for this: First, thanks to ultrasound, sonography, and other medical advances in fetal imaging and treatment, no rational person can any longer deny the humanity of the unborn. In the early days, abortion advocates used to say that a fetus was just a blob of tissue, so abortion had no greater moral significance than, say, an appendectomy. Medical advances mean that those days, and those arguments, are gone forever.

Second, several recent studies suggest that the younger generation (those under 30) are more opposed to abortion than their parents were. At least in the United States, where anti-consensus thinking is not yet a crime or a human rights violation, young women, particularly, seem to be more strongly pro-life than we had any right to hope.

Third, history suggests that systems constructed entirely upon lies cannot

stand forever; the pro-abortion State must contort itself in ever more bizarre and despotic ways in order to sustain the abortion related lies. I retain a perhaps naïve belief that at some moment, and without much forewarning, the whole edifice of abortion lies, like the Berlin wall, will crumble and fall down before our eyes.

The fourth kind of honour that I want to mention is the honour of the regiment. This kind of honour is unique to military and para-military organizations and it consists of pride in past accomplishments and *esprit d'corps*. As an outsider who never served in the military, it would be presumptuous of me to hold forth about something I have not experienced. But we do experience a measure of this with battles in the pro-life movement.

Let me tell you one true story that illustrates this kind of honour, a story from the first world war related by Walter McPeak.

Two members of the same regiment had fought in the trenches of France. During an attempted advance one man was struck by a German bullet. In the trench, the other man asked his commanding officer for permission to venture out into no man's land to recover the body; at first the officer refused, saying that his friend was almost certainly dead and he would be risking his own life to no purpose. But the first soldier persisted, and the officer finally consented. So over the top the soldier went, and just as he reached his comrade, the wounded man died. Somehow that soldier made it back to the trench but without the body. "You see," the commanding officer said, "You risked your life for nothing." "No," replied the soldier, "he was conscious when I got there and he said: 'Tom, I knew you would come, I knew you would come.' Then he died. I did what he expected of me and that is reward enough."

In the pro-life movement, we seek to bear witness to the truth because God expects that of us, and we expect it of ourselves, and that is reward enough.

Now I began tonight by talking about Falstaff's cynical view of honour; but, you know, William Shakespeare contains universes within himself. In his play *King Henry V*, the year is 1515. The young King stands upon French soil on St. Crispin's day, to prepare his men for battle. Do you know any words on honour more rousing than these?

*This story shall the good man teach his son;  
And Crispin Crispian shall ne'er go by,  
From this day to the ending of the world,  
But we in it shall be remembered,  
We few, we happy few, we band of brothers.  
For he today that sheds his blood with me  
Shall be my brother; be he ne'er so vile,  
This day shall gentle his condition;*



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*And gentlemen in England now a-bed  
Shall think themselves accursed they were not here,  
And hold their manhoods cheap, whiles any speaks,  
That fought with us upon Saint Crispin's day.*

The final kind of honour I wish to mention—and you can see now that honour is a protean concept—is honour of tradition. That is not a popular notion today. We are a society that deifies change and worships the new. We forget that we do not exist only in the present moment. We have a past—and we owe ancestral obligations to those who sacrificed for us, just as we owe obligations to the future, to our children and children's children.

That wise old warrior, G. K. Chesterton, had a wonderful phrase for this: He called it “the democracy of the dead.” In his classic work, *Orthodoxy*, Chesterton wrote: “Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about. All democrats object to men being disqualified by the accident of birth; tradition objects to them being disqualified by the accident of death.”

I have an illustration of this drawn from the milieu in which I spent most of my working life—the University. During the 1960s, that era when everything seemed up for grabs, the Dean of a Canadian University decided that it was time to shake up his very traditional Philosophy Department. Enough of a stale curriculum full of ancients like Plato and Aristotle and Saint Thomas Aquinas—those who today are derisively called DWEMS (Dead White European Males). Full of the democratic enthusiasms of the moment, the Dean decided to poll the students, and he sent each a letter asking whom they would choose to study. Imagine his surprise when many letters came back from students saying they would like to study Plato and Aristotle and St. Thomas Aquinas. The Dean called a meeting and said to the student representatives: “Look, why are you being un-cooperative? Don't you want to venture out on something new?” And one student replied: “Yes, Sir, we are interested in new things, but how can we test something new until we know what was truly great in the past?”

For the rest of his career that Dean would relate that story whenever some young Turk wanted to do away with long-standing tradition.

In the year 1900 the British Antarctic explorer, Ernest Shackleton placed this advertisement in the London Times: “Men wanted for hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honour and recognition in case of success. Ernest Shackleton.”

IAN HUNTER

Shackleton later said that it seemed to him as if “. . . every man in Great Britain were determined to accompany me, so great was the response.” And those few that did accompany him were rewarded with the honour that flows from self-sacrifice and integrity.

So what have I said to you tonight?

I have suggested several different meanings of honour, and I have tried to give an illustration of each. Honour of God; honour of life; honour of Country; honour of the Regiment; and honour of tradition.

In the end, all of these kinds of honour depend upon integrity. If there is no honour at the heart's core, there can be no other kind of honour. Pericles, the 4th century orator, general and statesman who presided over the “golden age” of Athens, in his *Funeral Oration* said: “It is only the love of honour that never grows old; and honour it is, not gain as some would have it, that rejoices the heart of age and helplessness.”

For the better part of half a century, the pro-life movement has stood honourably and has stood for honour: for the defence of human life; the honour of God; the honour of country and tradition. It has stood up for the weak and undefended.

I am honoured to be part of the pro-life movement, and I am honoured to have been your guest and to have been able to say this to you tonight.

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MARY KENNY

Mary Kenny, the *Review's* longtime European Editor, is an Irish author, journalist and broadcaster who lives and works in both London and Dublin. Her many books on culture, religion, and social history include *Abortion: The Whole Story* (1986), and *Goodbye to Catholic Ireland* (1997). She is also the biographer of William Joyce, Lord Haw-Haw—her “absorbingly elegant study” (*The Guardian*), titled *Germany Calling*, is now being made into a feature film. A regular columnist for the *Catholic Herald* (London) and the *Irish Catholic* (Dublin), Ms. Kenny also frequently debates cultural, political and religious questions on radio and TV.

Back in the early nineties, Mary Kenny’s spirited columns caught the attention of our late editor, J.P. McFadden, and he invited her to write for the *Review*. Her first article, which appeared in our Summer 1992 issue, was about “Ireland’s Struggle” to remain a pro-life country. She has been an articulate, impassioned, and lively contributor ever since, as well as a valued ally in the fight to restore protection to the lives of the unborn. And she is a delightful and treasured friend. We are proud to honor Mary Kenny with this year’s Great Defender of Life Award.

Introducing Ms. Kenny will be the British journalist and broadcaster—and *Review* contributor—Lynette Burrows. Ms. Burrows’ run-in with Scotland Yard, after she ventured the opinion that homosexual adoption was a “risk” during a discussion on a TV show last year, was recently recounted in columns by Mark Steyn and John Leo. Please join us for what promises to be a jolly wonderful evening.

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## APPENDIX A

[John O'Sullivan is a senior fellow at the Hudson Institute in Washington, D.C. and editor-at-large of National Review. He is currently writing a book on Reagan, Thatcher and Pope John Paul II. A version of this article first ran in the Chicago Sun-Times; this version appeared June 6 on National Review Online and is reprinted with permission.]

### The End of Ignorance . . . and Innocence

John O'Sullivan

As someone who goes to political dinner parties on both sides of the Atlantic, I have the following two experiences on a regular basis:

#### Experience One:

*American Liberal:* "Mr. O'Sullivan, our American obsession with abortion is so embarrassing. Why can't we be like Europe? They're much more sophisticated. It's not even a political issue there. Please pass the blue sweetener."

*Myself:* "Well, that may be because the laws in most European countries are much stricter than those in the U.S. Women have no constitutional right to an abortion. In Britain, for instance, except in cases of severe handicap, abortions are not permitted after the twenty-fourth week of pregnancy."

*American Liberal:* "What! That's barbaric."

#### Experience Two:

*European Sophisticate:* "My dear John, you Americans are too absurd. This sexual abstinence, your fundamentalist Christians, all this political fuss about abortion. How do you explain such an obsession? This Armagnac is delicious, no?"

*Myself:* "Yes. Well, that may be because the courts have ruled that there can be no restrictions on a woman's right to an abortion. An abortion can be performed on a fully viable fetus—even, in the case of partial-birth abortion, as the baby is leaving the womb."

*European sophisticate:* "What! That's barbaric."

In other words what people think about abortion is strongly influenced by what they know. But the ignorance of most people, including usually well-informed people like my dinner-party companions, about a topic that has been as controversial for as long as abortion does seem to call for explanation.

Ramesh Ponnuru provides one in his new book, *The Party of Death*, about the politics of abortion, stem-cell research, and cloning. He deals, first, with the nature of people's ignorance. Most Americans, let alone most European sophisticates, have no idea that the landmark Supreme Court decision, *Roe v. Wade*, establishing a constitutional right to abortion, means that a woman can obtain an abortion right up to the moment of her baby's birth. When this claim is advanced, they point out that *Roe* specifically insists that states may regulate abortion in the second trimester and prohibit it in the third trimester.

But *Roe* also states that states can neither ban nor regulate abortion in cases where a doctor certifies that a woman's life or health would be adversely affected. And in a second Supreme Court judgment, *Doe v. Bolton*, delivered that same day,

Justice Harry Blackmun wrote that the doctor's medical judgment should be exercised "in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." In brief: unfettered choice posing as a clinical decision.

*Roe* and *Doe* together allow a woman and her doctor to have a legal abortion for any reason at any time before birth and arguably even during birth. The courts have confirmed this in countless cases but especially in those striking down state and federal laws to prohibit or regulate "partial birth abortion"—i.e., the procedure in which a baby is partly delivered and, while in the birth canal, has his or her skull crushed and his or her brains sucked out.

Most Americans don't know this is legal. If they did, they would oppose it. We reasonably infer this from the 2003 Gallup poll that 68 percent of Americans thought that abortion should be "generally illegal" in the second trimester, let alone the third. This popular opposition has grown slowly but steadily for at least the last decade.

Today the single most accurate way of describing the opinion of the American people is as follows: "Most Americans oppose most abortions." On the one hand they favor such regulations as parental notification laws and information about alternatives; on the other they insist that a woman should have a right to an abortion in cases of incest, rape or a genuine health threat.

Their position is a great deal more decent and moral than either the law or the "pro-choice" campaign—and more balanced too.

But this apparent balance conceals a heavy weight of doubt and ambiguity. Except for extreme pro-choicers, Americans seem distinctly uneasy about abortion per se. They are unhappy talking about it, not anxious to learn more about the practice, eager in fact to remain ignorant. What is the source of this moral queasiness?

If the thing in the womb is indeed a baby, then the debates over restrictions and exceptions are manifestly secondary. As Ponnuru outlines clearly in a book that is consistently fair-minded and closely-argued, "the fundamental question in dispute . . . [becomes] . . . whether all human beings have a right not to be killed . . . [or] . . . whether we accept the existence of a category of human non-persons."

When technologies increasingly enable parents to see their baby in the womb at ever-earlier stages and thus to recognize it as a baby and not as "a clump of cells," they are faced with a choice on which the usual regulations offer no guidance. They must choose either to kill or to let live. All debates come back to that central choice.

More and more Americans, informed by technology, choose to let live. That is why the number of abortions is going down. Some Americans who find a pregnancy inconvenient choose to believe in the existence of a category of human non-persons. Most Americans, since they are not compelled to face an immediate choice by pregnancy, fall back upon the strategy of not learning too much about it.

After all, they can imagine circumstances in which an abortion might seem

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necessary for their own lives, and they don't want to foreclose that option by discovering it to be morally intolerable to them.

A very similar evasion lay behind the extraordinary and otherwise inexplicable outrage of liberal America at the campaign to keep Terri Schiavo alive. As Christopher Caldwell pointed out in the *Financial Times*, if doctors and medical ethicists were watched too closely, they might be discovered snuffing out the last years of senile Uncle Fred as well as of those of young accident victims such as Ms. Schiavo. Such a discovery would force an intolerable choice upon us—either paying to keep Uncle Fred alive indefinitely or agreeing to his euthanasia and feeling bad about ourselves.

In these circumstances, ignorance was bliss and those who threatened to disturb it were excoriated.

But if Americans can be as hypocritical as anyone on these "life issues," what explains the vitality and influence of the pro-life movement in the U.S. almost alone in the world? Ponnuru thinks that Americans, being the heirs of a revolution grounded in moral truths ("We hold these truths . . ."), are driven by their public moral logic to be more tender towards the rights of the helpless than Europeans sunk in a moral *realpolitik*.

But there are reasons for doubting that. Ponnuru himself concedes in detail that abortion in Europe faces *more* legal restrictions than in the U.S. (Hence the surprise of European sophisticates when they learn of the much looser U.S. laws.)

That is not the whole picture. Though more restricted in law, abortion in Europe has in practice developed along lines almost identical to the U.S. experience: By massively expanding "exceptions" for the health of mother, doctors and courts created something very like abortion on demand. Just recently in Britain, for instance, the courts allowed an abortion because the fetus was diagnosed with a cleft palate even though such a disability is now curable. And expectant mothers routinely come under strong medical pressure to abort fetuses diagnosed (sometimes inaccurately) as having Downs Syndrome.

Just as the Europeans followed the U.S. pattern in developing an effective right to abortion on demand, so they now seem to be following America in feeling increasing doubt and ambiguity over that right.

The Downs Syndrome and cleft-palate cases, given sympathetic media publicity for the first time, have led to popular pressure for a tightening of the law to ban abortions where the fetus is viable outside the womb. The London *Sunday Telegraph* said in a recent editorial: "The elimination of abortion is not a practical possibility. Its reduction, however, is a moral necessity." MPs are considering the introduction of non-government bills to achieve that.

If both halves of Western civilization are undergoing the same moral evolution on this issue, that may tell us something important. But what? Are they perhaps responding to the same moral intuition as events and scientific advances force the abortion issue on our regretful attention?

If so, that would be, er, ironic. Some of Ponnuru's critics have argued that he

stuck too closely to scientific and moral logic in his arguments, ignoring the vital role of moral intuition. Peter Berkowitz in the *Wall Street Journal* argued, for instance, that Ponnuru's argument flew in the face of a "complex intuition that seems to underlie the American ambivalence: Invisible to the naked eye, lacking body or brain, feeling neither pleasure nor pain, radically dependent for life support, the early embryo, though surely part of the human family, is distant and different enough from a flesh-and-blood newborn that when the early embryo's life comes into conflict with other precious human goods or claims, the embryo's life may need to give way."

But moral intuitions are warnings rather than instructions. Only very rarely do they tell us what we must do. Generally, they alert us to the fact that we are about to do something wrong. We have taken a false turn in our moral reasoning and need to reconsider either our premises or our chain of reasoning. In order to be sure of our future ground, we have to resort to what Berkowitz called "the reductive lens of natural science . . . the bright light of pure reason . . . the cold heights of abstract theory" while listening carefully for the warning ping of a moral intuition.

In this case moral intuition has been pretty consistent through the evolution of the abortion debate. It has always glimpsed that the important point was whether the embryo or fetus was a human person with some or all human rights deserving of our respect. Scientific and moral reasoning—cold, abstract, and reductive—then sought to decide what intuition could not determine unaided, namely when the thing in the womb had what human qualities and rights. The power of Ponnuru's book is that he pushes the point at which human personhood begins back about as far as possible in the reproductive process by such forms of reasoning.

Physical science has come to his aid meanwhile by presenting new evidence to the intuition that confirms his reasoning in the form of images of the baby in the womb and viability outside it at earlier and earlier stages of pregnancy. These scientific advances are changing attitudes on both sides of the Atlantic—the more so because the moral intuitions are being guided by new scientific information into conformity with moral reasoning rather than in opposition to it. Europe might even move more quickly than the U.S. in the direction of protecting children in the womb since its courts have less power than American courts to entrench past errors.

And where European sophisticates go, angels may fear to tread. But will American liberals be very far behind?

## APPENDIX B

[Richard Stith teaches at Valparaiso University School of Law and serves on the board of directors of University Faculty for Life. The following essay was prepared to be distributed by the United States Bishops Conference for Respect Life Sunday, Oct. 2, 2005.]

### **Roe v. Reason**

*Richard Stith, J.D., Ph.D.*

On 22 January 1973, in *Roe v. Wade*, the United States Supreme Court declared that an unborn child enjoys no constitutional protection before he or she emerges from the womb. Even after viability, the fetus *in utero* counts only as a “potentiality of human life,” and can therefore be destroyed for broadly defined maternal health reasons, amounting virtually to abortion on request, right up to birth. Location – in or out of the womb—thus determined whether actual human life existed and was worthy of protection under the *Roe v. Wade* ruling.

Many constitutional scholars (on both sides of the abortion issue) have criticized *Roe* for having no basis in our Constitution. The Court, they say, just invented the right to abortion in an act of judicial activism. This essay, however, will focus not on the flaws in *Roe*’s legal arguments, but rather on its deeply arbitrary description of human development.

Let’s take a close look at *Roe*’s holding and at the key non-legal judgment with which the Court backs it up. Here’s an excerpt from *Roe*’s concluding summary:

For the stage *subsequent to viability*, the State in promoting its interest in the *potentiality* of human life may, *if it chooses*, regulate and even proscribe abortion, *except* where it is necessary, in appropriate medical judgment, for the preservation of the life or *health* of the mother (emphasis added).

Note that the Court is here saying that a state *need* not provide *any* protection for an unborn child who is fully viable (able to survive outside his or her mother’s womb). There’s no protection at all unless the state “chooses” to regulate late-term abortion. And even if it does choose to regulate post-viability abortion, the state still must allow abortions to preserve the “health” (not just the life) of the mother.

*Roe* goes on to refer us to its companion case, entitled *Doe v. Bolton*, for the Court’s definition of “health,” which includes: “all factors—physical, emotional, psychological, familial, and the woman’s age—relevant to the well-being of the patient.” A woman obtaining a divorce in her eighth month of pregnancy, for example, might (as a newly single person) wish to abort her child for “familial” reasons. Indeed, since there can be hardly any sort of voluntary abortion that does not involve one or more of these broad factors, *Roe v. Wade* can be summarized as mandating a right to abortion at any time during pregnancy, right up to birth.

How could the U.S. Supreme Court leave viable unborn children with virtually no possibility of legal protection? Its reason is found in the passage above: Even just before birth, the child is supposedly only the “potentiality of human life.” Our highest court claims not to know that any unborn child is actually human and alive.



This judgment doesn't come from the Constitution or the law; the Court is making a non-legal claim about the nature of human development. *Roe* holds that a change in location, passage through the birth canal, can turn a potential human being into an actual human being. An unborn child overdue at nine and one-half months is considered only a potentiality, while a cousin at seven months is an actual human life if he or she emerges prematurely from the womb. An abortionist must be very careful to make sure every child he removes from the womb is dead beforehand. If he does anything that causes the child's death a moment after it comes out, he may be guilty of murder.

But this makes no sense. *What* something is does not depend on *where* it is. How something is *perceived* may change with location, but not what it *is* in itself. We can relate to a baby in many new ways (holding, gazing, etc.) after it is born, but we know it is the same being that was alive and kicking in its mother's womb just a short time before. The Court didn't just reason poorly in *Roe*. It abandoned reason altogether, in favor of a wholly arbitrary stipulation of when actual human life must be considered to begin.

We might not mind the Supreme Court drawing a willful line in some minor procedural area of law. But *Roe* concerned the most fundamental of all issues, the question of who belongs to the human community. A plausible concept of "who counts" as a human being is the necessary starting point for all legal (as well as all ethical) reasoning.

Here's an analogy: I would see as rational, though I would disagree with, someone who argued that the death penalty is permissible because the interests of felons are outweighed by the interests of society. But I would be dumbfounded by someone who claimed that once the accused is convicted of a heinous crime, he or she ceases to be actually alive or human, and so can be destroyed without a qualm. To make such an argument would be not so much to reason poorly as to give up on reason entirely, leaving us nothing more to say to each other. How can we reason together if the clearest of starting points is openly denied?

Thus one fundamental reason that *Roe v. Wade* must be overturned is just this: It commits our nation to a wholly irrational definition of who we are, and so of our human dignity and rights. For example, supporters of abortion naturally want to defend *Roe*. But none has ever been able to explain how passage through the birth canal can bring life and humanity magically into existence. So they sometimes urge unthinking obedience to the Supreme Court—perhaps claiming there is no right answer as to whether a fetus is alive or human, so *Roe*'s answer is as good as any. Of course, they then can have no objection in principle if the Court defines away another group's legal rights (say, the right to life of those with serious mental disabilities). Or, even more ominously, pro-choice thinkers may agree with us that there is no difference in the child in and out of the womb but then go on to argue, in an extension of *Roe*, that there is thus nothing inherently wrong with post-natal infanticide. (This is the position of Princeton professor Peter Singer, and apparently of every academic philosopher who supports *Roe*'s right to abortion

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throughout pregnancy.) I doubt that many would come up with such frightening contentions if they did not feel compelled to defend the indefensible—*i.e.*, to defend *Roe v. Wade*.

If the most fundamental of all issues—who belongs to the human community—is to be settled by an unreasoned *diktat*, it's no wonder people have stopped talking to each other about lesser matters. If we can't agree that a child of human parents who is active in the womb is human and alive, how can we trust each other's good faith concerning less obvious and important truths?

In line with *Roe v. Wade*, many today aver that factual as well as value judgments are just stipulations and so need not be checked against reality. This is an excuse for indifference to others' views. As a result, conversation comes to seem hopeless. Many become discouraged with logical, clarifying discourse and lapse into apathy. If *Roe* has not by itself caused this breakdown of public reason, it certainly has contributed mightily to the decline of civil debate in our nation—and not just on abortion. Our Catholic tradition, to the contrary, insists upon reason as an essential foundation for the rule of law.

If *Roe v. Wade* is overturned by a future Supreme Court, the abortion debate will not end. Indeed, it will only then begin. We cannot be certain that the pro-life side will win. But at least then we can insist that pro-choice legislators explain why a heartbeat doesn't prove life exists at three weeks gestation, and explain what species our unborn babies belong to if they are not human. We can ask for a reasoned response to our strongest non-religious argument: "Weren't you yourself once a human fetus, and a human embryo before that? Aren't you the same organism, the same being, as you were at conception—just more developed?"

Yet I think there are reasons to hope that we will eventually convince America to provide substantial legal protection for all unborn children, if the Supreme Court ever backs off its irrational claim that location (in versus out of the womb) can determine human being and dignity. Most states now treat the killing of an unborn child as a kind of homicide, if committed without his or her mother's permission. (Such laws have been held constitutional because *Roe* does not privilege involuntary abortions, those done without maternal consent.) Some of these states do not protect the first few weeks of life, but many do. In Minnesota, for example, someone convicted of intentionally killing a just-conceived human embryo, by attacking its mother, can be sentenced to life in prison for "murder of an unborn child." And in 2004, the very similar federal Unborn Victims of Violence Act became law, as a response to the tragic killing of Laci Peterson and her unborn child, Conner. That law provides that an unborn child at every point in its development gets the same federal protection as its mother. We may thus hope that, if the Court gives them a voice, the American people will open their hearts and minds and declare every single human being worthy of equal protection.

Unfortunately, the reasonableness of the American people and of our legislatures has not yet reached all our courts. Excessively influenced by *Roe*, some state courts have persisted in holding that an unborn child cannot be a victim of homicide, even

when killed without his or her mother's consent. And of course, the U.S. Supreme Court has not backed off *Roe*. Indeed, in the year 2000, it extended *Roe*'s permission to kill. While the first footnote in *Roe v. Wade* had indicated that the Court was not granting a right to abortion during the birth process itself, in *Stenberg v. Carhart* the Supreme Court built on *Roe* to allow abortion even during the delivery of a child (*i.e.*, abortion after a "partial birth" in which the child is pulled out feet first, right up to its neck, before its brains are suctioned out while its head still lies inside the womb).

The only real hope for life and justice in our nation lies in the replacement of the *Carhart* majority with men and women willing to overturn *Roe* rather than to extend it. Yet, ironically, *Carhart* itself can give us a measure of confidence that reason will win out in the end. For *Carhart* ridicules *Roe*'s idea that location can matter when deciding who deserves legal protection.

The majority in the *Carhart* case made it quite clear that the fact (in a partial-birth abortion) that the unborn child is four-fifths outside the womb when it is killed makes no difference whatsoever. It's still the same being in reality, regardless of whether it's entirely inside or mostly outside. The change in location doesn't matter. Judge Richard Posner, in a case affirmed by *Carhart*, put the matter very clearly:

*From the standpoint of the fetus, and, I should think, of any rational person, it makes no difference whether, when the skull is crushed, the fetus is entirely within the uterus or its feet are outside the uterus. . . .*

*No reason of policy or morality that would allow the one would forbid the other.*

Picking up on Posner's argument, Justices Ruth Bader Ginsberg and John Paul Stevens argue that any prohibition of partial-birth abortion is (in their words) "simply irrational" because it is no more (again in their own words) "brutal," "gruesome," "cruel" and "painful" than the sort of late-pregnancy abortion already approved by *Roe*, where the still-hidden fetus is dismembered alive, with its limbs and then its body pulled out piece by piece before its head is finally crushed. In other words, the two justices say it is irrational for a state to regard a fetus as more worthy of legal protection simply because it is nearly born, located outside the womb up to its neck.

In claiming that partial-birth abortion is no more "brutal" or "painful" to the child than the inside-the-womb abortion originally envisioned by *Roe*, these justices concede that *Roe*'s original sort of abortion is at least as brutal and painful as partial-birth abortion. In arguing that it is "simply irrational" for the states to think a baby's location can matter, they implicitly concede that *Roe v. Wade* itself was simply irrational in its reliance on location as a test of human existence and dignity.

*Roe* abandoned reason in holding that some children can be cast out from the human community and brutally killed. That is obvious from the text of *Carhart*, and from the irrational lengths to which judges and others must go to defend the decision. May reason prevail, and soon.

## APPENDIX C

[*Alicia Colon is a columnist for the New York Sun. The following column appeared on May 12, 2006 and is reprinted with Ms. Colon's permission.*]

### **America's Anti-Child Culture**

*Alicia Colon*

Sunday is Mother's Day, and what odd timing for the New York Times to run an article by Natalie Angier about how animals are not necessarily maternal. In her article this week, Ms. Angier gives numerous macabre examples of how the female of the species mistreats her offspring. Whether it's cannibalism or neglect, we're supposed to cringe in horror at the shocking assault on helpless animal babies. I can't help but wonder if Ms. Angier is sending us a subtle message that such behavior is instinctively natural for the survival of any species—including our own.

She writes, "Among several mammals, including lions, mice and monkeys, females will either spontaneously abort their fetuses or abandon their newborns when times prove rocky or a new male swaggers into town." Gee, sounds familiar, doesn't it? The names Amy Richards and Susan Smith come to mind. I was under the impression that the human race was a cut above the animal kingdom, but I guess not.

Last year, the New York Times thought it worth noting that Ms. Richards aborted two of her triplets so she wouldn't have to move from Manhattan to Staten Island and be forced to shop at Costco. Oddly enough, Ms. Richards received support from like-minded feminists who regarded the culling as mere expediency. Smith, on the other hand, strapped her two toddlers into their car seats and let her car roll into a lake so she could get on with her life with her new lover. That was a no-no, and the South Carolina woman is cooling her heels in prison.

Perhaps the greatest evidence that, in the minds of some women, Darwin's theory outweighs any semblance of a moral code was the sympathy given to Andrea Yates. The Houston mother murdered her five young children in 2001 by drowning them in a tub. Celebrities rose to her defense, citing postpartum depression, medication, and marital dysfunction to explain what I considered an absolutely horrific crime against innocence.

Anna Quindlen wrote an essay in Newsweek in which she expressed an understanding of the demons that possessed Yates, because the columnist also had rough days with her three children. Katie Couric and Rosie O'Donnell mounted a defense fund for Yates, and I dashed off my opinion for [www.rightgrrl.com](http://www.rightgrrl.com) from the opposite end of the aisle.

Because at one point I had five children under the age of 6, I also knew how difficult the job of motherhood could be. I wrote that the normal inclination would have been for the overburdened mother to run away—not to systematically take each child and hold their struggling bodies underwater in the bathtub till they were dead. To me, that act spoke more of Medea-like anger than depression. I also suggested that perhaps Ms. Quindlen and the others were sympathetic toward her because she had given up her career as a nurse to stay home with her children. Ms.

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Quindlen wrote, “Women not working outside their homes feel compelled to make their job inside it seem both weighty and joyful.” Funny how pro-choice women always hold women who choose this path in disdain.

Apparently, I was the only female columnist who took that tack, and I received a request from Rick Folbaum to appear on Fox News. I reluctantly agreed, and before the interview he took me into the makeup room and simply told the staff I would be speaking on the Yates issue. Not knowing that I was unsympathetic to the homicidal mother, the two cosmetologists immediately launched into their own piteous tales of PMS. I shut my mouth and murmured noncommittally because they were preparing me for the television audience. Since I ended up looking so awful that I’ve sworn off television appearances forever, I suspect that they guessed that I was not allied with the Yates tea-and-sympathy crowd.

This has become an anti-child culture and crimes against the very young are becoming a daily event. Child pornography is a booming business, and children have become the objects of sexual exploitation. The term “retroactive abortion” is used frequently by stand-up comics but it’s taken seriously by burned-out mothers. Women’s rights may now rank higher than concerns about our young, but have they created better mothers? I think not.

Twenty-seven years ago, on the day before Mother’s Day, my own mother died. The following day I sat in church, grief stricken, listening to the priest give a homily about mothers. I was the 12th child she bore and only the sixth who survived.

I am forever grateful that she felt humans are higher than the animals, and that she nurtured me in spite of dire poverty and ill health.

## APPENDIX D

[Father Thomas Berg is associate professor of moral philosophy at the Center for Higher Studies of the Legion of Christ in Thornwood, N.Y., and executive director of the Westchester Institute for Ethics & the Human Person. The following appeared on National Review Online ([nationalreview.com](http://nationalreview.com)) May 10, 2006 and is reprinted with permission.]

### Hitting Rewind

*Thomas Berg, LC*

The South Korean cloning forgery last fall has given a new impetus to the pro-cloning movement in the United States. Scientists in the U.S. are seeking to be the first to produce stem cells from cloned human embryos. On April 13, word came that Harvard University had cleared stem-cell researcher Doug Melton to pursue human cloning. Melton is a Harvard researcher with his own 4,000 sq. ft. basement laboratory, the location of which is kept secret. It took a couple of years and lots of Harvard alumni dollars to audit Melton's funding to make sure that it was not coming from the federal government. His proposal to clone human beings was approved last month by three ethical review committees and two institutional review boards that oversee human research.

On May 6, the *San Francisco Chronicle* reported that scientists at the University of California, San Francisco, had recently received their requisite approvals from the university to begin a similar program. In addition to Harvard and UCSF, experts say that there are probably half a dozen other institutions across the country where cloning human embryos for stem cells is being attempted.

The goal is to accomplish what the disgraced Dr. Woo-Suk Hwang of Seoul National University failed to do: to create human embryos by cloning, then destroy the embryos in order to harvest stem cells from their remains. These stem cells—termed “pluripotent,” which means they have the potential to become any cell in the body—would be genetically matched to the person who donated the cloned cells. They could then be used to grow tissues for future use in tissue replacement therapies (everything from regeneration of damaged heart tissue to Parkinson's to spinal chord injury). A perfect genetic match, these tissues would not be rejected by the donor's immune system.

Yet ardent advocates of cloning do not exhaust the field of embryonic stem cell researchers. After a recent meeting of the world's top stem-cell researchers sponsored by the Colorado-based Keystone Symposia last month, it became apparent that many advocates of such research do not share this newfound optimism for cloning as a source of patient-specific stem cells. According to one of the participants, Dr. Markus Grompe, who is a professor of molecular and medical genetics at Oregon Health & Science University in Portland, many researchers are now pouring their efforts into alternatives to cloning.

Grompe is a leading researcher in adult-stem-cell research and a board member of the International Society for Stem Cell Research, and he explained to me recently that many of the world's top names in embryonic-stem-cell research are

now considering alternative approaches. He described how, in presentation after presentation at the exclusive meeting, researchers revealed that they are now investing their precious research dollars in ethically uncontroversial alternatives to cloning—uncontroversial because they would not involve the destruction of human embryos. “The intense interest in this area,” he explained, “is driven by the realization that it will be technically extremely difficult and impractical to generate tissue-matched pluripotent stem cells by cloning.” The meeting was animated by a real sense of imminent advances in these alternatives which the researchers believe will be just as useful to science and medicine as embryonic stem cells, and potentially more cost effective.

The alternatives under study share the common characteristic of seeking to produce human pluripotent stem cells without first creating and then damaging or destroying human embryos. One approach that is generating extraordinary interest is called cell reprogramming. In reprogramming, scientists would take any cell in the human body—a skin cell, for example—and “reprogram” that cell’s nucleus such that the cell would take on all the characteristics of a pluripotent (embryonic) stem cell. The beauty of reprogramming is that it holds out the same promise as therapeutic cloning—tailor-made stem cells to match the patient—without killing embryos. In August of 2005, Dr. Kevin Eggan of Harvard University was able to show partial success in reprogramming using human cells, and Dr. Grompe assured me that a host of researchers are now in hot pursuit of making reprogramming work.

The hope of discovering ethically acceptable alternatives to embryo-destructive research and human cloning compelled Senators Arlen Specter and Rick Santorum—who normally conflict on the issue of embryonic-stem-cell research—to work together on a funding bill intended to intensify research into these alternatives. That bill, entitled the “Alternative Pluripotent Stem Cell Therapies Enhancement Act,” was introduced by the two senators last Friday. It would promote research into methods of deriving pluripotent stem cells—such as reprogramming and “altered nuclear transfer”—which propose to do so without creating, harming, or destroying human embryos.

The field of regenerative medicine will continue to strive to unleash the power of stem cells to repair damaged tissue. Although the tally of advances in therapies derived from ethically uncontroversial adult stem cell research is on the rise daily, scientific interest in embryonic-stem-cell research is not going away any time soon. If it is true that embryonic stem cells hold the key to further advances, some innovative and free-thinking scientists may be forging the way to obtain the scientific equivalent of embryonic stem cells without creating or destroying embryos. It would be truly praiseworthy to see them achieve this without trampling on innocent human life.

## APPENDIX E

[The following article is reprinted with permission of The Weekly Standard, where it first appeared on April 27, 2006. For more information visit [www.weeklystandard.com](http://www.weeklystandard.com).]

### **“We never say no.”**

*Wesley J. Smith*

There is a pretense in contemporary assisted suicide advocacy that goes something like this: “Aid in dying” (as it is euphemistically called) is merely to be a safety valve, a last resort only available to imminently dying patients for whom nothing else can be done to alleviate suffering.

Meanwhile, in the real world, the founder of the Swiss suicide facilitating organization Dignitas is just about done with pretense. The *Sunday Times Magazine* (London) reported that Dignitas’ founder, Ludwig Minelli, plans to create sort of a Starbucks for suicide: a chain of death centers “to end the lives of people with illnesses and mental conditions such as chronic depression.”

Minelli believes that all suicidal people should be given information about the best way to kill themselves, and, according to the *Times* story, “if they choose to die, they should be helped to do it properly.” Dignitas admits to having assisted the suicides of many people who were not terminally ill. As Minelli succinctly put it, “We never say no.”

The story about Minelli illuminates a deep ideological belief within the euthanasia movement: that we own our bodies, and thus, determining the time, manner, and method of our own deaths, *for whatever reason*, is a basic human right.

That is certainly how one of the other superstars of the international euthanasia movement, the Australian physician Phillip Nitschke, sees it. Nitschke travels the world presenting how-to-commit-suicide clinics. Several years ago he was paid thousands of dollars by the Hemlock Society (now merged into the assisted suicide advocacy group Compassion and Choices) to create a suicide concoction made from common household ingredients (a formula he calls the “Peaceful Pill”).

Like Minelli, Nitschke is straightforward about his goals. In a 2001 interview, *National Review Online* asked him who should qualify for the Peaceful Pill. He responded:

*My personal position is that if we believe that there is a right to life, then we must accept that people have a right to dispose of that life whenever they want . . . So all people qualify, not just those with the training, knowledge, or resources to find out how to “give away” their life. And someone needs to provide this knowledge, training, or resource necessary to anyone who wants it, including the depressed, the elderly bereaved, [and] the troubled teen.*

Nitschke and Minelli’s position has a large constituency among euthanasia believers. Indeed, over the years, the movement has left many telltale signs that assisted suicide is not intended ultimately to be restricted to the imminently dying.

Take the “Zurich Declaration,” issued at the 1998 bi-annual convention of the World Federation of Right to Die Societies. (The WFRD is an umbrella group made up of 37 national euthanasia advocacy organizations, including Compassion



and Choices and Hemlock founder Derek Humphry's Euthanasia Research and Guidance Organization, or ERGO.) It states:

*We believe that we have a major responsibility for ensuring that it becomes legally possible for all competent adults, suffering severe and enduring distress, to receive medical help to die, if this is their persistent, voluntary and rational request. We note that such medical assistance is already permitted in The Netherlands, Switzerland and Oregon, USA.*

It should also be noted that one need not be dying or even sick to experience "severe and enduring distress."

Support for a broad and liberal access to suicide extends far beyond activists in the euthanasia movement. It has been embraced by some people in the mental health professions, where a concept known as "rational suicide" is being promoted in professional journals, books, and at symposia.

Typical of this genre is a 1998 article by James W. Werth published in the journal *Crisis*, with the ironic title, "Using Rational Suicide as an Intervention to Prevent Irrational Suicide." Werth urges that mental health professionals should not always save the lives of suicidal patients, but instead, should non-judgmentally facilitate the suicidal person's decision making process. If the professional agrees that the desire to die is rational, then the suicide should be permitted, or perhaps even assisted.

To qualify for a rational suicide, the patient would have to demonstrate to the mental health professional that he has a "hopeless condition," which Werth defines as, "terminal illnesses, severe physical and/or psychological pain, physically or mentally debilitating and/or deteriorating conditions, or quality of life no longer acceptable to the individual." This is circular thinking. By definition, if one is suicidal, he has a quality of life that he believes is no longer acceptable.

Not surprisingly, assisted rational suicide is already permitted in the Netherlands where the Dutch Supreme Court approved a psychiatrist's facilitating the death of a distraught woman who wanted to die because her children were dead.

Similar suicide-friendly attitudes are often expressed among mainstream bioethicists—and not just by Princeton's Peter Singer. For example, the University of Utah's Margaret Pabst Battin suggests that "suicide can be rationally chosen," to "avoid pain and suffering in terminal illnesses," as a "self-sacrifice for altruistic reasons," or in cases of "suicides of honor and principle." Along these same lines, Julian Savulescu, an up-and-comer in the international bioethics community, argues that respect for human freedom demands that society permit the suicides of competent persons—even when they are expressing an "unjustified desire to die."

"Some freedoms are worth the cost of innocent life," Savulescu wrote in a chapter for the book *Assisted Suicide*. "The freedom to finish one's life when and how one chooses is, it seems to me, about as important as any freedom."

The right to receive assisted suicide for virtually any reason is especially popu-

## APPENDIX E

lar among self-declared “free thinkers” and humanists. Thus, Tom Flynn, the editor of *Free Inquiry*, the house organ for the Council for Secular Humanism, wrote in the Spring 2003 issue, that the belief in human liberty must include an unfettered right to die. “While suicide has never been exactly popular, a new assault on our *right* to suicide is brewing. It’s something secular humanists ought to resist.” Why? Because Flynn (and other humanists) believe fervently that a right to suicide is a crucial element of human liberty:

*What’s really in play here is the old dogma that individuals don’t own their own lives. Physician-assisted suicide is but part of the issue. If we trust our fellow humans to choose their occupations, their significant others, their political persuasions, and their stances on religion, we should also defend their right to dispose of their most valuable possessions—their lives—even if disposing of life is precisely the choice they make.*

There are even ongoing discussions in bioethics suggesting that some people might have an ethical *obligation* to commit suicide. Thus, a 1997 cover story in the prestigious bioethics journal the *Hastings Center Report*, philosopher John Hardwig argued that there is not only a right, but also a “duty to die”:

*A duty to die is more likely when continuing to live will impose significant burdens—emotional burdens, extensive caregiving, destruction of life plans, and yes, financial hardship—on your family and loved ones. This is the fundamental insight underlying a duty to die.*

*A duty to die becomes greater as you grow older. As we age, we will be giving up less by giving up our lives . . . To have reached the age of say, seventy-five or eighty years without being ready to die is itself a moral failing, the sign of a life out of touch with life’s basic realities.*

Bioethicist Battin has also supported the concept of an eventual duty to die for those living in rich countries, not just to spare burdening our loved ones but to promote world egalitarianism. Thus, she wrote in a book chapter called “Global Life Expectancies and the Duty to Die” that the time may come when we will have the moral obligation to “conserve health care resources by forgoing treatment or directly ending [our] life” toward promoting “health prospects and life expectancies” that are more equal around the globe.

Despite this thickening atmosphere of suicide permissiveness, most assisted suicide advocates in this country continue to insist that “all” they want is for the terminally ill to have access to hastened death.

For some, clearly, this is a mere political tactic. The ultimate goal is a much broader death license. Others may actually mean for the initial terminal illness limitation to be permanent, believing that “restricted” assisted suicide, once accepted widely, would not spread to ever widening swaths of acceptable killing (as it has in the Netherlands).

Which camp one decides best represents the overall euthanasia movement doesn’t really matter. Once assisted suicide is accepted in law and culture, the premises of radical autonomy and allowing killing to alleviate human suffering would conjoin, unleashing the irresistible power of logic that would push us inexorably toward the humanist nirvana of death on demand.

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