

# the HUMAN LIFE REVIEW



WINTER 2007

*Featured in this issue:*

Wesley J. Smith on . . . . . Anti-human Animal Rights  
William Murchison on . . . . . Looking Beyond Politics  
Richard Stith on . . . . . Why We Sound Absurd  
Stephen Vincent on . . . . . A New Order for Life

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**4TH ANNUAL GREAT DEFENDER OF LIFE AWARD DINNER**

FR. GEORGE RUTLER • LYNETTE BURROWS • MARY KENNY

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Mary Kenny on . . . . . Monty's Bookshop  
Tom Nolan on . . . . . Little Finn  
Brian Clowes on . . . . . Who's Violent?  
Donald DeMarco on . . . . . The Reality of Fetal Pain  
Colleen Boland Toder on . . . . . Prevention First?  
Rita L. Marker on . . . . . Suicide by Any Other Name

*Also in this issue:*

Nat Hentoff • Kathryn Jean Lopez • Yuval Levin • Hadley Arkes

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ABOUT THIS ISSUE . . .

. . . Winter 2007 marks the start of our thirty-third year of publishing—no small feat for a “niche” journal that was pretty much all alone out there when it launched into the national storm called up by the 1973 *Roe v. Wade* decision. In the time since, we’ve compiled a rich and unique record of the pro-life debate; our authors, going back to the beginning, have been an impressively diverse crew. The first issue, Winter 1975, featured a U.S. Senator, a doctor, two professors—one of whom went on to become a federal judge—a Rabbi and a journalist. A quick look at the bios attached to the articles in this issue will confirm that we remain committed to bringing a variety of voices into the debate.

Over the years, some of the most compelling prose we’ve had the privilege to publish has come to us from people who were moved by personal experience to make their own record. We have such an example in this issue: a truly stunning piece of personal testimony sent to us by Mr. Tom Nolan, who told us he “writes computer code and cuts firewood.” As you will see in “. . . and God will make him a cake” (page 56), Mr. Nolan is also one mighty fine writer.

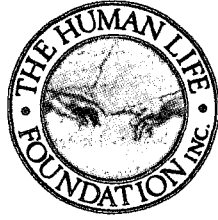
Mary Kenny, our European editor and 2006 Great Defender of Life honoree, told a riveted audience at our award dinner last fall that she believed “stories” have the potential to move hearts and minds that might otherwise remain inhospitable to the pro-life argument (the text of her address begins on page 45). So committed is she to exploring the transformative power of art, she has tried her own hand at writing a short story. So committed are we to Mary and her new project, we’ve included “In Monty’s Bookshop” (page 52) here—the *Review*’s first venture with fiction—and plan to publish more of her stories as she writes them.

On other publishing fronts, we’re happy to report that *Having Her Say*, our collection of *Review* articles written by women over the last three decades, has been very well received. We still have copies available, as well as copies of *Insisting on Life*, the Nat Hentoff reader we produced a couple of years ago. Just contact us by email ([humanlifereview@mindspring.com](mailto:humanlifereview@mindspring.com)) or give us a call (212-685-5210) if you’re interested in ordering them (\$10.95 each, shipping and handling *included*).

George McKenna’s article in our last issue, “Criss-Cross: Democrats, Republicans, and Abortion,” has also received a lot of favorable attention, including a rave review from Fr. Richard John Neuhaus in *First Things* (January, 2007). We regret, however, that the article went to press with a few editing errors; a corrected version can be accessed at the *Review*’s website ([humanlifereview.com](http://humanlifereview.com)) or requested by calling the office.

As you will see as you make your way through, the weighty subject matter of this (and every) *Review* is, if not balanced, well then, periodically mitigated by the peerless humor of Nick Downes, our late founding editor J.P. McFadden’s favorite cartoonist—and ours. Thanks, Nick, as ever.

ANNE CONLON  
MANAGING EDITOR



# the HUMAN LIFE REVIEW

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## INTRODUCTION

**F**or over three decades, this journal has fought for a truth that was once accepted without question: the inviolable moral worth of human beings, or, as Wesley J. Smith writes in our lead article, the principle of “human exceptionalism.” This principle is under increasing attack in certain bioethical and Darwinist circles, but there is a third “equally dangerous threat,” Smith writes, that pro-lifers cannot afford to ignore, and that is the animal rights/liberation movement.

Just how dangerous? You will find out in this disquieting article in which Smith is careful to distinguish between animal “welfarists,” who seek reasonable protections, and the far more radical “liberationists,” whose goal is to “completely end every human use of animals.” The liberationists actually contend, for example, that the artificial insemination of a turkey is the moral equivalent of rape, and that is one of the *least* disturbing views Smith records here. Animal liberationists, he tells us, “fervently reject any hierarchy of moral worth between humans and animals;” à la Princeton’s Peter Singer, they will even go so far as to ascribe more moral worth to a healthy ape than to a disabled human baby.

Smith urges those in the pro-life movement not to dismiss these animal-rights crusaders as simply crazy. Already our silence in the face of their energized campaigning has allowed the preposterous notion of animal “rights” to “seep into public consciousness” and, “more worryingly,” their “ideology seriously threatens to undermine human exceptionalism—especially among the young.”

The unfettered abortion license has also done much to undermine human exceptionalism. In our next article, Senior Editor William Murchison surveys the post-November-election scene for damage to the pro-life cause; as we pretty much already knew, the news isn’t good. But Murchison then probes deeper, into the nation’s psyche if you will, examining especially how self-identified religious Americans voted, and what issues mattered most to them in this election (hint: abortion was not one of them). As Murchison observes, voters seem to want “some degree of legal protection for, shall we say, choice. Even where they don’t necessarily approve of choice.” So what can we do? Murchison doesn’t see a lot of hope for successful political action in the near future, but he does offer valuable insight into what areas we should be focusing on now, one of which is the “continued subjection of life issues to intellectual as well as political critique.”

As we press the intellectual critique, it is not only helpful but necessary to understand how we sound to the “other side.” Professor Richard Stith, in a fascinating essay, explains “Why Pro-life Arguments Sound Absurd” to many pro-choicers, and why they can then (unfairly) dismiss them as “religious” and “indeed wholly unconnected to the real world.” It has to do with the notion so many of them have of a fetus being “constructed,” assembly-line-style, in the womb, says Stith, as

opposed to understanding that the fetus is really a “developing being [who] is already there as soon as it starts developing.” This crucial “difference between making and developing” needs to be grasped by pro-choicers before they will ever afford unborn children the right to life they now reserve for born children.

One of the nation’s “foremost leaders” in the fight to protect unborn children, writes Stephen Vincent in our following article, is Father Frank Pavone, “a priest of big dreams, careful planning, and intense prayer, who is not afraid of confrontation as he brings [the pro-life message] into the public arena.” Father Pavone took over as head of the Catholic group Priests for Life in 1993 and has since turned it into a formidable arm of the pro-life movement. “America will not reject abortion until America sees abortion,” says Father Pavone, defending the links to graphic photos of aborted babies which appear on his group’s website.

In “A New Order for Life,” Vincent reports on Father Pavone’s new project: the creation of a religious community of men, based in Texas, dedicated to the restoration of the Judeo-Christian sanctity-of-life ethic. Modeled on the Sisters of Life, the thriving community of nuns founded in 1995 by New York’s late Cardinal John O’Connor, the Missionaries of the Gospel of Life was established at the end of 2005 by the Bishop of Amarillo, John Yank. Vincent describes the nature of this new religious order (which includes a lay component), as well as reports on the continued activities of Priests for Life, and how the peripatetic Father Pavone is managing to move mountains for the life movement.

<sup>66</sup>There should be a multiplicity of approaches in arguing against abortion, for people must also be allowed to be pro-life in their own manner.” This wise counsel headlined the invitation to the Human Life Foundation’s 4th Annual Great Defender of Life Dinner last fall honoring Mary Kenny, the well-known Irish journalist from whose 1996 *Review* article we plucked it. Ms. Kenny, our long-time European editor, travelled from England to join us, as did another *Review* contributor, Lynette Burrows, who gave the honoree a lively introduction. Father George Rutler, Pastor of the Church of Our Saviour here in Manhattan, graced us yet again with one of his witty Invocations. The special Dinner section in this issue features all of their remarks and includes several photos from what was a truly delightful and inspiring evening.

As you will see, in her speech Mary argues that it is essential for the arts, especially fiction, drama and cinema, to engage the subject of abortion—to incorporate stories surrounding individual abortions in their narratives. While she was over here, Mary discussed with us her own desire to write a series of short stories touching on the abortion theme. Well, she went home and went right to work. Her first story, “In Monty’s Bookstore,” appears after the transcript of her dinner remarks. Though it is fictional, Mary tells us it was inspired by real events. We look forward to bringing you more of her stories in future issues.

“ . . . and God will make him a cake,” which follows, is also a story—a *true* story of the brief life of a beloved baby boy named Finbar William, told by Mr. Tom

## INTRODUCTION

Nolan, the tough-minded grandfather who found it hard to welcome “little Finn” at first. It came to us over the e-mail transom just before Christmas, and what an unexpected gift it was. Each of the editors, upon finishing it, needed a few moments to regain composure, such is the power of Mr. Nolan’s unsparingly self-critical tribute to a child who lived only an hour and a half, but who was, his grandfather discovers, “a great teacher,” even a great man, nonetheless. We are honored to have it in our *Review* and as part of our record.

After thirty-two years of publishing, our record is comprehensive indeed. Mr. Nolan’s personal testimony is followed by a detailed report answering the all-too-familiar charge of “pro-life violence.” Brian Clowes, who is the research director of Human Life International, has at his fingertips a wealth of information about violence involving abortion—the majority of which occurs on the “pro-choice” side. (Of course, abortion itself is a violent act.) Clowes starts out by observing that a disproportionate number of Americans believe the average “reproductive care center” is under constant siege by “anti-abortion fanatics” who might “pull the trigger at any moment.” In fact, as you will read, *real* pro-life violence, albeit with some notable exceptions, is rare. What the National Abortion Federation records as “violence” in its statistics, however, includes mere picketing—and that counts for 86 percent of the “incidents” it cites! Clowes is right, “veteran pro-lifers are weary of being labeled violent fanatics by the press and pro-abortionists and sometimes even by their family members, friends, co-workers, and fellow churchgoers. It is far past time to set the record straight.”

It’s also time to set the record straight on the issue of fetal pain, a subject which has been much politicized and argued about in the course of the abortion wars. “Does a human fetus feel pain,” asks Professor Donald DeMarco, “if no one is there to verify the pain scientifically?” In “Fetal Pain: Real or Relative?” DeMarco explores the evidence and the reactions of those on both sides of the abortion question to attempts to increase awareness of fetal pain. “We like to think that we citizens of the 21st century are compassionate people,” he writes, and therefore it would seem that our “sensitivity to another’s pain would not be subject to ideological compromise.” But this is abortion we’re talking about—not only is sensitivity subject to ideological compromise, in the case of such as Sarah Stoesz, president of Minnesota Planned Parenthood, it undergoes perverse inversion: “We do not see the point of inflicting this kind of cruelty,” DeMarco quotes her as saying about Minnesota’s fetal pain law, “on women and families at that point in their lives.” In Stoesz’s cruelly detached sensibility, unborn children are simply not part of the human family—no feeling *their* pain for her.

“Most Americans are in the muddled middle on the issue of abortion,” writes Colleen Boland Toder in our next article, “not because they don’t know that abortion kills human beings, but because they are ambivalent over the natural consequences of sex.” A free-lance writer, Ms. Toder was this journal’s articles editor from 1994 until 1995, when she got married and moved upstate. Now the mother of five children (whom she homeschools), she also teaches Natural Family

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Planning (NFP) with her husband Dave, and frequently addresses groups of young people about pro-life issues. In “Prevention First?” she explains why NFP, which “requires couples to trust each other deeply,” makes sense, not just for Catholics—it is the only form of “birth control” sanctioned by the Catholic Church—but for everyone else. Since the “unquestioned promise of contraception,” she argues, is the “right to have sex without consequences,” abortion must “be available when contraception fails.” Readers may not share Ms. Toder’s belief that “abortion will not end until the link between sex and babies is reestablished through a forceful rejection of the delusional promises of contraception,” yet still appreciate her advocacy of the benefits and advantages that natural family planning brings to committed couples of any, or no, religious persuasion.

Our final article concerns physician-assisted suicide, a practice which, unlike abortion, has failed so far to achieve widespread public support, at least at the ballot box. Oregon remains the only state to have legalized it—by a state referendum in 1994—though advocates are working hard in California and other states to get friendly legislation passed. While they haven’t yet achieved their goal, they aren’t entirely without success. Like the “animal rights” campaigns we spoke of at the beginning of this Introduction, “right to die” campaigns have also had the effect of helping a once unthinkable idea gain traction.

Rita Marker, President of the International Anti-Euthanasia Task Force and long-time *Review* contributor, has provided us with an immensely valuable two-part report on the situation in Oregon and what it portends for the future. In Part I, Ms. Marker alerts us to the recent success assisted-suicide advocates in the state have had in manipulating language: They have realized (as abortion advocates did long ago), that using the exact words to describe what you want to sell doesn’t always sell—“suicide,” for example, is not a word that sits well with voters.

Late last year, the Oregon Department of Human Services, the agency that compiles annual statistics for assisted-suicide deaths, announced it was replacing the term, “physician-assisted suicide,” with “physician-assisted death.” But the new term, says Marker, “lasted only one day,” because it “was so ambiguous,” it could mean anything from “plumping the pillow” to “giving a lethal drug overdose.” In a linguistic move that defines “Orwellian” down, the agency now refers only to “persons who use the Oregon Death With Dignity Act” in its statistical reporting on assisted suicide. In Part 2 of her article, Ms. Marker looks at the agency’s “official Reports” and explains what the statistics really mean—by analyzing what is reported as well as what is left *unreported*. She has brought together a massive amount of information in a highly readable format—we would have had to pore over hundreds of newspaper accounts and court documents to do the same.

\* \* \* \* \*

Perhaps you’ve noticed that we’ve packed more than the usual number of articles into this issue. As a result, our appendix section isn’t as long as it often is, but it too is packed with important material. *Appendix A* contains two columns by the

## INTRODUCTION

inimitable Nat Hentoff, the Human Life Foundation's 2005 Great Defender of Life awardee, who continues to show why there just isn't anyone quite like him out there defending the rights of the unborn. Both columns focus on the Orwellian nature of the abortion debate that's taking place in the courts today. A South Dakota "informed consent" law, requiring doctors to tell women that abortion "terminate[s] the life of a whole, separate, unique, living human being," Hentoff reports in the first, is being blocked because a federal judge has ruled it "requires abortion doctors to enunciate the state's viewpoint on an unsettled medical, philosophical, theological and scientific issue—that is, whether a fetus is a human being." An *unsettled* issue? In the second column, Hentoff recounts oral arguments on partial-birth abortion heard by the Supreme Court last November. "Only rarely," he says, "did any participant speak plainly about the [abortion] procedure."

In *Appendix B*, we reprint a very plain-speaking interview with Dr. Miriam Grossman, recently revealed to be the anonymous author of *Unprotected: A Campus Psychiatrist Reveals How Political Correctness in Her Profession Endangers Every Student*. "The exaggerated place of sexuality is grotesque and destructive," Dr. Grossman told *National Review's* online editor, Kathryn Jean Lopez, and "the lack of stability and clarity in their intimate lives causes profound emotional damage," especially in young women. Abortion, she isn't afraid to say, leaves "emotional scars" and can even lead to "severe emotional disorders."

Let us take a moment to salute Ms. Lopez, one of the pro-life movement's most precious assets. She has made National Review Online an engine of advocacy for the unborn, publishing invaluable commentary which she graciously permits us to share with our readers. That includes Yuval Levin's column in *Appendix C*, examining the disingenuous political campaign to get federal money for embryo-killing research and cloning. "Again and again," Levin writes, "advocates for relaxing the ethical standards on funding make assertions and arguments with no basis in fact."

"No basis in fact" pretty well describes the rhetorical campaign waged for the "right" to abortion three decades ago and, as Hadley Arkes reminds us in *Appendix D*, the arguments we hear today for the "right" to partial-birth abortion. We close with a (typically) masterful article which Professor Arkes, the Human Life Foundation's 2004 Great Defender of Life, wrote for *First Things*. In it, he prepares pro-lifers who are hoping a newly constituted Supreme Court will uphold the congressional partial-birth-abortion ban for possible disappointment: "It has been confirmed now, in conservative circles," he writes, "that judges will show their fitness as judges by honoring a notion of law utterly detached from substantive judgments of right and wrong." And we "may discover once again that the judicial world is fixed in a mold that will persistently break [our] hearts."

Even so, it won't break our will to keep fighting for the inviolable moral worth of the unborn, and anyone else the proponents of "choice" deem dispensable.

MARIA McFADDEN  
EDITOR



## **Four Legs Good, Two Legs Bad: The Anti-human Values of “Animal Rights”<sup>9</sup>**

Wesley J. Smith

If you are reading these words, you are a human being. That used to matter morally. Indeed, it was once deemed a self-evident truth that being a *Homo sapien* created intrinsic moral value based simply and merely on being human—a principle sometimes called “human exceptionalism.”

No more. Human exceptionalism is under unprecedented assault across a broad array of societal and intellectual fronts. Bioethics, as this journal has often described, is a primary example. The predominating view among mainstream bioethicists is that human life per se does not matter morally. Rather, to be considered a full member of the moral community, one must achieve the status of being a “person” by possessing sufficient cognitive attributes such as being self-aware over time or being able to value one’s life.<sup>1</sup>

This approach creates a potentially disposable caste consisting of hundreds of millions of humans: all unborn life—early embryos may not have a brain, and fetuses are generally considered unconscious; infants—they have not yet developed sufficient capacities; and people like the late Terri Schiavo—who have lost requisite capacities through illness or injury. The point of personhood theory is insidious: It grants permission to kill human non-persons or use them as mere natural resources ripe for the harvest.

Bioethics is by no means the only existent threat to human exceptionalism and to its corollary, the sanctity/equality-of-human-life ethic. Materialistic Darwinism also denigrates the unique moral value of human life based on the philosophical belief that because human beings evolved out of the same primordial mud as the rest of earth’s flora and fauna, we are consequently not special or unique. The fervent embrace of human *unexceptionalism* led one Darwinian materialist to assert, “We are all of us, dogs and barnacles, pigeons and crabgrass, the same in the eyes of nature, equally remarkable and equally dispensable.”<sup>2</sup>

John Derbyshire, of *National Review* fame, has similarly written that a Darwinian understanding of biology leads to the conclusion that human beings are only “special in the way that an elephant is special by virtue of having that long trunk. . . . We are part of nature—an exceptionally advanced and interesting part, but . . . not *special*.”<sup>3</sup> (Emphasis within the text.)

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Wesley J. Smith is a senior fellow at the Discovery Institute and a special consultant to the Center for Bioethics and Culture. His latest book is *Consumer's Guide to a Brave New World* (Encounter Books).

A third equally dangerous threat to the equality/sanctity-of-human-life ethic—the subject of the balance of this article—comes from the animal-rights/liberation movement. Indeed, animal liberation is particularly subversive to our perceived status as a unique and special species because it advocates the creation of an explicit human/animal moral equality. Moreover, of the three threats to human exceptionalism I have mentioned (and there are others), only animal-rights activists engage in significant violence and lawlessness to coerce society into accepting their values. Thus, not only is animal-rights/liberation a unique danger to human exceptionalism (particularly among the young), but it also presents a potent threat to the rule of law.

### **The Ideology of Animal Rights**

Defenders of the sanctity/equality-of-human-life ethic need to combat animal rights as forcefully as they do personhood theory. To understand why, we need to look past the public image of animal-rights/liberation groups, such as the People for the Ethical Treatment of Animals (PETA), as committed animal lovers who engage in wacky advocacy tactics such as posing nude to protest fur. For beneath this relatively benign facade lurks an ideologically absolutist movement that explicitly espouses equal moral worth between humans and animals.

What's wrong with wanting to protect animals? Absolutely nothing. Indeed, advocating for animal welfare can be a noble cause. But this isn't the ultimate agenda of animal rights/liberation. Thus, to understand the profound threat the movement poses to human exceptionalism, it must be distinguished from the animal-welfare movement.

The first distinguishing factor between animal rights and animal welfare is that, unlike the former ideology, the latter approach accepts human exceptionalism. As a consequence, animal welfarists argue that while human beings may have a right to use animals for our betterment and enjoyment, we also have a fundamental duty to do so in a proper and humane manner. Welfarists also believe we have a human duty to prevent unnecessary animal suffering. Thus, they engage in activities such as neutering feral cats and campaigning on behalf of more humane methods of slaughtering food animals.

In contrast, animal rights/liberation—while often engaging in welfare-type actions—is actually a radical departure from animal welfare. Whereas welfarists urge steady improvement of our treatment of animals and take actions to reduce animal suffering, the goal of the liberationists is to completely *end* every human use of animals. Thus, Gary L. Francione, director

of the Rutgers University Animal Rights Law Center, seeks the eradication “of the property status of animals.”<sup>4</sup> In his view there should ultimately be no domesticated animals. Similarly, PETA asserts that “animals are not ours to use—for food, clothing, entertainment, experimentation, or any other reason.”<sup>5</sup>

To truly understand the subversive nature of the animal-rights philosophy, we have to look deeply into the movement’s ultimate beliefs. For example, is the life of a monkey as precious as that of a human being? Animal-rights believers say yes. Is butchering a cow morally equivalent to lynching a black man during the Jim Crow era? PETA’s “Animal Liberation Project” explicitly stated that it is.<sup>6</sup> Is artificially inseminating turkeys the moral equivalent of rape? Yes, according to Gary Francione, who criticized Peter Singer (and a colleague) for participating in a turkey-insemination demonstration. “I suggest that there is no non-speciesist way to justify what Singer and Mason claim to have done,” Francione raged, “without also justifying the rape of a woman, or the molestation of a child, in order to see what those acts of violence ‘really involved.’”<sup>7</sup> Many animal-rights activists and academics assert that animals should be considered “persons” with legal rights including full standing in the courts. Legislation will soon be introduced in Spain to grant full personhood rights to great apes.<sup>8</sup>

We cannot fully comprehend why animal liberationists believe these things—and why the most radical among them act violently against those they consider animal abusers—without understanding that liberationists *fervently* reject any hierarchy of moral worth between humans and animals. And this raises an important question: If being human does not convey moral worth to the liberationist, what does?

Space doesn’t permit a complete exposition of all aspects and every nuance of animal-rights ideology. For our purposes, it is sufficient to explore the two primary ideological approaches: one that focuses on sentience as the source of moral value, and another that focuses on what has been called “painience,” that is, the ability to feel pain.

Rutgers’s Gary Francione is the best-known animal-liberation theorist advocating sentience as the primary measurement of moral value. “I argue that all sentient beings should have one right: the right not to be treated as our property—the right not to be valued exclusively as means to human ends,” Francione stated in an interview.<sup>9</sup> (For these purposes, sentience can be defined as “a state of elementary or undifferentiated consciousness.”)<sup>10</sup> In this view, since animals are not unconscious, they have a “right” not to be used instrumentally. Hence, each and every human use of animals—no matter how seemingly benign—is as wrong as if the same use were made of a non-consenting human being. Thus, to the true liberationist, cattle ranching is as

odious as slavery because cows and humans are both sentient beings.

The second primary approach to crafting moral equality between humans and animals takes a slightly different trail to arrive at the same anti-human destination. In this view, if a being is capable of feeling pain, that attribute alone creates “equality of the species.” Richard Ryder, a former professor at Tulane University, has written that the ability to feel pain—a capacity he calls “painience”—is what confers moral worth. Since animals can feel pain, he writes, the goal should be to “gradually bring non-humans into the same moral and legal circle as ourselves,” toward the end that we “will not be able to exploit them as our slaves.”<sup>11</sup>

PETA adopts the same concept in a slightly broader fashion. The issue for PETA is not just pain per se, but existential as well as physical suffering. Since PETA asserts that any use of animals by humans causes suffering, the group opposes sheep raising and wool shearing, eating dairy products, zoos, medical research using animals—even seeing-eye dogs. Or as Ingrid Newkirk, the head of PETA, once infamously stated, “There is no rational basis for saying that a human being has special rights. A rat is a pig is a dog is a boy.”<sup>12</sup> Illustrating the profound harm to human welfare that would result from society’s acceptance of animal-rights/liberation ideology, when Newkirk was asked if she would sacrifice five thousand rats or chimpanzees if it would result in a cure for AIDS, she retorted, “Would you be opposed to experiments on your daughter if you knew it would save fifty million people?”<sup>13</sup>

At this point, we need to consider the beliefs of Peter Singer, who is often called the godfather of animal rights because his 1975 book *Animal Liberation* is widely seen as having jump-started the modern movement. But unlike the true animal liberationist, Singer is not explicitly opposed to all animal research, or even, necessarily, to the eating of meat. (For example, he recently approved of using monkeys in Parkinson’s disease research.<sup>14</sup>) Instead, Singer is an “interest utilitarian,” that is, he believes that actions are not right or wrong per se, but must be judged upon their anticipated or actual consequences. Under this view, those actions which best serve the interests of most (not necessarily human) beings are those that should be pursued.

Utilitarianism isn’t new, of course. But Singer became notable by asserting in *Animal Liberation* that the interests of animals should be given “equal consideration” to the interests of people in making utilitarian analyses. To do otherwise, he declared, is “speciesism”—that is, discrimination against animals—a wrong as odious in his view as racism and sexism.<sup>15</sup> Thus, when Singer was told recently that experiments on 100 monkeys benefited 40,000 people, he decreed that the experiment was “justifiable.”<sup>16</sup> But he would

almost surely have said the same thing if the experiment had been with cognitively disabled human beings, since the interests of the many were served by using those with lesser capacities. Indeed Singer once suggested that cognitively disabled people, rather than chimps, should have been used in hepatitis-vaccine experiments—because the human beings have lower capacities than normal chimpanzees.<sup>17</sup>

#### A Campaign to Diminish the Intrinsic Value of Human Life

It is tempting to dismiss such assertions and beliefs as being so far into fringe territory that they are not worthy of serious concern. I believe the contrary is true. For many years the argument over animal rights has been generally one-sided: Supporters are vocal and energized, while those who oppose according animals “rights” are generally subdued. As a consequence, animal-rights values are seeping into public consciousness. For example, a 1995 Associated Press poll found that 67 percent of respondents agreed with the statement “an animal’s right to live free of suffering is just as important as a person’s right to live free of suffering.”

More worrisome, animal-rights/liberation ideology seriously threatens to undermine human exceptionalism—especially with the young, among whom liberationists make their most intense conversion efforts. PETA is particularly active in this regard. As the largest international animal-rights advocacy group, with hundreds of thousands of dues-paying members and a big following among the Hollywood set, in 2004, PETA received contributions of \$27.8 million. More than 30 million people viewed its websites and the organization sent out monthly e-news action alerts to more than 200,000 subscribers. Its media department booked more than 2,700 interviews for its representatives. And PETA is targeting the young: Its education department reached 235,000 teachers and *11 million* students with educational materials, also sending out 332,000 copies of *Grr!* magazine to kids and teens.<sup>18</sup>

PETA’s advocacy can only be described as profoundly misanthropic in that it literally equates the worst evils perpetrated by the most notorious governments with normal practices of animal husbandry. PETA’s infamous “Holocaust on Your Plate” pro-vegetarian campaign is a case in point. For more than two years, PETA representatives literally toured the world—focusing most heavily on college campuses and places where young people gather in large numbers—arguing that eating meat and wearing leather were morally akin to horrors of the Holocaust.

This reprehensible message wasn’t presented between the lines or done subtly in the hope that the reader would infer the comparison. Rather, eating-meat-equals-killing-Jews was the explicit and unequivocal theme of the

entire national campaign. First, there were the pictures. PETA juxtaposed pictures of emaciated concentration-camp inmates in their tight-packed wooden bunks with pictures of chickens being kept in cages. In another truly despicable comparison (on several levels), a picture of piled bodies of Jewish Holocaust victims was juxtaposed with images of the bodies of dead pigs. (If the KKK did that, it would be called hate speech.)

The text of the campaign was just as offensive. In a section titled “The Final Solution,” PETA made this astonishing comparison: “Like the Jews murdered in concentration camps, animals are terrorized when they are housed in huge filthy warehouses and rounded up for shipment to slaughter. The leather sofa and handbag are the moral equivalent of the lampshades made from the skins of people killed in the death camps.”

Forget for the moment that Hitler was sometimes a vegetarian and that the Nazi government passed some of the most far-reaching animal-protection laws of the era. That PETA can’t distinguish between the unspeakable evil of the Shoah and animal husbandry reveals a perverted sense of moral values that is almost beyond comprehension. (PETA eventually apologized for “Holocaust on Your Plate,” but not because they realized they were wrong factually and morally for making the odious comparison. Rather, in a typical non-apology apology—entitled “An Apology for a tasteless comparison,” PETA’s executive director Ingrid Newkirk sought to justify the entire approach: “The ‘Holocaust on Your Plate’ Campaign was designed to sensitize people to different forms of systematic degradation and exploitation, and the logic and methods employed in factory farms and slaughterhouses are analogous to those used in concentration camps. We understand both systems to be based on a moral equation indicating that ‘might makes right’ and premised on a concept of other cultures or other species as deficient and thus disposable.”)<sup>19</sup>

#### **A Movement Growing More Violent**

The animal-rights/liberation threat goes far beyond the philosophical. Because animal rights/liberationists believe that slaughtering animals for food is akin to murder, and that medical research using them is morally equivalent to Mengele’s experiments in the death camps, violence in the name of saving animals is a growing threat. Indeed, according to John E. Lewis, deputy assistant director of the FBI’s Counterterrorism Division, animal-rights terrorism has become one of the FBI’s most urgent concerns: “One of today’s most serious domestic terrorism threats comes from special interest extremist movements such as the Animal Liberation Front (ALF), the Earth Liberation Front (ELF), and Stop Huntingdon Animal Cruelty

(SHAC) campaign. Adherents to these movements aim to resolve specific issues by using criminal ‘direct action’ against individuals or companies believed to be abusing or exploiting animals or the environment.”<sup>20</sup>

While no one has yet been murdered (with perhaps the exception of Dutch politician Pim Fortuyn, who was shot to death by an animal-rights fanatic), harassment, intimidation, vandalism, and threats of violence and death have become routine tactics employed by the most radical activists against those they deem abusers of animals. For example, in the United Kingdom, a farm family that raised guinea pigs for medical testing was subjected to years of personal threats and property vandalism by animal liberationists who demanded they get out of the guinea-pig-raising business. The family had courageously refused to be intimidated, but when the liberationists *robbed the grave* of a beloved relative and refused to give the body back, they had finally had enough. Seeing no relief in sight, and desperately wanting to be left alone, the family gave in.<sup>21</sup>

In the U.S., the often-criminal activities of Stop Huntingdon Animal Cruelty (SHAC) epitomize the lengths to which some liberationists will go to impose their will on society. SHAC was formed to literally put Huntingdon Life Sciences, a medical-testing laboratory, out of business. Toward this end, SHAC pioneered a particularly insidious terrorist tactic called “tertiary targeting.” Here’s how it works: SHAC militants seek to completely isolate Huntingdon from the wider business community and thereby drive it out of business. To accomplish their mission, SHAC not only targets executives and employees of Huntingdon, but the company’s product and service providers, such as banks, insurance companies, auditors, etc. To force these companies to cease doing business with Huntingdon, SHAC websites identify targets, providing home addresses, phone numbers, and the names and ages of children and even where they attend school. Targeted people may receive anonymous death threats or mailed videotapes of family members taken by SHAC activists. Companies have been bombed. Homes have been invaded and vandalized.

The tactic is insidiously effective. SHAC and their allies have intimidated scores of businesses, including the auditing firm Deloitte & Touche, into cutting ties with Huntingdon Life Sciences. In the United Kingdom, so many banks have been intimidated from doing business with Huntingdon that the company has had to turn to the Bank of England for a commercial account. Even the New York Stock Exchange backed off on listing Huntingdon’s parent company in October, 2005—on the very day it was to be placed on the Big Board—after Exchange executives’ personal information was published on SHAC websites.<sup>22</sup> (The company was finally listed in December,

2006, a never-explained delay of more than a year.)

With the notable exception of Francione—who laudably and unequivocally condemns threats and violence in the name of animal rights—the silence from most mainstream leaders of the movement in the face of such tactics has been deafening. PETA, for example, refuses to condemn SHAC and a similar outfit called the Animal Liberation Front (ALF), and has even compared lawlessness in the name of animal rights to the Underground Railroad and the French Resistance.<sup>23</sup> Worse, Jerry Vlasak, an especially notorious animal-rights leader, told a U.S. Senate subcommittee hearing that the “murder” of those “who hurt animals and will not stop after being told to stop” is “morally justified.”<sup>24</sup>

### Conclusion

Most people, particularly those in the pro-life movement, take human exceptionalism for granted. They can no longer afford to do so. The great philosophical question of the 21st century is whether we will knock ourselves off of the pedestal of moral distinctiveness. The stakes of this debate over human exceptionalism, which includes but is not limited to the animal-rights issue, could not be more important. After all, it is our exalted moral status that both bestows special rights upon us and imposes unique and solemn moral responsibilities—including the human duty not to abuse animals.

Unfortunately, the liberationists are oblivious to this point. By denying our unique status as human beings they dilute the very concept of evil and reduce it to the banal. Slavery is evil: Raising sheep is not even wrong. The Rwandan and Cambodian genocides were evil: Humanely slaughtering millions of animals to provide the multitudes with nourishing food is not even wrong. Rape is evil: Inseminating mares and milk cows is not even wrong. Mengele’s human experiments were pure evil: Testing new drugs or surgical procedures on animals to save children’s lives is not even wrong.

Even more fundamentally, the way we act toward one another and the world is based substantially on the nature of the beings we perceive ourselves to be. In this sense, the entire planet will rue the day that liberationists succeed in convincing society that there is no justification for the reigning hierarchy of moral worth. After all, if we ever came to consider ourselves as just another animal in the forest, that would be precisely how we would act.

### NOTES

1. For example, see John Harris, “The Concept of the Person and the Value of Life,” *Kennedy Institute of Ethics Journal*, December 1999, pp. 293-308, and Tom Beauchamp, “The Failure of Theories of Personhood,” *Ibid.*, pp. 309-323.



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3. John Derbyshire, "God and Me," *National Review Online*, October 30, 2006.
4. Gary L. Francione, "Animals as Property," 2 *Animal Law* i, 1996.
5. See PETA website, [www.peta.org](http://www.peta.org).
6. Maria Garriga, "Outrage on the Green," *New Haven Register*, August 9, 2005. See also, Wesley J. Smith, "Liberation Theology," *National Review Online*, August 4, 2005.
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13. Michael Specter, "The Extremist," *New Yorker*, April 14, 2003, p. 57.
14. Wesley J. Smith, "The Animal House Falls Apart," *National Review Online*, November 30, 2006.
15. Singer writes about speciesism ubiquitously. See, for example, the revised and updated Peter Singer, *Animal Liberation* (New York, Avon Books, 1990), Chapter 1, "All Animals Are Equal," pp. 1-23.
16. Gareth Walsh, "Father of Animal Rights Activism Backs Monkey Testing," *Sunday Times* (London), November 26, 2006.
17. Jill Neimark, "Living and Dying with Peter Singer," *Psychology Today*, January-February 1999, p. 58.
18. Source: "PETA Annual Review, 2004."
19. See, for example, Joseph J. Sabia, "PETA Cheapens the Holocaust," *FrontPage Magazine.com*, October 16, 2003. See also, Wesley J. Smith, "PETA to Cannibals: Don't Let Them Eat Steak," *San Francisco Chronicle*, December 21, 2003.
20. Statement of John E. Lewis before the Senate Committee on Environment and Public Works, May 18, 2005. See also, Catherine E. Smith, "Threats.com," *Intelligence Report*, Southern Poverty Law Center, Summer 2005.
21. Peter Richards, "Animal Rights Militants Admit Grave Robbing," *Guardian*, April 11, 2006.
22. See Wesley J. Smith, "Wall Street Goes Wobbly," *Weekly Standard*, October 17, 2005.
23. Source: PETA Website, "Ask Carla."
24. Transcript: United States Senate Committee on the Environment and Public Works hearing, October 26, 2005.

## Looking Beyond Politics

William Murchison

**Y**esssssssssss! A new law—not a mere bill, an actual law, a legislative enactment—that, as of autumn 2006, sweeps abortion away! Terminates it (so to speak). Entrenches in public morality the right to be born.

Well, all right, it's in Nicaragua. But these days you take your comfort where you can.

Let us draw back briefly to appreciate the irony of it all—an abortion ban enacted by a country the United States labored 20 years ago to free from a Marxist despot who last year, ostensibly reformed and campaigning for president, came out strongly in favor of the ban.

Daniel Ortega: Pro-Life Hero? That might be a stretch, but when a former foe of America outdoes the Americans in commitment to unborn life, you can't readily take your eyes away: the less so given the setbacks our own voters inflicted on the pro-life cause a few days afterwards.

Nicaragua's legislature, prodded by the Catholic Church, unanimously (with abstentions) approved the total ban—eliminating exceptions for rape, incest, and threats to the mother's life—on Oct. 25. It was some precedent all right—one that, two weeks later, South Dakotans chose to ignore, overturning a legislative ban meant to rule out all abortions save those necessary to preserve the mother's life. NARAL Pro-Choice America, you will not be surprised to learn, rapturously embraced this “triumph for the fundamental values of freedom and privacy over divisive attacks against a woman's right to choose.”

There was more on Election Day 2006 in the United States. The Democrats, whom Ramesh Ponnuru's penetrating new book, *The Party of Death*, identifies as “the party for whom abortion has become a kind of religion”—gained control of both houses of Congress.

NARAL projected the number of “anti-choice” House members as falling from 234 in the old 109th Congress to only 219 now: a majority but nevertheless a depleted one. In the Senate, NARAL saw “anti-choice” votes falling from 52 to 48, a decided minority. (NARAL rates 164 House members as “pro-choice” and 52 as “mixed choice.” Corresponding numbers for the Senate are 35 and 17.)

Moreover, Missouri voters not only approved, if narrowly, an embryonic-stem-cell research initiative but also turned out of office pro-life U. S. Sen. Jim

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Talent, a critic of the measure. Whatever the federal government allows in the way of stem-cell research may now officially take place in Missouri, by directive of the sovereign voters. The small towns and rural areas rose up in objection, but the cities and suburbs carried the day.

A Zogby International poll conducted after the election for Faith in Public Life and Catholics in Alliance for the Common Good seemed to show interest in human life questions waning even among religious Americans. As Faith in Public Life's Katie Barge commented, "Overall, it's interesting to note that abortion really declined as the most important issue among moral voters. More than twice as many voters named poverty, greed, and economic crisis as the biggest moral problems in the United States [as named] abortion. When voters hear from groups that are emphasizing these issues, they like what they hear." Just under 46 percent of respondents to the poll labeled "Iraq" the "moral issue" that most effected their voting.

Practical considerations began altering the manner in which some conservatives were weighing the future. A month after the election, *National Review* senior editor Richard Brookhiser, writing in the *New York Post*, called on Republicans and conservatives to back for president the unmistakably pro-choice Rudy Giuliani, "a leader" whose "radioactive positions [on abortion and gay rights] might be modified by those he nominated as judges." (Just before the election, Brookhiser noted, Giuliani had praised the elevation to the High Court of Chief Justice John Roberts and Justice Samuel Alito.)

Quickly, on congressional tables, fruits of the election appeared. In early December, as the House moved toward adjournment, Republican leaders failed to muster a two-thirds majority in behalf of a bill requiring that mothers about to undergo abortion be offered anesthesia for their babies. A California Democrat, Lois Capps, dismissed the exercise as a waste of time, "laden with rhetoric but very little science" ("science" having grandly declared, one supposes, that pain, like life, commences only outside the womb).

Pro-life supporters hastened to scoop up crumbs of comfort. There was, for instance, the election of supposedly pro-life Democrat Bob Casey, Jr., as senator from Pennsylvania, replacing incontestably pro-life Republican Sen. Rick Santorum. Might this outcome be considered a wash? Ponnuru quotes no less an authority than Howard Dean as doubting Casey will support President Bush's "extreme nominees . . . for the courts." Not that Howard Dean's prophetic powers are precisely the coin of the realm.

Bob Novak noted that EMILY's List, the pro-abortion/feminist moneybags outfit, won just two of the 17 competitive races it entered. Novak sees the pro-life loss in the House as "roughly 13, depending on what litmus test

is used for the term 'pro-life.'" He sees, as do many other observers, the election turning not on ideology but rather on "a failed Iraq occupation and a corrupt Republican establishment."

*Human Events'* Timothy P. Carney found encouragement in the diminishment by half of pro-choice supporters in the GOP caucus. "Incumbent Republicans supported by NARAL and Planned Parenthood," Carney says, "went zero for three. Incumbent Republicans supported by Republican Majority for Choice were a dismal four for 11." As Carney summarized the matter, "The most pro-choice Republicans were far more likely to lose than pro-life or moderate Republicans."

Which commendable effect got a bit spoiled by news coverage of President Gerald Ford's post-Christmas death. The public was informed not only that Ford had been right to pardon Richard Nixon but was reminded that the Fords themselves, Betty and Jerry, had been explicitly "pro-choice." As Peggy Noonan, writing in the *Wall Street Journal*, related, "He thought in his own stolid way that abortion was pretty much an extension of the new feminist movement, which he supported. How could a gallant fella not?"

It was borne in upon us, moreover, again courtesy of the media, that Ford had delighted in the jurisprudence of his U.S. Supreme Court nominee, John Paul Stevens, who, on the High Court, means to the pro-*Roe v. Wade* left what Antonin Scalia means to the anti-*Roe v. Wade* right. The pro-choice Republicans got their belated innings after all. How long before the media begin to portray theirs as the logical persuasion for Republicans hoping to rebuild their diminished party?

**N**o, it wasn't much of an election, from the pro-life standpoint. Judie Brown of the American Life League, which had crusaded for the South Dakota abortion ban, commented bleakly: "America wants abortion. America wants to continue its affair with sexual freedom. America wants, even in the heartland, to pretend that killing a baby in the womb is not really an act of murder; it is simply and only a 'choice' that one must make when the 'accident' occurs after a sexual encounter with someone of the opposite sex."

Hopes, if any, for early replacement of John Paul Stevens with a jurist in the Scalia mold cannot have mounted following such an election. Nor does it surprise much that Democrats say they are inspired to revive the embryonic-stem-cell bill on which President Bush last year imprinted his only veto. The handful of comparatively conservative Democrats elected to Congress in November, if they saw their victories as mandates for overthrowing *Roe v. Wade*, were keeping remarkably quiet about it.

Possibly the main message to be extracted from the political debris is that

in democratic cultures, “the people”—anyway those people who vote—tend to get what they want, and that, in the early 21st century United States, what the people want is some degree of legal protection for, shall we say, choice. Even where they don’t necessarily approve of choice.

If the political process seems less ripe than previously for the elevation of respect for unborn life, that may be because Americans in general seem inadequately enthusiastic for a project of this kind. The Psalmist bids us “put not [our] trust in princes”—an extraordinarily durable judgment on the efficacy of government remedies when it comes to addressing truly deep-seated human woes. The woeful outcomes of the 2006 election season—the Nicaragua vote excepted—invite timely reconsideration of those tricky paths by which moral truth progresses to political fiat.

The Zogby poll, and other findings in the same vein, seem worthier of close attention than this congressional outcome or that one—congressional outcomes being more appropriately viewed as symptoms than as causes.

It seems that indeed, when it comes to politics and elections, there is a problem with religious people’s attention spans—or, equally to the point, their eyesight. By no means do “the religious” these days start backwards at the very idea of a mother’s assault on the life of her unborn child. Nor do they flinch automatically at the notion of voting Democratic. Depending on the issue, many who call themselves “religious” seem as likely to tilt left as right—to the inexpressible joy, no doubt, of religious “progressives” like Jim Wallis of Sojourners, who are currently experiencing something of a comeback with their arguments for the priority of economic and “justice” issues. (Yes, I think we might well agree that the right not to be killed is a “justice” issue; let us agree all the same not to spend valuable time on terminology.) “One of the next steps you’re going to see religious voters supporting,” Wallis recently said, “are the minimum wage initiatives.” Hmm: Your money or someone else’s life. More of a moral quandary than it used to be, apparently.

The day after the election, Wallis, with undisguised glee, told *Christianity Today* that “The Religious Right’s dominance over politics and evangelicals has come to an end.”

The point requires clarification. White evangelical Protestants stayed with the Republicans, as has become their habit. It was the Catholics who upended the pro-life applecart, leaving its produce all over the highway. Nearly half of Catholic voters, according to Zogby, saw Iraq as the central moral issue. Just 22 percent named life issues as the determinative issues in 2006. Not surprisingly, perhaps, exit polls showed Catholics voting 55 percent to 44 percent for Democratic House candidates. It was in a sense like the old

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days, when ethnic Catholics, asserting an affinity for labor unions and economic redistribution, backed the New and Fair Deals, as well as the Great Society. A Purdue sociology professor, Jim Davidson, told Catholic Online: “I think the last couple of generations since the 1960s have been raised to think for yourself . . . and do things the way you want to do them, not the way you are told by the previous generation. It’s a generational shift that’s taking place in politics, and we see the same generational shift taking place in terms of religion,” with younger Catholics unwilling to “take church teachings as they have been passed down . . . [W]hen Catholics are dealing with issues of personal or public morality, they are wanting to make up their own mind or maybe think about it in cooperation with some church authorities. But they are not going to cede the authority to the church and say, ‘Whatever church leaders say is what I’ll be prepared to do.’” Sorry, Your Eminences. Nothing personal—really.

Zogby contributes statistical backing for such claims, saying 84 percent of Catholics reported that the viewpoints of church leaders made little if any difference to them as they weighed their electoral choices. To be sure, regular communicants at Mass were likelier—27 percent to 1 percent—to go along with the bishops; but, then, 27 percent hardly qualifies as a rousing clap on the back.

Where does this leave supporters of unborn life? Not exactly doubled over in glee, you might say for starters. If there is balm in Gilead, supplies are shorter, and more subject to rationing, than hitherto had been supposed. Not that the political process, save perhaps in its recent support for “strict constructionist” judges, has much advanced the ball on this extraordinary issue. Nicaragua acts, the United States of America . . . flounders.

That may be the real point. The political process, as I say, when it comes to abortion and the right to life, seems to give Americans what they seem to want: some limited proscriptions, some broader grants of autonomy to seekers after abortion, some rhetoric, some sensation that nothing much is going to change dramatically, whatever may be said and done. Americans’ presently unconquerable ambiguity on abortion, their mental and moral imprecision on the subject—these commodities likely propel or retard action on abortion more than does NARAL Pro-Choice America, or Sojourners, or the Republican Party, or the Family Research Council. What the public refuses to demand, politicians—men and women of the ballot box—are unwilling to supply, and for wholly rational reasons. Tell the voters to buzz off, and they normally extend the authors of that advice the same invitation—in spades.

*O put not your trust in princes . . .*

In what, then? At some early point, possibly before all the hope engendered in the Reagan years has vanished, pro-life folk have to face that question. The political process, again and again, lets them down: pulls the football away just as these ever-hopeful Charlie Browns rush up to boot it downfield. Ha, ha, fooled again. Thought you were there this time, huh? Wise up. No abortion ban now. None next year, or the next. Not while, for growing numbers of voters, economic and foreign policy questions eclipse the familiar moral perplexities.

Here is how matters look to a single commentator. Who may be wrong, in the endless tradition of sniffers-after-certainty. Still . . .

**T**he next two years—maybe the next six or more, in the event of Hillary Clinton’s or Barack Obama’s ascent to the presidency—look unpropitious in the *political* sense for governmental restriction of abortion. Can one see the federal government acting in a way gratifying to pro-life folk? I can’t. What would be the motive for so doing? Where would be the political profit in embracing tenets more closely identified with Rick Santorum and George W. Bush than with Nancy Pelosi or Mrs. Clinton?

By pushing forward Bob Casey, Jr., and a few new pro-life congressmen such as Heath Shuler of North Carolina, the Democrats likely see themselves as having done all that was in any way necessary to burnish their credentials with moral voters in the more old-fashioned sense of that term. Comes the time now (from the Democratic perspective) to lean back and let Jim Wallis do the more heavy lifting—a reverse Falwell, depicting the Christian mission as centered on ministry to the wants of the fully alive as contrasted with the cares of those not yet introduced to the world.

There are, as we know, tides in the affairs of men, one of which “the party of death” may be riding as Americans turn their attention to the minimum wage, capital punishment, economic redistribution, health care, and so on. How ironic it would be to learn—via the polls, no doubt—that such a turn of the tide was due to the excesses and mistakes, the negligences, the overreachings, of the very people put in power to fight the good fight for life. Indisputably pro-life as he is—and entitled to warm appreciation for the Roberts and Alito appointments to the High Court—George W. Bush and his policies seem actually to have turned some voters away from, instead of toward, the party, generally speaking, of life.

What in the meantime? One “what” certainly would be the continued subjection of life issues to intellectual as well as political critique. More books like Ponnuru’s *The Party of Death*—candid, clear-seeing, unsparing in their critique of the moral softness in our midst—that would be a good start. If the

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culture isn't ready yet to address the politicians out of deep concern for the discarding, the extinction, of human life, then the culture has to be made ready by argumentation and exposition and, let us not shrink from the word, propaganda. Among the points most necessary to make: that life isn't just one eccentric issue among others; that it's *the* issue. A society in love with death is sure to meet its beloved eye to eye some day. As is a society in love with life.

There is likewise the prospect of coopting the, shall we say, new political emphases. The causes of poverty are complex and to some extent intractable. One of the remedies nonetheless is the creation—the re-creation if you will—of a culture of strong families, tied together by love—love of each for the other, love of the God who put them together in the first place. When the political call comes to talk of extending protections for health, that is the time presumably (though hardly the only time) to talk of health as embracing the whole of life, from the sonogram of the womb to the tap of the shovel on the coffin lid. Pro-life thinkers, pro-life talkers, pro-life campaigners can make it happen.

As for capital punishment, a topic increasingly in the headlines, debates on death by injection should never go unaccompanied by debates on death by curettage and evacuation. The Catholic bishops, who generally oppose the death penalty, are ahead of many on this one. It could be interesting (even for those committed, as I am, to the idea of proportionate punishment for the worst malefactors) to watch the public mind brought into touch with the concept of life as valid on its own terms—a blessing, a gift.

Which consideration, howsoever prompted, leads straight to the only strategy that, finally, is of any account: one beyond the reach and influence of the best-connected politicians and pollsters and fund-raisers and media propagandists:

*Pater noster . . .*

Our Father . . .



# Why Pro-life Arguments Sound Absurd

*Richard Stith*

**W**hy do many “pro-choice” people find our arguments against early abortion not just unconvincing but absurd? Why are we often ridiculed for our opposition to the destruction of human embryos? In order to have any hope of winning such debates, defenders of unborn life must understand how arguments that seem wholly reasonable to us can strike our opponents as bizarre (thus religious) and indeed wholly unconnected to the real world.

I submit that pro-life arguments seem absurd to any listener who has in the back of the mind a sense that the embryo or fetus is being *constructed* in the womb. Here’s an analogy: At what point in the automobile assembly line process can a “car” be said to exist? I suppose most of us would point to some measure of minimum functionality (viability), like having wheels and/or a motor, but some might insist on the need for windshield wipers or might say it’s not fully a car until it rolls out onto the street (is born). We would all understand, however, that there’s no clearly “right” answer as to when a car is there. And we would also agree that someone who claimed the car to be present from the insertion of the first screw at the very beginning of the assembly line would be taking an utterly absurd position. To someone who conceives of gestation as intrauterine construction, pro-life people sound just this ridiculous. For a thing being constructed is truly not there until it is nearly complete. (Moving from ordinary language to metaphysics, we would say that a constructed thing does not have its essential form until it is complete or nearly complete. And it can’t be that thing without having the form of that thing.)

Now, this way of thinking (treating gestation as construction, assembling, fabrication, making) has not only intuitive appeal today but a grand pedigree. For thousands of years it was the dominant (though not the exclusive) way to conceive of what was happening in the womb. Thus Job exclaims to God: “You poured me out like milk and curdled me like cheese. You clothed me with skin and flesh and knit me together . . .” No one knew of the ovum until the 1830s, and, despite its name, semen (“seed”) didn’t seem to develop on its own. So, for the ancients and medievals, it made sense to posit an outside constructor or fabricator, either God or one of the parents, who worked inert seminal material into a human shape, as one does with clay,

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during the early stages of pregnancy. And, quite reasonably, abortion of the incomplete and still relatively amorphous mass was not considered the destruction of someone with an essential human form (though it may have been forbidden as interference with a sacred process).

But at quickening (animation, enlivening), the unborn child exhibited something that no merely constructed thing could do: it moved itself. (This was judged to occur in mid-pregnancy, a position that did not become untenable until, again, after the 1830s when the invention of the stethoscope first made possible the detection of the early fetal heartbeat.) The greatest of all fabrications must therefore have taken place; a soul (*anima*) must have been inserted by God. From this point on, construction from the outside was over and development from the inside began. And so now abortion constituted homicide, the killing of a human person. For, unlike a constructed entity, which (as we have seen) is not present until nearly the end of the construction process, a developing being is already there as soon as it starts developing.

**W**hy does self-development entail continuity of being? There are many ways to access the answer here. Heideggerians could point to “de-velop” as an un-veiling or un-wrapping (cf. “en-velop”). (Heidegger himself would no doubt privilege German and point to “*ent-wickeln*” [un-wrap]. In Spanish, one would unwrap in the sense of un-roll: “*des-arrollar*”). One could also just point to our ordinary language, to our lived world, in which development connotes continuity. We would say that the first little sprout we saw come out of the ground five years ago is the same plant as the pear tree we now see, unless someone tells us that some grafting (construction) has occurred—e.g. that the sprout developed into an apple tree but its original branches were trimmed off and pear branches grafted on.

The difference between making and developing is not just an accident of language. Suppose we’re back in the pre-digital days and you’ve just taken a fabulous photo, one you know you will prize, with your Polaroid camera. (Say it’s a picture of a jaguar that has now darted back into the jungle, so that the photo is unrepeatably.) You are just starting to let the photo hang out to develop when I grab it and rip its cover off, thus destroying it. What would you think if I responded to your dismay with the assertion “Hey man, it was still in the brown-smudge stage. Why should you care about brown smudges?” I submit that you would find my defense utterly absurd. Just so for pro-lifers, who find dignity in every human individual: To say that killing such a prized being doesn’t count if he or she is still developing in the womb strikes them as outrageously absurd.

By contrast, if I had simply destroyed a blank, unexposed piece of your film, you would have been much less upset. You really would have lost little more than a smudge. Passive potential does not count for much. Only developing potential already contains its own form (essence, identity), is already the *what* that it is in the process of manifesting.

I conclude that pro-choice folks think pro-life claims regarding embryos to be not only wrong but absurd whenever (even unconsciously, in the back of their minds) they think that embryos are under construction in the womb. And pro-life folks find pro-choice denials of prized human dignity in embryos to be equally absurd whenever they think that the unborn child develops (indeed, develops itself, unlike the Polaroid photo) from the moment of fertilization.

The two sides are not quite parallel in this, however: Human beings do develop. To think they are constructed is flatly erroneous. This error remains intuitively plausible and has a decent cultural pedigree, so therefore those who make it should not be dismissed as utterly irrational or evil, even though they may seem so from the viewpoint of one who bears in mind the facts of human development. But they are absolutely wrong. We know with certainty that quickening is an illusion, that the child is developing from the beginning, not being made from the outside, for its form lies within it, in its active potency, in its activated DNA. From the point of view of natural science (and natural theology) delayed animation (quickening) is no longer needed to explain human development and Occam's razor should cut it out of our debates. "Viability" is similarly irrelevant to human identity if we bear in mind that the child is developing rather than being constructed. The pear tree was already a pear tree even when it still needed frequent watering and fertilizer, even in the years before it began bearing fruit.

The "construction" image is often present when someone favors abortion. Thus Dalton Conley argued in the *New York Times* a while ago that most Americans think of a fetus as "an individual under construction." They must have this making-a-fetus in mind whenever they refer to current fetal-embryonic characteristics (e.g. "it's so small," "it has no brain") in order to prove the unborn child at a certain moment in time is not yet a human being. For current appearance doesn't matter much when one is asking what a developing being is. (Recall the pear tree again.)

Of course, everything changes for the post-modern academics who think mere humanity not a locus of dignity at all, that only experience and not being matters, that what one is doesn't count, that human personhood is only an epiphenomenon rather than a nature. If the only rule of ethics were (e.g.) "reasoning processes should not be interrupted," then it would be absurd to

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oppose the abortion of a human embryo that had not yet developed a brain. Similarly, no logical mistake is made by a utilitarian who thinks that the only evil is pain, that at a certain stage a fetus cannot feel pain, and thus that abortion is obviously OK with regard to that fetus (though any short or long-term painful consequences for his or her mother would still need to be considered before approving of abortion).

In other words, those who hold both to the truth of human development and to the truth of universal human dignity will seek to respect life from conception. But those who fall into ignorance or denial of one or the other of these truths will find our arguments against abortion to be absurd.



*"Marcy, Ted—so glad you could come! Let me direct you upstairs, to the overflow room."*

## A New Order for Life

Stephen Vincent

Along the high plains of the Texas Panhandle, where the wind sweeps strong and the sun rises hot, the end of abortion in America is being planned and prayed for. Here, in a section of Amarillo known as “Little Vatican,” the Missionaries of the Gospel of Life have made a home, setting up headquarters near the Catholic cathedral, diocesan offices, and other religious orders.

The Missionaries, named for Pope John Paul II’s 1995 encyclical *The Gospel of Life* that outlined the clash between the culture of life and the culture of death, was founded by one of the nation’s foremost pro-life leaders, Father Frank Pavone of Priests for Life. He is a priest of big dreams, careful planning, and intense prayer, who is not afraid of confrontation as he brings the Church’s message into the public arena. In announcing the formation of the Missionaries of the Gospel of Life, Fr. Pavone appealed to the Church’s history: At key points throughout the centuries, he said, God has raised up communities to take on the challenges of the era—such as the Franciscans and Dominicans in the 13th century and the Jesuits in the 16th. At the beginning of the 21st century, Fr. Pavone declared, attacks against life are going far beyond abortion into the areas of cloning and embryonic-stem-cell research, and God is now ordaining men for the cause of defending life: “As the world and the Church confront the evil of abortion—the bishops themselves call abortion the ‘fundamental human rights issue of our day’—is it not likely that God would set aside for Himself and His Church a group of men who would dedicate themselves to fighting for the sanctity of life? . . . It is no stretch of the imagination to say that in God’s providence, He can use humble efforts such as this community to hasten the day of victory over abortion and the culture of death.”

Ordained in 1988 as a priest of the New York Archdiocese by Cardinal John O’Connor, Fr. Pavone took over leadership of Priests for Life in 1993. He served on the Vatican’s Pontifical Council for the Family, where he made important contacts with the Church hierarchy in Rome. He also began regular appearances on Mother Angelica’s Eternal Word Television Network (EWTN), spreading the Church’s message on life through the cable station’s worldwide reach. A prolific writer of columns and commentaries, he has put out a collection of essays titled *Ending Abortion, Not Just Fighting It* (Catholic Book Publishing Co.).

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Stephen Vincent writes from Wallingford, Conn.

STEPHEN VINCENT

A man devoted to practical action, Fr. Pavone has been involved in a number of high-profile political initiatives. He and his Priests for Life were active in voter education in key states, including Florida, during the ferocious 2000 presidential contest between George W. Bush and Al Gore. A few years later, he was back in Florida for the Terri Schiavo case, taking a public stand against Michael Schiavo's efforts to remove the feeding tube from his estranged wife. Working closely with Terri's family, Fr. Pavone visited her hospice room after the tube was removed and stated publicly that her death by dehydration was not as "peaceful and beautiful" as some euthanasia advocates had reported.

He also works closely with Norma McCorvey, the "Roe" of *Roe v. Wade*. She came to regret her role in the abortion decision and was baptized by Flip Benham, an evangelical minister and national head of Operation Rescue—an event that even the *New York Times* covered. Some years later, in a less-publicized ceremony, Fr. Pavone received McCorvey into the Catholic Church.

His policy of working with pro-lifers of any faith or no faith has had other unexpected results. Among the Protestant ministers who have become Catholics under his guidance are Paul Schenk and James Pinto, both of whom are working full-time in Priests for Life ministries. Schenk is executive director of the National Pro-Life Action Center and Pinto is a pastoral associate with Priests for Life and coordinator of the Lay Missionaries of the Gospel of Life, a group for lay men and women who are associated with Fr. Pavone's new religious society.

Another pastoral associate is Alveda King, niece of Dr. Martin Luther King Jr., who speaks about the pro-life movement as the new civil-rights movement.

#### **Sisters of Life for Men**

As a model for his new society, Fr. Pavone looked to the Sisters of Life, the religious community founded by Cardinal O'Connor in 1991. Members take the usual promises of poverty, chastity, and obedience, as well as a fourth promise to devote their lives to the defense and support of life from conception to natural death. At a time when many religious orders are gray-ing and shrinking through lack of vocations, the Sisters of Life are attracting young women who are willing to give up professional careers and dreams of marriage and children to devote themselves totally to God and his gift of life.

Through his Priests for Life organization, Fr. Pavone began hearing from priests and young laymen who were anxious to do the same in a religious society for men. An opportunity emerged when Bishop John Yanta of Amarillo

invited Fr. Pavone to begin operations in his diocese. Fr. Pavone received permission to become a priest of the Amarillo Diocese so he could work more closely with the bishop in setting up his new society. According to the Catholic Church's canon law, a written constitution defining the mission and rules of the religious society needed to be drafted, and Fr. Pavone also went to work on fund-raising and finding suitable living quarters and offices for his ambitious project. On the feast of the Immaculate Conception, December 8, 2005, Bishop Yanta approved the constitution, and on December 12 he published a decree officially establishing the Missionaries of the Gospel of Life as a Society of Apostolic Life. (The latter date was the feast of Our Lady of Guadalupe, hailed by many life advocates as the patroness of the pro-life movement.)

Fr. Pavone was then named the first superior of the new religious community, and he presented the emblem of the society to the first two seminarians and received a group of men and women into the lay association. Some 750 other married and single individuals are in formation to become lay associates who will support, pray for, and work for the same goal of abolishing abortion and establishing a culture of life. Fr. Pavone himself is now a "religious order" priest and carries the letters "M.E.V." after his name—the E.V. standing for the Latin title of Pope John Paul II's encyclical on life, *Evangelium Vitae*.

Last August, ground was broken for a new facility, located on a 26-acre plot adjacent to diocesan property, that will include the society's headquarters, chapel, and formation house. Cardinal Renato Martino, president of the Vatican's Pontifical Council for Justice and Peace, presided over the groundbreaking, which drew bishops, clergy, and laypeople from Texas and beyond. At the ceremony, Bishop Yanta said, "This is an historic day, and only God knows how significant it will prove to be for the pro-life movement in this country and around the world. Our diocese is proud to partner with Priests for Life in this work of the Holy Spirit."

The mission of the Missionaries of the Gospel of Life (MEV) is clearly defined on the society's website:

1. To bear public witness, in every sector of society, to the sanctity of each human life, and to defend human life against the onslaught of abortion, euthanasia, and genetic manipulation.
2. To minister to the entire pro-life movement by offering spiritual support, guidance, solid teaching and direction.
3. To provide ongoing education and motivation for the clergy, helping them to network with each other and equipping them with the very best resources to preach, teach, counsel, and organize their people for pro-life activities.

STEPHEN VINCENT

As Fr. Pavone states, “These goals would be accomplished by traveling into local communities and parishes, and by doing extensive media work. We have accomplished a great deal in all these areas just with four full-time priests on the Priests for Life staff. Imagine what could happen with 40 or 400!”

In a Society of Apostolic Life, the priests who join do not have to live in community, under one roof, as monks or friars do. They do not have to pray together daily, though they all must pray individually the established “hours” of the Church (known as the Divine Office). The priest members are thus free to travel and set their own daily schedule of talks, appearances, writing, and witness to advance the mission of life.

Among the priests who plan to join the new society is Father Thomas Euteneuer, president of Human Life International, which is based in Front Royal, Va. Fr. Pavone said that there are about ten other priests who have expressed a desire to join after they receive the approval from their bishops or religious superiors.

#### **Priests for Life Enlivened**

Anyone familiar with the history of Priests for Life has good reason to believe that the Missionaries of the Gospel of Life are headed for great things. When Fr. Pavone took over Priests for Life 13 years ago, it was little more than a mailing list, a fax machine, and a lot of good intentions. Under his leadership, the group has gained clergy members from around the world, compiled 350,000 names for its mailing and media lists, and grown to a \$10 million annual budget, most of which comes from individual donors, large and small. Priests for Life supports a full array of ministries, including healing after abortion, clergy formation, youth outreach, parish education, and political activism.

The Priests for Life website ([www.priestsforlife.org](http://www.priestsforlife.org)) claims about 35,000 hits a day, and includes links to graphic photos of aborted babies. Avoided by those who want to put a “positive face” on the pro-life movement, these photos are a necessary witness, insists Fr. Pavone, who compares them to the photos of lynchings and beatings that pricked the conscience of Americans during the civil-rights movement of the 1960s. “America will not reject abortion until America sees abortion,” he says.

Priests for Life has more than 20 lay employees at its New York headquarters and four priests who work full-time for the group, traveling the country giving lectures and workshops and delivering pro-life homilies at Masses. Too many priests, though pro-life at heart, are hesitant to preach on abortion from the pulpit for fear of offending parishioners or of causing



emotional pain to women who have had abortions. Some pastors will not invite Priests for Life to their parishes for this reason, but many more are anxious to have a visiting priest broach the subject of abortion and begin a dialogue within the parish.

Fr. Pavone knows from experience that for many women, hearing about abortion from the pulpit can be the beginning of emotional and spiritual healing and reconciliation with the Church through the sacrament of confession. “We always preach not to condemn but to offer God’s mercy and forgiveness,” he said. “We get some angry words or cold shoulders from people after Mass, but we also get a larger number of thanks from people who say that they have been waiting years to hear the topic of abortion mentioned from the pulpit.”

It might seem that by founding a religious community, Fr. Pavone is retreating from frontline advocacy in favor of a more spiritual type of warfare. But he insists that the Missionaries of the Gospel of Life will not take him away from his Priests for Life work. Rather, it will multiply his efforts by attracting many more priests to full-time pro-life ministry.

“The best way to understand the Missionaries of the Gospel of Life is not to distinguish it from Priests for Life,” he said. “In fact, it is exactly the same mission and spirituality, and that mission, spirituality, and teaching will be carried out in precisely the same way. My goal in founding this new community was precisely to provide an opportunity for priests to carry out on a permanent, full-time basis the mission and spirituality of Priests for Life. One way to look at it, in other words, is that the Missionaries of the Gospel of Life is Priests for Life with the ability to take seminarians and to incardinate priests and deacons. . . . I will continue full-force with everything I’ve been doing—EWTN, traveling, political activity, and frontline activity. In fact, the purpose of Missionaries is to give a more permanent footing to these activities for me and for other priests, and to train priests right from their earliest seminary days on how to be a presence in the media and in politics and on the front lines. The amount of time given to the national Priests for Life mission will be 100 percent, because it is the mission of MEV.”

Reflecting on the significance of the new Missionaries for the pro-life movement, he said, “Many people have been sacrificing their lives throughout the decades of this movement. But the Church has not had a ‘place’ within its structure where someone could go to give his life for the unborn as a priest, deacon, or lay missionary, with a specific spirituality and community. Cardinal O’Connor had this vision with the Sisters of Life; now MEV brings to fruition that charism for men. The significance for the movement is that the MEV Society, by enabling some in the Church to give their lives

for the unborn, is a sign and stimulus to the rest of the Church to give greater priority to saving the babies. So often, pro-life work is pushed to the side because of other demands of the 'ministry.' Here, pro-life work is the ministry. Nothing else pushes it out of the way, and that gives encouragement to people in every sector of the Church and the pro-life movement to assert the primary importance of this work."

### **Young and Old**

The wide appeal of the new society among pro-lifers is reflected in the first two seminarians who began studies for the priesthood last September at Holy Apostles Seminary in Cromwell, Conn. They differ starkly in age, background, and pro-life experience, but they share a strong conviction that God is calling them to the new society.

Daniel Cochran is a fresh-faced 19-year-old from Muenster, Tex., and Patrick O'Donnell is a 47-year-old battle-scarred pro-life veteran from Boston. After spending a year of discernment at the MEV headquarters in Amarillo, the two were accepted into the priestly-formation program. One of nine home-schooled children, Cochran attends the college program at Holy Apostles that leads to four years of theological studies. O'Donnell, a former businessman, is in the theology program.

Cochran first met Fr. Pavone at a talk a few years ago in Dallas. "He spoke about sidewalk counseling outside an abortion clinic like being at Calvary with Mary, where the image of God in the womb is being torn apart and killed," Cochran recalled. "That motivated me to start sidewalk counseling." Being in the first group of seminarians is "awesome," he said. "I'm learning more and more how this order will change the world. I'm honored to be a part and pray to God for guidance."

O'Donnell, who was arrested a number of times during the height of Operation Rescue, has been a sidewalk counselor for more than a decade. He said that the Missionaries of the Gospel of Life is "another in a series of very significant steps that will put this issue of abortion to bed. It is a visible sign that God is with the pro-life movement."

As Fr. Pavone explained, "There is a specific spirituality of doing pro-life work, and MEV will help to articulate and develop that spirituality for the whole movement."

Something good is growing in Amarillo.

**The Human Life Foundation  
GREAT DEFENDER OF LIFE DINNER**

**October 25, 2006, New York City**



*Honoring Mary Kenny*

*photographs by Michael Fusco*

GREAT DEFENDER OF LIFE DINNER

***FAITH McFADDEN:***

WELCOME, everyone—old friends and new,  
From near and far,  
especially the two  
who are  
from across the pond,  
of whom my husband was extremely fond.  
(I didn't mean to rhyme; it just came out that way.)  
If Jim were here today,  
he'd be delighted to see—in the same room—  
both Lynette and Mary,  
with whom FAX correspondence  
is legendary.  
More about that, later: Now I'd like  
to give Maria the mike.

***MARIA McFADDEN:***

Thank you, Mom.

It gives me great joy to welcome you all this evening. A warm welcome to our guests of honor, Mary Kenny and Lynette Burrows. We are also honored tonight by the presence of His Excellency, Archbishop Celestino Migliore, Apostolic Nuncio to the United Nations.

As we begin this special evening, I would like to thank you all for coming, for supporting this event, and for supporting the Foundation. A special thank you to this dinner's generous benefactors and sponsors, and for all who have made this evening possible. We have quite a guest list tonight: readers of the *Review* of course; as well as several of our authors; we also have representatives from crisis pregnancy centers, both from the New York City area and as far away as New Orleans . . . and tonight we have with us Sister Dorothy Rothar, of Bright Dawn Ministry, who was introduced to us by our good friends Ambassador and Mrs. Gerald Scott—they tell me that last year, through her sidewalk counseling, she had almost 1,000 turn-arounds! [APPLAUSE]

I am especially pleased to report that, thanks to the great generosity of many of our donors who bought "student tickets," we have over 30 students here tonight, including seminarians! Welcome young people! (Never thought I would say "welcome young people"! ) We are thrilled you are here and hope that this evening will inspire and encourage you; we are counting on you to fight the good fight on into the future.

THE HUMAN LIFE REVIEW

This is our fourth annual Great Defender of Life Dinner; and we have just marked the eighth anniversary of the death of our founder and my father, James P. McFadden. Mary Kenny was a great friend and inspiration to him, as she is to us, and I am certain he would be so pleased with our decision to honor her this evening.

This year we award our first woman Great Defender of Life; and we thought it fitting to publish a book, which we premiere tonight, saluting the women of the *Human Life Review*. Our new book, *Having Her Say*, which is in your gift bags, is a collection of *Review* articles by women from the year 1977 to 2005, and several of the authors are also here tonight. It is dedicated to our friend Sandi Merle, a *Review* contributor who, sadly, we lost last July. Sandi was a founder of STOP, Standing Together to Oppose Partial Birth—an organization of Jewish women in the arts who opposed the gruesome procedure—and the co-author of *From the Hunter's Net: Excerpts from a Jewish/Catholic Dialogue on Partial-birth Abortion*. She was a dear friend of the late Cardinal John O'Connor, and to Mary O'Connor Ward, who is with us this evening. You can read more about Sandi in the Introduction to *Having Her Say*, as well as read her included essay.

We are also pleased to present to you a special Summer/Fall issue of the *Review*. Several of the authors are present tonight—George McKenna, Patrick Mullaney, Mary Meehan, Edward Short, and John Burger, as well as Mary Kenny and Lynette Burrows.

You will also find in your gift bags a sweet little face in a frame. As you know, the Human Life Foundation has a two-part program. We aim to educate and sway minds by publishing the *Review*; we also offer practical help to mothers and babies, through our matching-grant program for crisis pregnancy centers. We thought it would be a nice reminder of that part of our program, and an essential reminder of what we mean when we say we are anti-abortion—for you to see the faces of some babies rescued at some of the centers. This program too is of course made possible only by you and thanks to you—we couldn't do any of this without our supporters.

And now I would like to introduce Father George Rutler, Pastor of The Church of Our Saviour, which is across the street, to give the Invocation.

**FR. GEORGE W. RUTLER:**

Most of us are aware that today is the 491st anniversary of the Battle of Agincourt. On this same date in 1854 the Light Brigade charged at Balaklava. Agincourt was a great day for those on the winning side. Of the Charge of the Light Brigade, the French Marshal in the Crimea, Pierre Bosquet, said,

#### GREAT DEFENDER OF LIFE DINNER

“It is magnificent but it is not war.” The job of pro-life forces is to have an Agincourt, despite all odds, and to avoid the miscalculated valor of Balaklava.

For these many years, the *Human Life Review* has had a strong following among its focus group—live humans. Happily, the *Human Life Review* dinner comes just before a general election, reminding all of us that the right to vote and the right to life are an economy. While the right to life pertains to natural law, it is secured by the ballot; and while the right to vote is a political principle, it can only be exercised by living people. I know that Chesterton called tradition the democracy of the dead, but the dead do not get to vote in our system, except in some precincts I shall not name. This brings to mind the words of a beauty queen in the Miss Universe pageant who said, “I would not want to live forever because I don’t believe that one can live forever. And so, I don’t think I would want to live forever.”

The approaching election is about life, and general political discourse has not been elevated. Sometimes it is confused. The governor of California, for instance, has supported legalized abortion while opposing the sale of guns. He has also said, “I think that gay marriage is something that should be between a man and a woman.”

When it comes to predicting the course of culture, one might invoke the unhelpful advice of the Mother Superior who told her nuns, “Never predict unless you know.” In 1876 Western Union predicted that the telephone would never be taken seriously as a means of communication. In 1899 the Commissioner of the U.S. Office of Patents said “Everything that can be invented has been invented.” In 1912 Marshal Foch said that airplanes were “interesting toys but of no military value.” In 1927 Mr. Warner of Warner Brothers predicted that no one would want talking pictures. In 1932 Albert Einstein wrote, “There is not the slightest indication that nuclear energy will ever be obtainable.” In 1943 the chairman of IBM said, “I think there is a world market for maybe five computers.” In 1946 Darryl F. Zanuck



Archbishop Celestino Migliore and Fr. George Rutler

predicted that people would soon get tired of television. In 1949 *Popular Mechanics* forecast that “Computers in the future may weigh no more than 1.5 tons.” In 1975, the same *Newsweek* magazine which now warns about a global warming threat, predicted world starvation because of a coming Ice

Age. More to our purposes, in 1968 Paul Ehrlich predicted, in *The Population Bomb*, social chaos due to irreversible birth rates. Recently, in proof that being a eugenicist means never having to say you are sorry, the Heinz Foundation gave Mr. Ehrlich a \$250,000 lifetime achievement award.

I lay before you this remarkable fact: over the years the *Human Life Review* has published many warnings, some heeded and some not, but in matters of human life and the consequences of contempt for natural law, it has never made a wrong prediction. There is, you see, an advantage to being on the side of Mother Nature, and the disorder in Western Civilization today is negative proof of that.

Over a century and a half ago, John Henry Newman preached this on the crucifixion of Innocence:

How overpowered should we be, nay not at the sight only, but at the very hearing of cruelties shown to a little child, and why so? . . . because it was so innocent, and because it was so unable to defend itself. I do not like to go into the details of such cruelty, they would be so heart-rending. What if wicked men took and crucified a young child? What if they deliberately seized its poor little frame, and stretched out its arms, nailed them to a cross bar of wood, drove a stake through its two feet, and fastened them to a beam, and so left it to die? It is almost too shocking to say; perhaps, you will actually say it is too shocking, and ought not to be said. O, my brethren, you feel the horror of this, and yet you can bear to read of Christ's sufferings without horror; for what is that little child's agony to His? and which deserved it more? which is the more innocent? which the holier? was He not gentler, sweeter, meeker, more tender, more loving, than any little child? Why are you shocked at the one, why are you not shocked at the other? (Parochial and Plain Sermons, Vol. VII. Sermon 10)

Today there are those shocked at neither the crucifixion of babies nor the crucifixion of Christ. May Newman very soon produce the miracle needed for his beatification. His words already are miraculous.

I bid you pray these other words of one already beatified, Mother Teresa of Calcutta, and to her prayer we add a blessing upon the food we are about to receive and for the work of the *Human Life Review*:

Heavenly Father, you have given us a model of life in the Holy Family of Nazareth. Help us, O loving Father, to make our family another Nazareth where love, peace and joy reign. May it be deeply contemplative, intensely Eucharistic and vibrant with joy. Help us to stay together in joy and sorrow through family prayer. Teach us to see Jesus in the members of our family especially in their distressing disguise. May the Eucharistic Heart of Jesus make our hearts meek and humble like His and help us to carry out our family duties in a holy way. May we love one another as God loves each one of us more and more each day, and forgive each other's faults as You forgive our sins. Help us, O loving Father, to take whatever You give and to give whatever You take with a big smile. Immaculate Heart of Mary, cause of our joy, pray for us. St. Joseph, pray for us. Holy Guardian Angels be always with us, guide and protect us. Amen.

**MARIA McFADDEN:**

Ladies and gentlemen, I would like to briefly introduce our staff. In addition to my mother and me, we are: Anne Conlon, Managing Editor of the *Review* and Editor of the monthly newsletter *catholic eye*; Rose Flynn, our financial manager; Christina Angelopoulos, née McFadden, our production manager; and Patricia O'Brien, our amazing volunteer. These titles don't truly do justice, because each one of us has to be a jack-of-all-trades. We do just about everything "in-house"—from discussing article ideas to maintaining subscriber lists; from desktop publishing to wrapping up the delicious chocolates (thanks again to Pat) in your bags, from painstaking proof-reading to ooohing and aahing over baby photos. The truth is, we also have a lot of fun. And now . . . Faith?

**FAITH McFADDEN:**

Mary Kenny is no stranger to New York, but Lynette Burrows—frequent contributor to our *Human Life Review*, well-known English journalist and broadcaster—was here just once before, in 1997. And she got mugged. (Such things don't happen anymore . . .) Now, the reason for all the fax correspondence: Jim's surgeries had taken his voice, but he "talked" via his trusty old Royal typewriter—he needed the feel of fingers on keys to transmit his thoughts. Had e-mail been around then, he'd not have used it—it would restrict his flow. The fax machine was as electronic as he'd go. It was Lynette who wrote Jim's obituary for the London *Telegraph*: when it ran, on October 28, 1998, one typically Lynette paragraph had been cut—maybe too "subjective" or something—but here's how it ended: "Even though the cancer which had ravaged him had robbed him of his voice years ago, his faxes crammed with ideas and exhortations to action, fairly bristled with energy and encouragement. His tone of voice, even to those who never actually heard it, was unmistakable."

The huge volume of faxes to Lynette and Mary were indeed crammed with ideas, shared information, ideas about future articles, but—above all—humor. There wasn't *quite* as much correspondence with Mary, because she seemed always to be moving to another house: one of Jim's faxes began "Dear Bouncing Mary." As for Lynette: she addressed Jim variously as "Lord Jim," "Sir James," "Honey-Lamb," "Very perfick knight," "Very dear pest," "Dearest Lordy-pots"; *his* faxes were addressed to such as "Pulchritudinous Pundit," "La Belle Lynette," "Fair Loquatia," "Languid Lynette," "Lynette La Magnifica," and "MZ Speedy" (which began "Wow, your article not



only early but your best . . .”); and Lord Jim often signed according to the state of his declining health . . . one fax, in which he mentioned an upcoming colonoscopy, was signed “Lord Letempeek.” When about to begin more radiation, he was “Lord Glowing of Voltz,” and when radiation reaction set in he was “Lord Woosy of Headsend, Cornwall.” In July ’98 he wrote, “It is odd to sit around waiting to get worse—but funny too, almost daily we have stories about the coming Computer Disaster 2000—*not* my worry!” Signed, “Lord Tassit of Turn.” Once he was “Lord Short of Breath” and once, simply “Frustratio.”

So perhaps now you have the flavor of their friendship. But punning aside, in May of 1998 Jim faxed Lynette that “The thought crossed my mind that, indeed, you may be the nicest friend I’ve never met. (And in my ‘business’ I’ve come to know literally hundreds of people I’ve never actually met.”)

Now *we* have finally met the Fair Lynette: Here she is.

***LYNETTE BURROWS:***

Maria—Faith—Ladies & Gentlemen—the first sign that I am in America rather than at home, is that I can dispense with, “My Lords, Ladies and Gentlemen” and the agonised juggling between who comes first—a newly knighted Birmingham gambler, a Papal Nuncio, a Cardinal, or someone well-known as a Saint. Such are the niceties of English formality that even a collection of butlers provides endless scope for whose boss is more important in the scale of things. I was fascinated to discover, only last Sunday, that my son-in-law who has recently moved to the country, has taken up “beating” for the local huntsmen, and a man whom he employs, is a “gun” in the same syndicate. So my son-in-law drinks in the kitchen with the other beaters and the man he employs drinks in the drawing room with the other guns. All are happy, he told me, because the presence of hierarchy indicates true equality because it is an artificial distinction between equals. Since they cannot all drink in either the kitchen or the drawing room, a practical hierarchy is formed which offers the freedom of the kitchen against the formality of the drawing room. (Curious but enjoyable—or it wouldn’t have endured.)

I cannot resist mentioning this because it is so typical of the things that James McFadden and I used to discuss via his ubiquitous faxes, so often and with such relish. He loved to know of differences between our two cultures which, because of what someone called the “exposed flank” of a shared language, are more similar in many ways, than, say, France, which is only 21 miles away from us.

I first came to New York with one of my brothers in 1997, for the wedding of

an English friend and his American girl. Arriving just in time for the speeches at the wedding reception, and knowing no one, we passed the time trying to guess whether the assembled groups were British or American. We thought it was pretty straightforward, with those in cricketing blazers being ostentatiously English, whilst those who looked as though they had just stepped out of bed, being probably from the Celtic fringe—as we little Englanders like to call the Scots and Welsh. In fact, the one person in a kilt turned out to be third-generation American and the one person who sang was not Welsh but a *paid* Ukrainian. It turned out we were wrong on all counts and the only people there who were British were the immediate family of the groom—who were all sitting as close to the bar as possible, and drinking as fast as possible! This is known as English “reserve.” Such “reserve” is handy and I



*Lynette Burrows introduces Mary Kenny*

have used it myself on occasion. I sometimes begin a talk such as this with an amusing anecdote because it relaxes people and makes them think they are going to enjoy themselves—even if they aren't. So I shall begin by telling you of another occasion some years ago, when I was the after-dinner speaker

at a conference of parents, teachers and educationalists in what is known as the “muesli-belt” around London, otherwise known as Notting Hill and Hampstead. I had been most careful not to drink too little at the dinner, for fear of becoming too reserved; and not too much so that I became hilarious or incoherent. I thought I had judged it just right and began with a rather platitudinous compliment about how kind it was of them to listen to me when they were obviously in a post-prandial torpor after the meal.

However, as I advanced down this sentence which I had written the night before, it suddenly occurred to my subconscious mind that “prandial” was a rude word—and I hastily changed it to “coital.” I looked up, anxiously, at the audience to see how it was received and was met by four hundred eyes on stalks! Not a pretty sight I can assure you—and I never ventured to look at them again.

One thing that has stuck in my mind about that visit to New York was one

particular difference in sensibility of our two cultures, which has often come to my mind since in different circumstances. You won't remember, no doubt, a news story about an unfortunate man who had a run-in with an elephant and, not surprisingly, came off worse. The film clip was shown endlessly on television throughout several days and evenings, showing the poor chap attempting to run from the enraged elephant and him trying vainly to bolt a gate that lay between them. The elephant broke through and trampled the man and, although I don't think he was killed, it was a horrible sight. And yet, every time the clip was shown, the commentator piously observed that the shooting of the elephant would not be shown since it might upset viewers!

One thing that has remained with me of that visit to New York was that it occurred just a year or so before I became acquainted with the doughty band of people at the *Human Life Review*. I have never ceased to regret that I did not know them all then when I was so close and this visit is the fulfillment of a heartfelt wish that has existed from then to now. The fact that I am a guest tonight makes it all the more special and deserving of my sincere gratitude.

The guest of honour this evening, Mary Kenny, played a decisive part in my joining this verdant oasis in New York because it was she who first gave my name to James McFadden. She had written for him for a number of years as European Editor of the magazine, and her deceptively mild, acute commentary on the times in which we live has been, and is, a feature of journalism in Britain. You will hear from Maria later, a more detailed description of her contribution to the fight for our cultural sanity, both in England and in her native Ireland. Sufficient for me to say that she writes primarily for popular newspapers like the most popular of the tabloids—the *Daily Mail*, and the most popular of the broadsheets, the *Daily Telegraph*. In this, I would guess, she has chosen to follow the path followed by the father of great, popular journalism, G. K. Chesterton. She, like him, writes so that ordinary people might have an argument to put, a point of view to articulate, a perspective on the moral issues of the day, which is no less profound for being simple. Her common touch, so typical of Irish people, if I may say so, so un-snobby and clear, based on personal experience and easily available observation, must have given many people ideas and a way of articulating them that are her treasures in heaven.

She stands in an Irish tradition of anecdote and story that is as potent in her hands as they have been elsewhere in that profoundly religious culture. I am reminded of the beautiful statue in the church that Chesterton paid to have built in his hometown of Beaconsfield.

It is a simple statue, made in Ireland by an unknown artist, of a peasant girl carrying a baby, that Chesterton chose himself the moment he saw it, and it

is accompanied by an old Irish story of a man who, crossing some fields one day, meets the girl and, sensing something of the miraculous, asks her who she is. Holding out the child, she replies: “I am the Mother of God and this is Himself; and He’s the boy you’ll all be wanting at the last.”

Honestly, *it is* one of those sentences that I just cannot say without a lump coming into my throat. I only wish the Richard Dawkins’ and Peter Singer’s of this world could be made susceptible to the unexpected thrust of poetry into the rational wilderness they have constructed and ring-fenced. It is the only thing I know that strikes home in a way that other arguments cannot.

I never did discover why exactly Mary gave my name to the *Human Life Review* but, from the moment Mr. McFadden wrote to me, I knew that his was an army I wanted to join. It wasn’t just his vigour and clear aims that impressed me, nor the tremendous array of articles he had commissioned and printed for years—and which he sent me in unnerving quantities—but it was his positively aristocratic assumption that I too would be a “pack-horse in his many causes,” as I liked to tell him. That is why I always called him “Sir James” when I wrote to him, occasionally elevating him to the hereditary peerage by means of “Lord Jim.” He would generally end his letters in reply with a combination of Lord and some terrible pun like “Lord BeKnighthed” or “Sir Loin of Beefy.” We discussed, in the process of planning and collecting articles, whether the expression “to McFadden” would ever enter the English language as a verb that meant “to be run-over, as by a steam-roller”; and I mused that it was his character rather than his business acumen that explained why none of his enterprises ever dared fail!

It is a strange but true fact that I did not know for quite a long time, certainly more than a year, that he had no voice. In consequence of this, I referred frequently to him bawling out his hapless secretaries; whizzing dictionaries at people’s heads with a loud reproof if they had misused a thesaurus and even making his poor wife’s tomato plants wilt with some mild enquiry about the state of the weather.

Even when I did eventually hear about his physical problems, it didn’t make the slightest difference to the way I regarded him. In his last year, when things must have been near unendurable for him, I remarked that his voice remained the same—manly, humorous, combative, competent—but he did know it and, I guess, thanked God for it. As he said, he wanted to go out on his feet—and God gave him that, thank God.

I hope you will not think me unduly sentimental when I say that because I never met Sir James, and was never conscious of a physical presence, as one is when one is familiar with a face and a voice, I have a fancy that he is here tonight. As I look at the happy, post-prandial faces in this room, his

could be among them and I should never know. It would be just like him to take his place, so that he could earwig what I was saying, and slip away again after without any of you knowing.

So, in conclusion, I have to say “No, Sir James, I will not turn it into a three-thousand-word piece, that had to be in by last Wednesday—” and, “Yes, I do think your wife and daughters are beautiful and a credit to you. And no, there is no need to explain to me that you are not the reason they are so great—it is just that a family, literally and figuratively, creates and sustains itself until it is that wondrous thing—an army with banners, founded on love.”

As Tiny Tim would most assuredly have said, “May God bless us all” and thank you for listening to me.

**MARIA McFADDEN:**

We are close to the highlight of the evening. I would like to add a few things about Mary Kenny. Two words come forcefully to mind when I think about Mary, as a journalist as well as a friend. The first is courage. The legendary Clare Boothe Luce said, in the speech we include in *Having Her Say*, that “courage is the ladder on which all the other virtues mount.” Mary Kenny’s career is marked by courage, most especially with the abortion issue. As one of the founders of the women’s liberation movement in Ireland, she once accepted abortion as a necessary right for women. When she began to have misgivings about it, she didn’t do what many women have done: dig into fierce denial, or avoid investigating their own doubts. Instead, Mary, using her journalistic instincts and talents, faced the issue head-on and delved into it, unflinchingly facing the most painful aspects of the abortion story. For her book, *Abortion: The Whole Story*, she interviewed many women, and doctors, visited clinics . . . she researched abortion in history, science and literature. She concluded that, no matter the circumstances, abortion is simply wrong; and



*Mary Kenny and Lynette Burrows chat with Mary O'Connor Ward*

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that one had to stand on principle. And she has done that, defending the right to life of the unborn, again and again, even though, as a woman in the media, she has suffered for it.

The second word that comes to mind when I think about Mary's work and her *self* is compassion. Compassion can be an overused word in our culture, but its true meaning is "suffering with"—and that is something Mary embraces. Her work is marked by a healthy understanding of human nature, and keen compassion for the suffering. Her understanding of the terrible loss involved in abortion is what led her to become pro-life; as she writes, a personal sense of loss is the "characteristic feeling of the anti-abortionist. It's not anti-feminist. It is not a desire to control women or to judge them; it is just a feeling of loss." In Mary's case, it is a feeling matched with a desire to help people see that an unwanted pregnancy can turn into a treasured child.



*Terry and Betty Klink joined us from Dearborn, MI*

Compassion was certainly a hallmark of her friendship with my late father, because Mary got to know him right before he was diagnosed with cancer, and she stayed a true, cheerful, and encouraging friend all through his difficult illness. Remarkable, really, since it would have been easy not to get

close to a new friend at such a difficult time . . . and Mary is an incredibly busy person. But Mary and Jim enjoyed their collaboration. Through some very difficult years, a fax from Mary brought cheer, interesting news, and a sympathetic sharing of burdens. Mary has been a great asset to the *Review*, by being a contributor, as well as introducing us to journalists from Europe, most notably Lynette of course, and also, for example, David Quinn from Ireland.

The flip side of recognizing the great loss involved in abortion is a joyful appreciation of life—and this Mary brings in abundance. She has a lively interest in the lighter side of human nature, and a wonderful sense of humor—and she is simply a delight to be around.

In that spirit of joy, we present Mary with our Great Defender of Life Award for 2006.

*MARY KENNY:*

That's wonderful. Thank you very much. That's wonderful. Thank you so much. I feel a bit like Gwyneth Paltrow at the Oscars. And I, like Gwyneth Paltrow, should actually start with a long list of thanks to all the people who really—with whom I should share this award. But I'll just start by thanking you very, very much indeed, Reverend Fathers, Ladies and Gentlemen, for inviting me here. It's a pleasure and an honor and a privilege to be in New York City, and to be here this evening. I feel really overwhelmed and unworthy of this.

But I always remember Jim McFadden's wonderful words when he said—when he told me, “the cause of the unborn came to us. We didn't seek it out. And we must accept what comes to us, and do our best with it.” And that has often been a guiding light for me, throughout my life.

I'm going to start just by saying a few words about Lynette, actually. In the bad old Soviet Union days, they used to have an award called Heroic Mother of the Soviet Union. [LAUGHTER] And certainly Lynette deserves that. She's a mother of six, and she comes from a family of five herself. And between Lynette and her siblings, they have ninety-seven grandchildren.



*Pat O'Brien and Bob Maffucci welcome guests*

And you know they're a wonderful family, and I also know her sister Victoria Gillick, and her brother Justin. They're great fun, and they're a great example of how big families are often, you know, tremendously good fun and robust, and outgoing and courageous, and willing to sort of take on the world.

And I remember perfectly well why I introduced Lynette to Jim and to the *Human Life Review*. She just is a wonderful polemicist and she speaks very, very strongly on British radio, on television, and writes a great deal. And in a society where not many people actually get the chance to speak out, she certainly has been a great champion. I know that she's been a wonderful

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contributor to the *Human Life Review*, and she deserves this just as much as I do, really. So thank you, Lynette, very much.

And thank you to everyone at the *Human Life Review*, and especially to Faith and Maria and to Anne Conlon. They're always wonderful. I love America and I love Americans. And it's—you know—they exemplify for me the courage and the optimism and the inspirational side of American life; and I always feel that actually in New York.

I often compare the prolife movement to Alcoholics Anonymous in this respect: I have some experience of both, actually. It's said to be a fellowship and it is—it has a family element. But also it varies according to the culture in each country. I have some experience in England, Ireland, Scotland, The Netherlands (where there is a surprisingly good prolife movement), France, a little bit of Norway and Australia and, above all, in the United States.

I've seen some of these movements—some of these AA movements in these countries as well. It is fascinating to see the way in which in England, for example—an AA meeting in England—it's always sort of basically class-ridden. You know you've got all the sort of posh ladies in Chelsea, and their secret bottles of vodka. And then you've got sort of, you know, hearty Scotsmen in North London. In fact somebody actually compared it very much to the Church of England in a way.

And in Ireland these AA meetings, they're always full of stories. The people come in, they tell stories, and they talk, and it's the narrative that—sometimes—has this little poetic element. The Australians are incredibly plain speaking, and terribly candid, and they come right out with it.

But I think that the American ones are always best because you've got this tremendous sense of optimism and that you *can* do it, and that you *can* start your life again. And, you know, things are going to turn out well because we've been given the God-given capacity to do so. And all around the world we owe such a debt to the American prolife movement; a huge debt. They have shown the way.

And each country is following in its own way, although sometimes the way in which the prolife movement works can be underground; it can be very diffuse; it can be seemingly in defeat. But I think little by little, you know, that underground movement kind of works.

And I think in America, for me the two great voices of leadership were Ronald Reagan and Jim McFadden . . . [APPLAUSE] . . . who have inspired all the others to follow.

When we were coming over in the airplane, Lynette and I were talking about families a little bit. And she asked me how many were in my family, and I said we're four. But when I was born my next sibling up, my sister,



was ten and a half. My two brothers were in their teens. My eldest brother, Carlos, was seventeen, actually. My mother was forty-two, and my father was sixty-seven. As was said about an English politician, if he'd stood for election he'd have swept the country—in the sense that he was very pleased to be a father again at sixty-seven.

But it was a complicated story, as I was to discover later on, when I was talking to my mother. She was quite old at this time, and she said, “You know, well, you're sort of very much the afterthought, Mary, in the family. And, indeed, I have to say when I became pregnant at the age of forty-two, I was very, very displeased indeed.” And she said, “I couldn't believe it. I had had a normal married life for ten years, and I hadn't had a pregnancy. I had three children. And your father was in his mid-sixties, and there was a war on too. And I just couldn't believe that this had happened.”

And, indeed, my brother told me afterwards, and I know this is something that teenage boys often say, and indeed teenage girls too, that he couldn't believe it. My parents!! Forty-two and sixty-seven!! It's disgusting. My brother is a wonderful Irish storyteller, but he was so embarrassed. He was seventeen, a very self-conscious teenage boy. And he actually invented a story to cover up my birth: He said that my aunt, who was an absolutely blameless unmarried lady, of great virtue—that my aunt had had a passionate affair with an Argentinean sailor. He's kind of romantic. And in order to be charitable, my mother had taken in the child. And this was so that he wouldn't lose face with his peers.

So there it was. But my mother then told me, and she wanted to tell the story, and she told me, “You know, when I realized that I was pregnant, I really did everything to try to, you know, to stop this—to bring an end to this pregnancy.” I mean, certainly in Ireland at that time abortion was out of the question. But there were other ways and means that people sometimes did. They took hot baths; they drank a lot of gin (which might have explained the later recourse to AA). They went to vigorous, vigorous horse riding, you know, and vigorous bicycle riding and all kinds of vigorous, extreme sports of every kind.

But however vigorous it was, I would not be dislodged. [APPLAUSE]

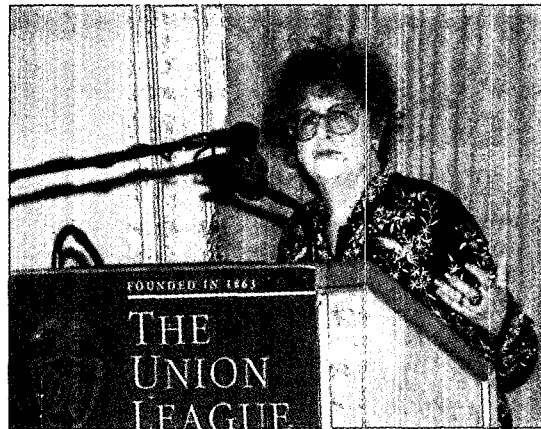
So the time came—she was six months along—when she had to break it to everybody and so on, because she'd sort of kept hidden for a while. But she went to Confession. As Irish women nearly always did before a birth in case they should die in childbirth. And I suppose that does bring home, you know, something that Kipling says in his poem about the female of the species: that you know for each life beneath her breast, she would risk life as well. And so women would go to Confession because—because I suppose

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they wanted to die in a state of grace, if that was to haunt them.

And she went to the priest and started on the Confession and she said “I’m expecting a baby, and you know I didn’t welcome this pregnancy, Father, *at all*. And I’d have done a great deal to make it go away. I’d have done a lot to make it go away.” She went on and she talked to him in this manner for awhile, and at the end of the Confession, he turned to her very gently, he didn’t reproach her, he just said, “Well never mind, my dear. When you are old, you will be glad you had this child.”

And she turned to me, and she said, “And I am.” [APPLAUSE]



*Mary Kenny accepts her award*

A friend of mine in Dublin was a very, very strong feminist. When I told her this story, she said, “well that’s the best argument against abortion I’ve heard, actually.” It’s not, but the story engaged her.

This set me thinking about something which has been really in the back of my mind for some time, and that is that I think that the next phase, if you like, of discourse about the prolife movement should be to maybe carry it further into different forms of narrative; into fiction, into drama, into movies. It troubles me, it upsets me that whenever a prolife person is portrayed in a movie or on television, they’re usually portrayed as some sort of nut case. And that’s true in fiction as well.

Not that I think drama and fiction should be propaganda. That doesn’t work. But nevertheless drama and fiction are extremely powerful means of communication. If you look at a movie like *The Madness of King George*, which had Nigel Hawthorne playing King George and was written by Alan Bennett—it’s a wonderfully entertaining film, and there’s a lovely moment in that film when King George, who was quite bonkers, is turning a globe and he

sees the shape of America on the globe and he says, “Ah, to have lost this paradise.” Because he did lose America, didn’t he?

But that is a very, very charming and warm portrayal of King George the Third. And that’s the portrayal that’s really accepted now, I think, in the public mind. But he wasn’t really like that. He was really rather a nasty man in many ways. He was bitterly anti-Catholic. He actually held up Catholic emancipation, which did untold damage in Ireland because it made the Irish more and more alienated from Great Britain. And he was not a good—he was a patchy king, I suppose, one should say. But he certainly wasn’t exactly the very charming and luxurious monarch who is portrayed in that movie.

But I think the movie is an example of how powerful a movie can be; how powerful something like that can be in telling a story. I mean I’m quite pleased that Sofia Coppola has done this film about Marie Antoinette, which is charming; it’s a very feminine film in the sense that it’s a lot about shoes and frocks. But that’s all right. Marie Antoinette really has been very unfairly portrayed throughout history, you know, as a very cruel and selfish woman. And she was—there is a parallel in this movie with Princess Diana—she was much more like Princess Diana, really. A rather naive girl. But it’s good to see it in a movie.



*Dino and Paloma  
Marcantonio*

And one thinks of Shakespeare and how Shakespeare has put his imprint on so much of English history, on the whole story of Richard the Third. Or even in our time how something like the Spanish Civil War—which was a very complex and cruel war, of course, on all sides—has been almost completely stamped in the public consciousness by Hemingway and George Orwell, so the story of the Spanish Civil War is very much told in a way from the left-wing point of view. And the terrible stories about the dreadful murders of priests and rapes of nuns have gone

really unchronicled in public—in popular perception.

That’s a little bit of a diversion but I’m very keen on this idea that we should really try and tell stories, as well as have logical argument, and rational argument—the whole prolife cause is built on rational argument. But I would like to see that story element expanded.

I know there are people who are thinking along the same lines, and have that idea. There are publishers, and there are people engaged in the creative side, if you like, of communication. I hope this is something that might stay

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in their mind, because, after all, anybody who has really looked at the abortion story, and the prolife story, knows that it is full of really poignant and interesting and humane and sad—all sorts of complex human stories. And they're just there for the examining.

I have actually written a play about my mother's story, which I've called *A State of Emergency*. Anybody who wants to see it, I'll be glad to make it available electronically for them. I think that in the present climate it might be quite difficult to get this play produced, because I think that in the arts the liberal left would have a very, if you like, perhaps prejudiced view.

But, nevertheless, it's good to put those things on deposit so the stories are there; so that they can arise and be there for another generation to examine. Sometimes it takes a generation for a story to be told.

I was reflecting about the Hungarian uprising just the other day, which happened fifty years ago. And although I was only twelve at the time, I did take an interest in it. And I remember that the Hungarian uprising was viewed as hopeless; first of all absolutely hopeless, absolutely ridiculous; these crazy people who were rising against the mighty Soviet Union. And secondly, some people, certainly on the left in England and Ireland, regarded those who were involved in the uprising as being reactionary. That was very much a view put about by some of the leading intellectuals.

But fifty years later, the memorials to the Hungarian uprising actually really see it as the beginning of the end of the Soviet Union. So it does take that fifty years; it does take that time for this perspective to grow.

And I suppose in terms of story, really, when we think of the New Testament, so much of it is told in story form. So many of the narratives in the New Testament are told as stories rather than as essays or as other forms of explanation.

So we do have a very, very good precedent to go on. And I hope that Jim would approve of this idea; I feel sure he *would* do, because he was such an imaginative man. One of the things that he said to me was: "Remember, Mary, the definition of human life calls for a very, very broad agenda, and all of human life is there." And I think that's true.

Thank you very much indeed.

[Those wishing to inquire about Mary's play, *A State of Emergency*, may contact her at [mary@mary-kenny.com](mailto:mary@mary-kenny.com)]

THE HUMAN LIFE REVIEW



*Louise Phelan and friend*



*Tom Bolan, Maria McFadden  
Maffucci and Mary Kenny*



*Anne Higgins came from Washington, DC*



*Mrs. Eileen Slattery*

*[The following is a work of fiction inspired by real events. This is the first in a series of short stories that Mary Kenny intends to write for the Human Life Review—ed.]*

## **In Monty's Bookshop**

*Mary Kenny*

**T**hey were always very kind to us, the couple who ran a little bookshop on the street where we lived. As well as stocking new books, they had a section for second-hand books. They stocked lovely art books, which I especially liked.

I first started going into the bookshop around the time that our small daughter attended a nearby nursery school, and the bookshop was on my route. We lived in Pimlico, in those days—always a slightly Bohemian neighbourhood in London. Central, but never quite fashionable. The bookshop was called “Monty’s Books”: The bookshop owners were Peter and Adele Montgomery. At this time, they must have been in their fifties.

It is said that people who run bookshops seldom make a lot of money. A friend of mine who went for a business motivation assessment was asked what, ideally, he would like to do in life, and he said what he would most like is to run a bookshop. “But nobody ever makes money in a bookshop,” he was told. Moreover, even the desire to run a bookshop showed a lack of motivation towards serious money-making.

But the desire to run a bookshop often shows a friendly personality and an interest in people. Peter and Adele were just like that. The place was always very welcome to browsers. Peter originally came from an English, or Welsh, family in southern Africa: “I’m a remnant of the British Empire” he used to joke. Adele, too, was a migrant to England: She had been born in Eastern Europe—I believe, Latvia—and her small family were refugees from Stalin’s iron rule.

Sometimes I’d call into the bookshop on my way back from the nursery school, with my daughter Daisy in tow. Daisy was about three and a half at this time, and if I say so myself, she was a most beguiling child. She had a mass of curly brown hair and a bright, lively curiosity. She was verbally very precocious—as little girls can be, and talked articulately from a young age.

The Montgomerys would make the most enormous fuss of her. They took such a tender interest in all her activities. And they got into the habit of providing some regular little treat—a lollipop or a little toy—in case Daisy

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**Mary Kenny**, the Irish author and journalist, is also this journal’s long-time European editor.

and I came by. Actually, this was to lead, in an indirect way, to an expansion of their business, and a specialisation which saved them.

Adele, who was a well-educated and thoughtful person, with grey hair and a delicate skin, developed the idea of opening a children's section in "Monty's Books"—partly because of Daisy's response to the books stocked. Adele installed a set of children's wooden furniture, so that kids could sit down and read or look at books while adults browsed. This became a useful asset when the big conglomerates began taking over small family firms. Peter and Adele's bookshop, with its children's section, established itself as a niche enterprise, just as children's publishing also started to expand.

We moved away from that part of London a couple of years after that, but I was pleased to hear that the bookshop continued to survive and do well for another two decades or so, until Adele died of breast cancer, and Peter, soon afterwards stricken with Alzheimer's, went into a care home.

The Montgomerys didn't seem to have children or grandchildren of their own. And since they never mentioned the matter, I felt it might be indelicate to ask. But Daisy did, in her frank, childish way. She was chatting away to Adele one afternoon when I heard her say—"And have you got any little girls of your own?"

Adele just turned away, quickly rearranging something on a bookshelf, and I heard her say "No, Daisy, but we have you to visit us—isn't that nice?" I suppose, looking back, I must have sensed something in her voice.

\* \* \* \* \*

We had to move away from Pimlico because our apartment there was tiny, and, to our great delight, when Daisy was just five, I found I was expecting another baby. So we removed to a house in a suburb of west London, and I was soon plunged into a whole new milieu, with a young son, and, a few years later, another daughter. Everything somehow became very busy and life went on. Though from time to time, I would pass by the Pimlico bookshop, and look in to say hello.

It was only after Adele's death that, by chance, I heard the full story of their lives.

Sometime in the middle of the 1990s, I took a week off from family duties and did something I always wanted to do: I went to Cornwall, on the west coast of England, for a week's painting holiday. There was a lively group of about a dozen people, gathered together with a tutor in what might be called a stately home—a 19th century mansion rented out for the purpose. We had painting classes during the day, and sometimes trips around the picturesque

countryside and seashore, and in the evening, we'd have a meal and relax.

There was an older woman among the group who I might have described, perhaps, as an old hippy, though I don't mean it unkindly. But she was one of those unconventional artistic types, with bright clothes and slightly crazy hair; she wore unusual jewelry from Mexico, and silver Navajo bangles and rings. She was called Ruthie and was a dedicated and quite talented artist.

One rainy evening, we had a drink together—indeed, Ruthie had more than one—and it emerged in our conversation that she was originally from South Africa. When she said her name was Montgomery I suddenly remembered “Monty's Books.”

“I used to know a South African called Peter Montgomery, who had a very welcoming bookshop in Pimlico.”

“Small world,” said Ruthie, lighting a cigarette to accompany her vodka. “He was my brother. Poor Peter,” she added. “Poor Peter. . . .” She told me about his developing Alzheimer's.

“Sad, isn't it?” said Ruthie. “No family left at all now. I'm alone in the world, Laura. A childless orphan!”

“Peter and Adele were very sweet to my daughter, when she was a little girl,” I said. “I suppose they didn't have any children themselves?”

“Oh, they did,” replied Ruthie. “And thereby hangs a tale.”

Adele and Peter had indeed had a daughter, who was called Margaret—which can be the longer version of Daisy. Margaret was a delightful girl, bright and musical. But in those early days of their marriage, the Montgomerys were very broke: For the first six years of their marriage, they lived in a small, one-roomed studio, both working in the more modest end of the publishing trade.

When Adele became pregnant with their second child, she became obsessed by the idea they just couldn't afford another baby. She had a horror of debt, or being in trouble with the authorities.

“She made the decision,” recalled Ruthie, “to seek an abortion. It was just beginning to be easy to get an abortion in London and someone put the thought into her head. Or maybe she got the idea from Eastern Europe, where it was a form of birth control—still is . . .”

Ruthie's expression indicated that Peter had not been wholly in agreement. But he had always adored Adele and went along with what she decided.

And so, Adele terminated the pregnancy. If things looked up, she had said at the time, they could always have another child.

But then, not long after, the awful tragedy struck. Their daughter Margaret began to show signs of unusual fatigue: and presently she was diagnosed with childhood leukaemia.



“They adored that child,” said Ruthie, pouring another vodka, her silver bracelets jangling over the glass. “And they battled hard to save her. They did everything.” The girl went on to have some promising remissions, but died at the age of 12. It was a devastating loss.

“Their lives were never the same again. They grieved and grieved for Margaret. And Adele never stopped reproaching herself for aborting that second pregnancy.

“I told her,” Ruthie went on, “what was past was past. You have to continue with life. Oh, and she did. They did their best. They stayed together, too—they might easily have split up from the strain of the situation.

“Ironically, Adele came into an unexpected bit of money from some aunt of hers, and they were able to buy the bookshop. But they were never able to have another child.”

I then remembered seeing the wistfulness—even a sort of sorrowful wonder—in Adele’s face as she watched my daughter thumb through the children’s books. What grief lay behind that wistfulness.

“What a sad story,” I said. “If only they had had the money before—or, if only there had been someone around to support them through that second pregnancy. . . .”

“Yes,” said Ruthie, looking desperately regretful herself. “Yes, if only.”

## “... and God will make him a cake”

Tom Nolan

**W**e buried little Finn on Saturday. He's near Harpers Ferry on a hill overlooking the Shenandoah River. Above him is a Marine guard, a casualty of the response to John Brown's raid. (Why was Robert E. Lee, a Colonel of Army Engineers, commanding United States Marines?) Finally, I thought, our family ordeal is over.

Finbar William was my grandson. Finn was anencephalic, a rare condition where the brain fails to properly form in the womb. It is always fatal. Of course, we had known for months, thanks to sonograms and other wonders of modern medicine. Upon learning of his condition, I hoped for a swift miscarriage—making the best of a bad situation. I wanted “it” over and done with, so my daughter Meg and her husband Frank could get on with their lives. It was not to be. Finn went to full term.

I have always considered myself pro-life. I certainly vote that way. I distinctly remember my response when *Roe v. Wade* was announced. I was still in the Navy and the skipper encouraged discussions of current events. I argued against the Court's decision principally because it was not the Court's business to interfere with the states on such a matter. Secretly, I thought it was probably not right to kill a baby in the womb. My sole ally was Bob, the only Jewish officer in the wardroom. He forthrightly argued that abortion is the taking of innocent life.

When it became apparent that Meg would not miscarry early, I thought that in this circumstance, abortion was perhaps permissible. It would certainly be understandable in contrast to abortion for “convenience.” After all, I thought, we know the outcome, what's the point in prolonging the certain outcome? Then Meg gave me a printed copy of a “staff commentary” from the United States Conference of Catholic Bishops which she found on the Internet. It addressed “Moral Principles Concerning Infants with Anencephaly.” Curse the Internet—I didn't want to read it. I forced myself to read the expected, but dreaded language—“*The Gospel of Life demands unwavering respect for the inherent dignity of babies born with disabilities or illnesses*” (emphasis added). Not only no abortion, but also palliative care. And baptism, confirmation, and a funeral. Fine in the abstract, but is it really necessary here, with us? Yes it is, or the teaching means nothing.

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I suppose I should mention that I am an Episcopalian. It will be no surprise that I increasingly find myself in disagreement with our bishops. However, the disputes roiling our communion have seemed “small beer” for the past few months. All the arguments seem irrelevant somehow. Do the bishops really consider their preoccupations to be pastoral care? While they display their trendiness to an approving world, real people quietly deal with real problems. I should quickly mention that our little church and its rector have been a rock of support.

Obviously, Meg was raised in our local Episcopal church. I believe that her solid character is due, in part, to her Episcopalian background. When she married Frank she converted to his Catholicism. I raised no objection. My “congenital” anti-Catholicism (what else does the word *Protestant* mean?) had long ago withered and died as I observed the pro-life movement, which in my case has “morphed” into a broader cultural concern. I greatly admire the Magisterium for its teaching and clear explication of dogma. It is notable that rationality is found in the Catholic Church, while secularists, the “Children of the Enlightenment,” are increasingly incoherent and tawdry (“Keep your rosaries off my ovaries”). In the months and years ahead I suspect that we will all come to value (and need) the counsel of the Catholic Church on matters literally existential.

Meg delivered by emergency Caesarean on Tuesday. Both families were present in the recovery room. I was ill at ease and tried to remain in the background. If conversation was expected, I retreated to “safe” territory, relating to the culture wars. Anything but “it.” Then Frank brought “it” into the room and told us “he” (Finn) didn’t have much time. I had no idea how to act or what to say. Then they started taking photographs! They wanted one with me holding Finn! To say I was uncomfortable is an understatement. Frank thinks my stilted pose in the photo is hilarious. All I need is a pitchfork to be the male figure in Grant Wood’s *American Gothic*.

Finn was with us for an hour and twenty minutes. His lungs did not form and he never drew a breath. His little heart was strong, but finally surrendered to the inevitable.

The next few days are a blur of family and friends arriving and departing. Then came the funeral and my first tears. When Frank and little Mikey (Finn’s brother) carried the miniature coffin to the front of Saint Bridget’s, my self-control dissolved. It just seemed so wrong. Meg and Frank shouldn’t have to go through this.

The reaction of Finn’s older siblings is remarkable. Little Joanie (age three) said “Finn is in heaven having a birthday party, and God will make him a cake.”

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Adding to the family's ordeal, Finn's aunt (my youngest child) Katie, had an automobile accident on the interstate, returning from college for the funeral. At high speed one of the wheels literally came off. She was uninjured and damage to the vehicle was minimal. I complimented her on her instinctive reactions and driving skills. Katie, however, is convinced that her miraculous preservation is due to Finn's intercession.

After the funeral, at the reception given by the Episcopalian side of the family, I talked with Father Jonathan, a Dominican priest. He is a gentle giant whom I have admired ever since we met. He finds significance in the fact that Finn was born (and died) on the Feast of Our Lady of Guadalupe, the patroness of the unborn. I am not prepared to disagree.

On Sunday I went to Meg and Frank's house, where Father Jonathan celebrated Mass, and I received his blessing. As I drove home, I was composing in my head this missive. Without warning came a flood of tears for Finn. He was a little boy, not an it, and he's gone. There will be no go-cart rides or bottle rockets. No fishing the Shenandoah or potato guns. We did not get seriously acquainted and, this side of paradise, we never will.

I think the different reactions to Finn's short life have to do with our view of suffering. I recognize that suffering exists and cannot be avoided. It must be endured, but is to be minimized. Catholics embrace suffering. They call it "redemptive." They don't deny sadness and grief but see meaning in the suffering itself. As Meg put it early in our ordeal, "God doesn't make mistakes."

To Finn in heaven: Your life on earth was short. But you were a great teacher.

You certainly taught me. If Father Jonathan is right you will teach a host of others as well. If we measure a man's life by his effect on others, you were truly great.

I am afraid your grandfather is a weak reed. I am truly sorry and I humbly repent that I ever wanted anything other than what your mom and dad did for you. I hope you will forgive me.

Oh, and one more thing, Finn. I also hope you will save me some cake.

# Who's Violent?

*Brian Clowes*

People tend to overestimate the risk of a rare, catastrophic event, and to underestimate the probability of a much more common, yet equally lethal, incident. For example, many people—especially after 9/11—believe that it is safer to drive a car than it is to fly in an airplane, although 500 Americans die in cars for every one who dies in flight. And many individuals lead sedentary lives and enjoy fatty and sugary foods, while worrying about avian flu and mad cow disease—yet three quarters of a million Americans die each year of heart disease and diabetes, while nobody in this country has yet succumbed to avian flu or mad cow disease.

A similar disproportion is evident on the abortion issue: Many Americans believe that the average “reproductive care center” is under constant siege by “anti-abortion fanatics” who might pull the trigger at any moment. This is an utterly false impression, and it has drastic real-world consequences for the future of unborn human life. The abortion struggle in the United States has already lasted more than three decades, and one of the greatest obstacles pro-lifers still face is that public perception of the issue has been, in large measure, shaped by such distortions. When the average American believes that pro-lifers represent the most violent social movement of modern times, that can't help but threaten the long-term prospects of our movement.

## **The Pro-Choice Shuffle**

We hear a lot about “anti-choice violence” and an “organized campaign of terror and intimidation against reproductive health centers.” Most Americans therefore perceive the struggle over abortion as a vicious and brutal battle, in which all of the violence is committed by “fanatical anti-choicers.” The actions of a handful of irrational individuals are transformed by pro-choice propaganda—and the persistent and monolithic bias of the national media—into the definitive image of the pro-life movement. Third-trimester abortionist Warren Hern, who himself makes a living committing the most hideous acts of violence, says that pro-lifers

are, with few exceptions, vicious, irrational, absolutely ruthless, unscrupulous, pitiless, and driven by hatred. . . . Every anti-abortion demonstrator must now be considered armed, dangerous and a potential assassin until proven otherwise. The anti-abortion movement must be considered the source and spawning ground of a

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violent, terrorist movement which threatens the social fabric and civil society of laws of the United States. . . . The general atmosphere is one of survival. Twenty-five percent of the [abortion] clinics have been bombed. This is a highly repressive, totalitarian [pro-life] movement, similar to the Brown Shirts who broke windows in Jewish shops in Germany.<sup>1</sup>

This ruthless mischaracterization serves a single purpose: to divert attention from the bloody—and very profitable—slaughter of preborn babies. Like all the tired slogans—“You can’t legislate morality,” “Abortion should be a decision between a woman and her doctor,” “If you can’t trust me with a choice, how can you trust me with a child?” “Pro-family, pro-child, pro-choice,” “Every child a wanted child”—it’s an attempt to make you think about anything *but* abortion.

“Anti-choice violence” is the perfect distraction, and the media are eager to help. Let’s start with the facts: Self-described “pro-lifers” have murdered seven people and have seriously injured ten others. We know all about these cases, because the media love to focus on them.

Now let’s ask some questions: Have you *ever* heard about a pro-choicer murdering a pro-lifer? Chances are you haven’t, because when a pro-lifer is killed, members of the national media consider that beneath their notice.

Do you remember hearing anything from the national media when pro-choice activist Eileen Orstein Janezic shot pro-life activist minister and radio-talk-show host Jerry Simon through his living-room window? After killing Simon, she held police at bay with a pistol for six hours while spouting quotes from Anton LaVey’s *Satanic Bible*. In 1994, a jury found her guilty of murder and sentenced her to life in prison.<sup>2</sup>

Do you remember hearing anything when pro-choicer Byron Looper shot pro-life Tennessee state senator Tommy Burks in the head with a large-caliber handgun? After he murdered Burks, Looper boasted that “I did it, man, I did it! I killed that dude.” Looper was convicted of murder and sentenced to life in prison.<sup>3</sup>

Why didn’t you hear about these murders? Because when a “pro-lifer” goes on a rampage, it fits the story the media want to tell. But when pro-choicers murder pro-lifers or other people—or when a woman dies of a botched legal abortion—that complicates the story, and the media ignore it.

This pro-abortion bias has been repeatedly documented. The people who work for major media outlets are overwhelmingly pro-choice. They routinely portray pro-lifers as crazy ideologues, and pro-choicers as calm and rational thinkers; they report only pro-life violence, never pro-choice violence; they ignore the gruesome details of abortion, while portraying realistically the horrors of mangled bodies during wartime.

The Lichter-Rothman studies on media bias found that 95 percent of motion-picture leaders, 97 percent of television leaders, and 90 percent of news-media leaders call themselves “pro-choice.”<sup>4</sup> The Newspaper Guild, the nation’s newspaper employees’ union, adopted a resolution that reads: “[The Newspaper Guild] reaffirms a woman’s fundamental constitutional right to make private and confidential decisions regarding reproduction. We oppose any re-examination of the court’s decision at attempts to restrict these rights.”<sup>5</sup>

This helps us understand why, when a pro-lifer commits a crime of any kind, the media make absolutely certain everyone knows that he is associated with the pro-life movement—but when an abortionist murders someone, the fact that he or she performs abortions usually goes unmentioned. To take one example, John Baxter Hamilton choked and beat his wife, then smashed a hole in her skull with a brick, murdering her. Not a single article in the national press mentioned that he was Oklahoma City’s most prominent abortionist, although *local* newspapers mentioned his occupation many times.<sup>6</sup>

Dead abortionists are headline news for weeks or months, while violence committed by the same abortionists—even apart from the actual abortions—is simply ignored. When James Kopp murdered abortionist Barnett Slepian at his home in 1998, the national media headlined the story for days, and they still do stories about it years later. But when Slepian seriously injured a pro-lifer by beating him on the head, back, and arms with a baseball bat, not only did the news media completely ignore the attack, but local pro-choice leaders actually applauded him!<sup>7</sup>

Even pro-choicers acknowledge the bias. Susanne Millsaps of NARAL Pro-Choice America has said that “the media has been our best friend in this fight. They claim objectivity, but I know they’re all pro-choice.”<sup>8</sup>

And the pro-choicers use this advantage to the hilt. When one “pro-lifer” commits an act of violence, groups like the National Organization for Women and NARAL Pro-Choice America imply, or claim outright, that *all* pro-lifers are violent—or at least *potentially* violent. The worst propagandist is the National Abortion Federation, or NAF, the abortionists’ trade union. Its website keeps track of incidents of what it calls “anti-choice violence and disruption.”

Let’s take a look at the NAF’s numbers on pro-life violence. As of January 1, 2007, the NAF claims that pro-lifers have committed a *very* impressive (and, as always, very round and very undocumented) 126,000 incidents of violence and disruption.<sup>9</sup> But a closer look at these statistics is very revealing: *Eighty-six percent* of these incidents of “violence and disruption” were actually *picketing*. Perhaps we should not be surprised that “pro-choicers”

lump picketing in with violent acts, since they believe that their “right” to abortion is so sacrosanct that it is violated even by the mere exercise of First Amendment rights (which, incidentally, predated the “right” to abortion by nearly two centuries). Another nine percent of the incidents of “violence” were “hate mail,” “harassing phone calls,” and “e-mail or Internet harassment.” Trivial matters indeed: Some of the activities NAF undoubtedly includes in this category are Christmas cards from pro-lifers, because there have been incidents when pro-lifers have actually been arrested for sending such cards to abortion mills. Other categories that most people would not consider violent—in the sense of harmful to actual persons—include “clinic invasions” and trespassing, burglary, vandalism, and stink-bombs, which account for a total of only three percent.

What this means is that 98 percent of the 126,000 incidents listed by the National Abortion Federation are not really violent at all. Only about two percent could be called true violence, including the seven murders we all know about, plus the total of 45 actual and attempted arsons and bombings at abortion mills from 1996 to 1999.

### **Shut Up, They Say**

According to pro-choicers, abortion is such a basic human right that nobody can be allowed even to question it in public. As Faye Wattleton, former president of the Planned Parenthood Federation of America (PPFA), has said, “We need to remove the abortion issue *forever* from the legislative arena. We need a universal recognition that our civil liberties are off-limits to partisan debate!”<sup>10</sup>

In other words, then, there is no such thing as a *legitimate* pro-life activity. The pro-choicers seek to stigmatize all pro-life opposition as either “violent” or “harmful” in some way. The first thing abortionists would love to do is prohibit all pro-life street activity, because it’s bad for business. They say that pro-lifers must not peacefully block clinic doors to save preborn children from death, because, as one of them has put it, this is “committing direct violence against women.”<sup>11</sup> We may not picket, because that is “Cromwellian fanaticism.”<sup>12</sup> We can’t do sidewalk counseling, because the women “have already made their minds up, and any interference will just cause them pain and distress.” And we mustn’t pray quietly in front of the clinics, because this “offends and hurts women.”<sup>13</sup>

But that’s not all: They also want to ban all *behind-the-scenes* activities by pro-lifers. They say we should not be allowed to offer *real* help to women through crisis pregnancy centers (CPCs), which NARAL calls “fraudulent and deceptive clinics.” These CPCs, of course, must never give women



factual biological information on fetal development, because this constitutes a “propaganda tool for the anti-abortion position.”<sup>14</sup>

Adoption is off limits, too, because—in the words of Catholics for a Free Choice (CFFC)—it is “misogynist” and “devastating.”<sup>15</sup> Pro-lifers must not try to enact any kind of restrictions on abortion, even if they are massively supported by public opinion, because such activity is “a violation of the wall of separation between Church and State.” We can’t lobby Congress, because this is “partisanship.”<sup>16</sup> We can’t organize, because such activity is a “conspiracy.” We cannot try to convince others to embrace our position, because that is “shoving our philosophy down other people’s throats.” (One pro-choice group, evidently lacking a sense of irony, calls it “spiritual battering.”<sup>17</sup>)

Pro-life clergy must never mention abortion in their sermons or have a Sanctity of Life Sunday, because this may cause “frustration,” “guilt,” and “anger” within the flock.<sup>18</sup> Catholic bishops cannot even ban pro-choicers from the bishops’ own property, because, as CFFC has said, this amounts to “controlling public practices.”<sup>19</sup>

Pro-choice groups would even deny pro-lifers the right to express their belief that preborn children are human beings, because this encourages “terrorism.”<sup>20</sup> In fact, CFFC is so extreme that it claims that the Catholic Church cannot even *refuse* to donate money to groups it believes to be promoting abortion—such as UNICEF—because this constitutes “intimidation,” “strong arm tactics,” and a “dirty little war” against “every good thing.”<sup>21</sup> Pro-choicers have even condemned such pro-life programs as Project Rachel—which attempts to help women through the aftermath of abortion—as “offensive” and “dumb.”<sup>22</sup> Pro-lifers’ offers of money and other aid to pregnant women to help them through and after their pregnancies are dismissed as “questionable,” “manipulative,” “unethical,” and “dangerous.”<sup>23</sup>

So what *are* pro-lifers allowed to do, according to the pro-choicers? One pro-choice activist has said, “I support the right of people to pray, anywhere, anytime, so long as they do so inside their heads and make no audible sounds.”<sup>24</sup>

#### Pro-Life and Pro-Choice: The Violence Compared

When we put the incidents of pro-life and pro-choice violence side by side, we see a vivid contrast: Pro-choice violence is directed against *people*, and pro-life violence is directed against *things*. Let’s look at deadly and extreme crimes against persons, such as murder, manslaughter, infanticide, attempted murder and manslaughter, kidnapping, torture, rape, incest, violent sexual crimes against women and children, mayhem, and malicious

wounding. Human Life International has documented 2, 132 such crimes by pro-choicers on its website (<http://www.abortionviolence.com>). The National Abortion Federation claims just 27 such crimes by pro-lifers (and none at all since 2000). In other words, for every act of extreme violence committed by a pro-lifer, there are 80 committed by pro-choicers.

When confronted with evidence of their movement's violent nature, pro-choicers react the way they always do when faced with an unpleasant truth: They simply deny that the problem exists. (Just as they still claim, e.g., that partial-birth abortions don't exist, and that thousands of women died of illegal abortion before *Roe v. Wade*.) Joyce Arthur, president of Canada's Pro-Choice Action Network (P-CAN), claims that pro-choice violence is a "myth," a "pious fraud," and "pathetic propaganda."<sup>25</sup> On P-CAN's website, Arthur callously dismisses as "simple abortion complications" the deaths of 360 women, including those cases where abortionists were found guilty of murder because they abandoned their patients to die.

In her world, someone like abortionist Brian Finkel, who sexually molested more than 100 women and is now imprisoned, cannot exist. The same goes for abortionists like Bruce Steir, who was convicted of manslaughter after letting Sharon Hampton bleed to death; John Baxter Hamilton, who was convicted of murder after beating his wife to death with a brick; and Alicia Ruiz Hanna, convicted of murder after killing Angela Sanchez and trying to stuff her dead body into the trunk of her car in full view of her Sanchez's four children.<sup>26</sup> In the tidy little pro-choice universe, all women smile happily after their abortions, all "anti-choicers" are dangerous fanatics, and all abortionists are distinguished heroes, incapable of anything but the most noble of actions and thoughts.

As I mentioned above, in the entire history of the struggle over abortion in the United States, irrational "pro-lifers" have murdered seven pro-choice activists (including three abortionists). As a result, we have been treated to a torrent of manufactured grief and fear for the cameras among pro-choicers, who have held massive rallies and written tens of thousands of pages of outraged prose condemning the violence. We have seen melodramatizing abortionist (and convicted serial sex molester) Brian Finkel of Arizona boast that he carried a pistol and wore a bullet-proof vest for his protection. The Justice Department has even established a National Task Force on Violence Against Health Care Providers, which offers detailed tips on personal security.<sup>27</sup>

So just how much danger do abortionists face, compared to members of other professions? According to the U.S. Bureau of Labor Statistics, 20 *hair-dressers* were murdered on the job during the same time period in which all the pro-chooser fatalities occurred (1993-1998).<sup>28</sup> Granted, there are many

more hairdressers than there are abortionists, but where are the rallies and the propaganda for the hairdressers? According to the Bureau of Labor Statistics, between 1993 and 2001 there have also been 735 cashiers and sales-counter clerks murdered on the job; 558 taxi drivers; 266 truck drivers; 155 janitors; 106 auto mechanics; and 78 bartenders.

When was the last time you saw a bartender posing for the cameras with a bulletproof vest and a Glock? Why are federal marshals not out there protecting janitors and truck and taxi drivers? Why are there no heavily publicized task forces for them?

The isolated instances of violence perpetrated by fringe pro-life characters have been demagogued to obscure the fact that the pro-life movement is by far the most peaceful social movement in history. But look at the pro-choice movement. As already noted, Human Life International's website outlines hundreds of crimes committed by pro-choicers in the United States alone. And look at Nicaragua. A person from a pro-choice group in Managua revealed a document that outlined a pro-choice plot to "wipe out" bishops, priests, and laymen who were leading a 2001 Catholic campaign in the country against the legalization of abortion. As a result, Nicaraguan president Arnoldo Aleman ordered police to provide special protection for Cardinal Miguel Obando of Managua and several of the country's Catholic bishops who were targeted for extermination. The document indicated that the assassination plot extended to religious and lay leaders of the pro-life movement in other Central American nations.<sup>29</sup>

### Conclusion

The pro-choice resort to violence should not surprise us. The abortion movement is, in its essence, a pro-violence movement, one based on the dehumanization of its victims. "Who has a greater right to dispose of the fruit than she who carries it in her womb?" a noted French philosopher once asked. "To interfere with the usage a woman chooses to make of it is stupidity carried beyond any conceivable extreme." The author of these sentiments, one Marquis de Sade, is not much cited today by pro-choicers, but he might with justice be described as their ideological father.<sup>30</sup>

Veteran pro-lifers, meanwhile, are weary of being labeled violent fanatics by the press and pro-abortionists, and sometimes even by their family members, friends, co-workers, and fellow churchgoers. It is far past time to set the record straight and expose where the true violence lies, both inside and outside the abortion mills. If you would like to read about *real* violence, visit Human Life International's website, [www.abortionviolence.com](http://www.abortionviolence.com), which documents more than 7,000 incidents of pro-choicers' violence. The next

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time anyone shows you a pretty map or fancy graph of “anti-choice violence” and demands that you condemn it, tell him or her that the apology must be mutual; if you are going to apologize for violence you were not involved in, he or she must also apologize. But don’t hold your breath waiting for the apology.

Most of all, don’t be intimidated, because that is exactly what they want. As Pope John Paul II said, “Faith involves risk.” You have to risk taking action, risk being persecuted, risk being unpopular. “Blessed is the man who endures trial, for when he has stood the test he will receive the crown of life which God has promised to those who love Him” (James 1:12).

NOTES

1. January 1995 Special Report by abortionist Warren Hern of Boulder, CO, prepared for JoAnn Harris, Director, Criminal Division, U.S. Department of Justice ([drhern.com/jdrpt195.htm](http://drhern.com/jdrpt195.htm)).
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"Hello, I'm kicking a can across the country to promote aimlessness. Care to sponsor me?"

## Fetal Pain: Real or Relative?

Donald DeMarco

The worlds of philosophy and humor often intersect so that philosophers can sometimes be mistaken for comedians and *vice versa*. To the age-old question “If a tree falls in the forest and no one is around to hear it, does it make a sound?” one might not be certain whether to respond with a frown or a smile. A contemporary variant of the question leaves no doubt about the appropriate response: “If a husband says something and his wife is not there to correct him, is he still wrong?”

But there is decidedly nothing humorous about the question, “Does a human fetus feel pain during an abortion if no one is there to verify the pain scientifically?” We like to think that we citizens of the 21st century are compassionate people. And we place this most humane disposition, if not at the top, surely near the top of all human virtues. Being sensitive to the pain of another seems to be a clear sign of one’s humanness. Not to feel the pain of another is considered cold, distant, and callously impersonal.

It is rather curious, then, that the subject of fetal pain, rather than activating the springs of compassion that exist in all of us, is often politicized, depersonalized, trivialized, and relativized. If a person is truly compassionate, it would seem that his sensitivity to another’s pain would not be subject to ideological compromise. It appears disingenuous to say, “I will feel your pain as long as it is politically correct to do so.”

President Ronald Reagan, in a 1984 address to the National Religious Broadcasters, made a most provocative as well as politically incorrect statement in saying, “When the lives of the unborn are snuffed out, they often feel pain, pain that is long and agonizing.” The president’s statement was reported by the *New York Times* (Jan. 31, 1984).

In response to Mr. Reagan’s remark, a group of professors, including pain specialists and two past presidents of the American College of Obstetricians and Gynecologists, wrote him a letter in support of his statement:

We state categorically that no finding of modern fetology invalidates the remarkable conclusion drawn after a lifetime of research by the late Professor Arnold Gesell of Yale University. In *The Embryology of Behavior: The Beginnings of the Human Mind* (1945, Harper Bros.), Dr. Gesell wrote, “and so by the close of the first trimester, the fetus is a sentient, moving being. We need not speculate as to the nature of his psychic attributes, but we may assert that the organization of his psychosomatic self is well underway.”

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The word “sentient” is key here, for it includes the capacity to experience pain as well as other sensations that are transmitted through the nervous system.

In the year 2000, the House of Lords in Britain conducted an inquiry into “fetal sentience” that included researching the ability of the fetus to feel pain. The inquiry concluded that “after 23 weeks of growth, higher areas of the brain are active and starting to form connections with nerves that will convey pain signals to the cortex.” It also concluded that “the capacity for an experience of pain *comparable* to that in a newborn baby is certainly present by 24 weeks after conception.”

Researchers into fetal pain explain that three neuro-anatomic factors are necessary for the experience of pain: 1) *sensory nerves* that convey the message of pain to the brain; 2) the part of the brain called the *thalamus*, that receives this message; 3) the *motor nerves* that transmit the message of pain to the site of the pain stimulus. These three factors are present at 8 weeks of gestation.

Ultrasound imaging of the fetus, together with the observations of heart and brain changes (using electrocardiograms and electroencephalograms) have demonstrated how the human fetus does, indeed, respond to pain, touch and sound. Dr. Bernard Nathanson’s video, *The Silent Scream*, shows a 12-week-old fetus dodging the instrument employed in a suction abortion time and again as its heartbeat doubles in rate.

Dr. Robert White, director of the Division of Neurosurgery and Brain Research Laboratory at Case Western Reserve School of Medicine, testified before the House Constitution Subcommittee of Congress in 1997 that the fetus of 20 weeks gestation “is fully capable of experiencing pain.” “Without doubt,” he went on to say, “partial birth abortion is a dreadfully painful experience for an infant.”

Dr. Paul Ranalli, professor of neurology at the University of Toronto, has stated, in reference to the pain felt by premature babies at a particular stage of development, that “The only difference between a child in the womb at this stage, or one born and cared for in an incubator, is how they receive oxygen—either through the umbilical cord or through the lungs. There is no difference in their nervous systems.” Numerous studies have emerged over the past year suggesting that premature or newborn babies actually feel pain more intensely than do adults. This may not be entirely surprising since, as Dr. Ranalli notes, “babies under 30 weeks have a “newly established pain system that is raw and unmodified at this tender age.”

More recently, reported in April of 2006, a research team from University College London analyzed brain scans of premature infants when blood samples were drawn using a heel lance. The researchers observed surges of blood and oxygen during the procedure indicating conclusively that pain

registered in the sensory levels of the infants' brains. "We have shown for the first time," the lead researcher, Professor Maria Fitzgerald stated, "that the information about pain reaches the brain in premature infants."

Research into fetal pain has produced a mixed reaction. The fundamental problem lies in the fact that a fetus cannot tell us that he is experiencing pain. Yet neither can an infant or an animal articulate the experience of pain. Wherever a *disclosure* of pain is not possible, we look for its *indication*. There are enough indications that when a tree falls, it makes a sound. Ear witnesses do not need to be present to verify this fact. A rudimentary knowledge of physics and the vibratory nature of sound suffices. We accept the indications as evidence and do not require personal witnesses.

**B**ecause the myriad of scientific studies into fetal pain have been received by many responsible people as offering credible indications that the unborn fetus and premature baby can experience pain, fetal legislation has been enacted. Senator Sam Brownback (R-KS) and Representative Chris Smith (R-NJ) introduced a bill in the Senate and House in 2004 called the "Unborn Child Pain Awareness Act." The law would require abortion providers to inform women about to undergo late-term abortions that their fetuses can feel pain at that stage. It would give women the opportunity to have pain control medication administered to their unborn prior to the abortion.

Arkansas was the first state to enact a law requiring doctors who perform abortions to provide anesthesia for late-term fetuses. Minnesota followed suit in August of 2005, then Georgia. The Minnesota law requires that all women seeking abortions who are more than 20 weeks pregnant must be offered anesthesia for their fetuses. Fetal pain legislation has been introduced in at least 23 states. In April 2006, Arizona Governor Janet Napolitano vetoed her state's fetal pain legislation.

Sarah Stoesz, president of Planned Parenthood in Minnesota, has vehemently criticized the fetal pain law in her state, arguing that "We do not see the point in inflicting this kind of cruelty on women and families at that point in their lives." Ms. Stoesz, in relativizing fetal pain, apparently believes that it pales in comparison to that which the aborting mother and other members of her family undergo. From all indications, however, fetal pain is very real. The fact that it has been politicized and relativized does not succeed in diminishing its excruciating reality one iota.

Dr. David A. Grimes, an abortionist, in referring to the issue of fetal pain (especially in fetuses younger than 29 weeks) writes: "This is an unknowable question." Nonetheless, in the face of the "unknowable," how can he justify a decision to abort? Ignorance is not a justifying basis for performing



an act that could cause another great pain. Fetal pain is “unknowable” for him, we must not forget, because he limits his avenue of knowledge to a strictly empirical methodology. By closing off other, more interpersonal or humane avenues, we would be equally uncertain about the pain experienced by premature babies, infants in the crib, and even adults. Compassion begins where empirical verifiability leaves off.

The Samaritan of the Gospel was compassionately drawn to the plight of the Levite. He did not relativize his neighbor’s predicament by weighing it against his own inconvenience or public opinion. He was “Good” because he responded directly to his neighbor’s pain. He did not put compassion on hold to give himself time to question whether his proposed action would be in keeping with the political correctness of his time. He was a human being who came compassionately to the aid of his suffering neighbor.

Fetal pain, especially after 10 weeks gestation, is a reality that cannot be relativized into oblivion. Anesthesia may help to reduce fetal pain. But what does one take to counteract the intellectual and moral anesthesia that deadens people’s awareness that even an unborn human being is our neighbor and deserves from us a compassionate response?

It is imperative, however, that we refine our understanding of compassion. Every virtue has its bogus pretenders. Foolhardiness passes for courage, timidity for prudence, apathy for patience, obsequiousness for courtesy. But there is no counterfeit that is more successful in obfuscating the genuine article, especially in the present era, than false compassion.

The Russian existentialist philosopher Nikolai Berdyaev, reflected the correct understanding of compassion when he stated that “compassion means a desire for a new and better life for the sufferer and a willingness to share his pain.” In this proper sense of compassion as a virtue, compassion is obviously pro-life. It is not consistent with true compassion to anesthetize the fetus before killing it. The act of killing can never be construed as helping the sufferer to have a better life.

The world needs to know that compassion is a virtue and, as such, is not an excuse for killing, but an expression of love that unites us with the one who is suffering in the hope of providing a better life for that sufferer.

One hopes that an increased awareness of the fact of fetal pain will awaken people to a true compassion that expresses itself not in a painless death for the unborn, as does counterfeit compassion, but in accord with the example of the Good Samaritan who responded to his neighbor’s pain by helping him to secure a better life.

## Prevention First?

Colleen Boland Toder

I was teaching a class on natural family planning recently, and one of the students asked my opinion on a current issue in New York State (where we both live): The state government is trying to require all employers who provide prescription-drug coverage to include contraception. This affects Catholic hospitals, Catholic Charities, and other not-for-profit organizations that are affiliated with—but not officially run by—the Catholic Church, which would remain exempt under the new law. The bishops in New York State have tried (fairly anemically, it must be said) to argue that this requirement would violate the free expression of religion. As of now, it appears that the bishops have failed.

My student wondered if I could explain why the state wanted to force the issue. I presented her with the state's rationale as follows: Whether a person favors abortion rights or not, we can all agree that reducing the number of unintended pregnancies will lower the number of abortions, so if we can make contraception available to 100 percent of the people having sex, then we can prevent unintended pregnancies, right? After all, whether people think abortion is bad, good, or value-neutral, surely we can all agree that more contraception will prevent pregnancies, thus making abortion rates lower. This is a public-health issue, not a matter of morality. In fact, pro-lifers, who claim to care for the life of the unborn child, ought to be on the forefront of demanding good contraceptive coverage to avoid unintended pregnancies, right? Shouldn't we all be able to work together on this? After all, the vast majority of Americans use contraceptives. Why should some people have less opportunity to recreate and not procreate than those with better health coverage? Can't we agree that it makes sense to prevent these pregnancies in the first place, so that we are not saddled with the burden of dealing with unwanted children?

As I explained to my student, though, I don't buy it. Not only do I not accept contraception as necessary health care, I also disagree that increased availability of contraception will lead to fewer abortions. In fact, I go so far as to say that contraception leads *inevitably* to abortion.

What, after all, is "contraception"? Before it was invented, there already existed a fool-proof means of preventing pregnancy; it was called abstinence.

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Contraception—the Pill, the IUD, tubal ligation, etc.—tries to take a healthy, functioning reproductive system and render it inoperable or barricade against it in order to make women and men sexually available to each other all the time without the risk of childbearing. But pregnancy is not a sickness, and fertility is not a disease. Contraception can damage the health of the user. The Pill, the number one contraceptive choice of women in the U.S., is associated with higher rates of breast cancer, cervical cancer, depression (sometimes suicidal), vaginitis, changes in vision, gall-bladder disease, and migraines. The second most popular method is sterilization, which can result in higher risk of prostate cancer for men and higher risk of subsequent hysterectomy (removal of one or both ovaries) for women, in addition to other health problems. In fact, there is a whole suite of resultant complications to female sterilization surgery that health professionals have named tubal ligation syndrome. IUDs can perforate the uterus or lead to pelvic inflammatory disease that can cause permanent infertility. These risks are usually glossed over by health-care providers, and even if they are discussed in a clinical setting, no alternative is presented to a couple seeking to regulate the births of their children.

There is an effective, safe, and morally acceptable alternative to contraception: natural family planning, or NFP. The problem is that finding a health-care provider who believes that NFP works, or that it is reliable, is nigh on impossible. The website of the pro-life organization One More Soul ([www.omsoul.org](http://www.omsoul.org)) can help locate NFP-only physicians by zip code or area code, but there are not many of them. NFP-*friendly* doctors are also rare. Ob/gyn doctors, whose offices are festooned with posters, pencils, pens, mugs, clipboards, posters, paperweights, lights, boxes, calendars, charts, all sponsored by pharmaceutical companies that make contraceptives, tend to pooh-pooh NFP. Many doctors will not accept the chart of an NFP-practicing couple in order to help determine a baby's due date, even though an incorrect estimated due date can result in unnecessary worry or even induction or Cesarean birth.

NFP describes a set of methods to discern signs of fertility in the female cycle. There are several variations within the umbrella of organizations that teach NFP, but the principles and many of the rules for interpretation are the same. With awareness of personal physical signs of fertility, couples can choose to engage in or abstain from sexual relations.

Lots of people have never heard of NFP, which is not surprising. There is no money to be made from teaching it, and it costs nothing once a couple is taught the method (except for the price of charts or thermometers). As I mentioned above, even most doctors know little about NFP—how advanced

in scientific understanding the method is, or how reliably it works. This can cause uncertainty in people who might be interested in finding alternatives to chemical or barrier methods of contraception and seek out medical advice. Most of what they hear will not be flattering—or accurate.

Some doctors, like some members of the general public, lump NFP together with the butt-of-jokes Rhythm Method (“You know what you call people who use Rhythm?” “What?” “Mom and Dad!” ha ha). Rhythm based its rules on an assumption that all women were essentially alike and ovulated around the same time in their cycles. NFP is highly personalized, allowing a practicing couple to know what their potential fertility is at any point in their cycle. This makes it extremely reliable, as reliable as the Pill for avoiding pregnancy in most studies, without the nasty side effects or expense.

**M**ost women, myself included, are clueless about their fertility cycle until they learn to decipher their own bodies’ language during an NFP class. Learning to understand and interpret the signs of fertility she has been seeing most of her life without making sense of them is an occasion for real change—greater self-respect—for any woman. Most men, too, are awed when they understand a little more about the great mystery that is Woman. The female cycle ends up being far from clinical and boring; it can be incredibly exciting for husbands to share in the mystery of fertility with their wives.

Sharing this gift of fertility, understanding that their love life has creative potential, and working with their bodies to understand and act accordingly requires couples to trust each other deeply. Contraception deepens the incomprehensibility of one self to the other. NFP lets spouses see each other in fullness, respecting the full person.

Many people think of NFP as a specifically Catholic form of birth control. And it is, in fact, the only method of birth regulation that the Catholic Church finds morally acceptable (other than the natural infertility of breastfeeding that is sometimes considered a part of NFP). It is more than that, though.

I’m Catholic, but my husband is not. We choose NFP every day as a way of life, and not because the Church told us to. Even if the impossible happened and the Church suddenly reversed herself on artificial contraception, we would still choose NFP—because it is simply the best method of birth regulation and it helps couples (ourselves included!) grow in strength and grace.

The distrust and discord sown by contraception between men and women has many fruits, including the legalized killing of the product of their intimacy.

I believe deeply that the injustice that is legalized abortion will not end until the link between sex and babies is reestablished through a forceful rejection of the delusional promises of contraception.

My father, watching the nation's slide into abortion-on-demand, believed that if people only understood the humanity of the unborn they would cease advocating abortion. He became active in the Right to Life group in his area. Once he participated in a debate at Vassar College against an abortion proponent. When the woman he was debating said to him, "Of course it's a human, but who cares?" he realized the futility of the discussion. To proliferators, this sense of dislocation is confusing: How can it be that proponents of abortion do not care about the humanity of the fetus? The truth is that we cannot change their minds because they believe in their heart—not head—that we are wrong. (The pro-choice argument is based on emphatic emotional pleas: I didn't want to be pregnant when I had sex, so you are bad to make me continue to be pregnant.) The unquestioned promise of contraception, that people have a right to have sex without consequences, necessitates that abortion be available when contraception fails. Until this irrational belief in consequence-free sex is overcome, abortion will remain a stain on our nation's soul.

I am well aware that most people reading this may disagree with me. Most people in this country who are sexually active use contraception . . . and that definitely includes Catholics. The blame for the latter fact lies with the anemic pastoral conduct of many Church representatives, rather than with any supposed incomprehensibility of the doctrine itself. It is clear from all the available evidence that most Catholics in this country simply don't care what the official Church position is on contraception; most priests don't care either, and don't teach it; and even when churchmen argue against contraception, as they have here in New York, they do so in an emasculated way that murmurs about "freedom of religion" and fails even to mention the arguments that contraception is wrong in itself.

The belief that contraception damages people and their respect for life is not new, and not exclusively Catholic. Orthodox Jews may seek special permission from a rabbi to use contraception, but it is frowned upon. No Christian denomination accepted contraception as licit before 1930, when the Anglicans allowed contraception in certain cases by married couples. Luther and Calvin both vilified contraception as inherently sinful.

Nonetheless, the most eloquent recent voices on this issue have been Catholic. Pope Paul VI's encyclical *Humanae Vitae* is an incredibly prescient document that outlines the societal ills that result from acceptance of contraception. Pope John Paul II's beautiful book *Love and Responsibility*,

about the nature of love and human dignity, presents his vision of the theology of the body written by God into our persons. I wish every reader of this essay would explore these sources himself.

But, the progressive will ask, how can you deny that contraception has given women worldwide the power to control their fertility, which has led to their empowerment, which will make their lives better? To which I answer: Contraception, deployed in countries where women do not have much power to begin with, makes it easier for men to prey on them. “Womyn” from the sisterhood power struggle should be the first to recognize that Woman’s fertility gives her power, but instead they tend to be first in line to treat it as an illness to be medicated or eradicated. These progressive types have, at heart, the mistaken notion that babies are bad, that fewer people would mean a better world.

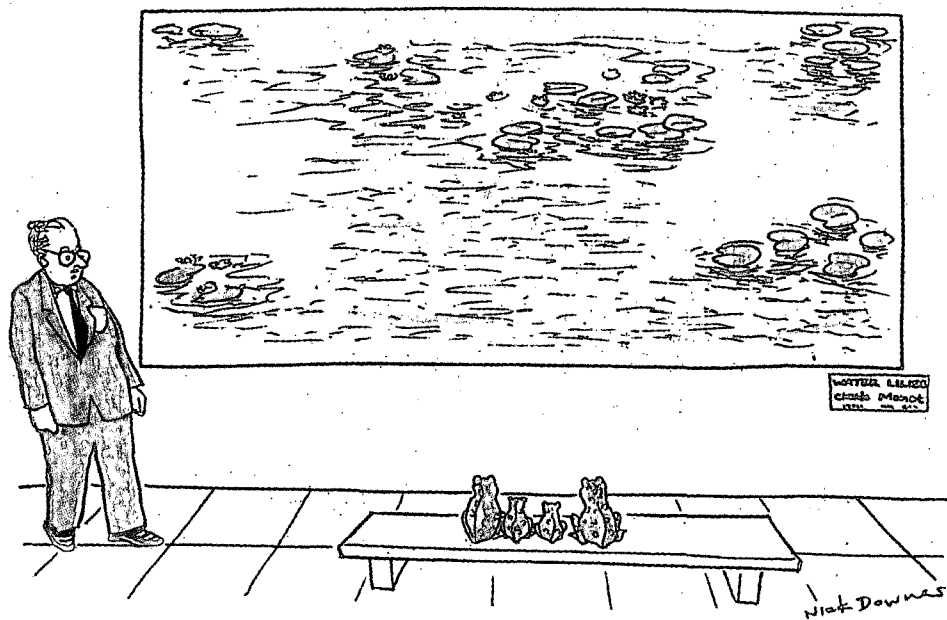
NFP offers a different view of population matters. NFP couples tend to have more children than the norm, not because NFP doesn’t work, but because couples who use it tend to trust one another more than the average couple. They understand that love is the gift that keeps on giving, and that the more people there are, the more love there will be in the world. If all we need is love, we should keep joyfully welcoming the Child. Through the gift of fertility, couples join with God in the act of creating new life as their marital love is embodied in their child, their gift of love to the world.

**T**he lie of contraception is that sex is chiefly about pleasure, and that pleasure without consequences is a valid expression of love. The truth of NFP is that sex is about both pleasure and intimacy, and intimacy involves trust and mutual responsibility for the well-being of the other. If we are afraid to face our responsibilities when we make love, we should avoid sex. It is damaging to people to act as though baby-making activity ought not to make babies when we will it not to. Most Americans are in the muddled middle on the issue of abortion not because they don’t know that abortion kills human beings, but because they are ambivalent over the natural consequences of sex. Most people, even most pro-life people, use contraception, and therefore feel sympathy toward people with unexpected pregnancies who choose to abort. Since they too expect sex to be fruitful only when they allow it to be, they understand the horror felt by people who are faced with the unwanted consequences of sex.

I recognize the desperation felt by women—and men—when the pregnancy test comes back positive. Please don’t misunderstand me and think I feel unsympathetic or smugly self-righteous over their panic; I don’t. What I am proposing is that we, as a society, start looking at sexuality in a much

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more realistic way; that we stop pretending that sex is unconnected to childbearing. I do not believe that government ought to mandate the use or non-use of contraceptives; I do believe that individual Americans should stop and think about the connections among abortion, contraception, and the wider culture of death; about the power and dignity and beauty of Woman, and the violence of contraception against her. The Feminists for Life anti-abortion ad-campaign slogan, "Women deserve better," applies to contraception too. Abortion will not go away overnight, even if we get a pro-life majority on the Supreme Court. It will never go away as long as there is original sin. But by accepting the natural consequences of our own actions, and understanding and teaching that our actions *ought* to be bound by a natural consequence, maybe we can teach ourselves and others that life is to be welcomed, not feared.



# Suicide by Any Other Name

*Rita L. Marker*

**“O**regon Officials Seek Neutral Term for ‘Assisted Suicide.’” That headline in the November 17, 2006 *Oregonian* (Oregon’s largest newspaper), signaled crucial linguistic tweaks that assisted-suicide proponents hope will break their losing streak.

The business world has always known that product names, slogans, and advertisements must have appealing language or the public won’t buy the product. Those who are selling death know this, too. They are savvy promoters who are willing to change marketing tactics to gain acceptance and support for their agenda.

When the State of Oregon passed the nation’s first assisted-suicide law—a law that transformed the crime of assisted suicide into a “medical treatment”—right-to-die activists thought other states would fall like dominoes. But they were wrong. In the more than twelve years since that event, state after state and many other countries have considered Oregon-type measures. Assisted-suicide leaders and practitioners from Oregon have traveled to every target jurisdiction to testify before lawmakers and to do interviews with the media.

With Oregon as their poster state, their consistent message has been, “It’s working well in Oregon.” To back up that slogan, they have pointed to official annual statistics from the state.

In every new attempt to pass an Oregon-style law, there was early support for the measure. Yet, in every instance, when the official vote was taken, the proposal met with defeat. Since their singular victory in Oregon, assisted-suicide advocates have failed to add even one state or country to their win column.

## **What Is “It”?**

With the exception of Oregon, the public and lawmakers just haven’t bought the idea that assisted suicide is a good thing. That left assisted-suicide activists searching for reasons.

After all, “It’s working well in Oregon” is catchy. A family member discussing how peaceful “it” is tugs at the heartstrings. Official reports stating that there haven’t been any complications from “it” are trotted

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out to show that opponents who predicted complications were only trying to use scare tactics to prevent “it.”

So why hasn’t “it” been embraced outside of Oregon?

After much research and polling, assisted-suicide advocates have come up with the answer: Everything depends on what the meaning of the word “it” is.

If “it” is called “assisted suicide,” support plummets. The word “suicide” is the problem.

During a California attempt to pass an assisted-suicide law, the euphemistically named organization Compassion & Choices (C & C) hired public opinion researchers to test voters’ reactions to terminology. (Having learned the importance of the maxim, “all social engineering is preceded by verbal engineering,” C & C has played the name game before. The group was previously known as the Hemlock Society.)<sup>1</sup>

In 2005, public opinion researcher David Binder asked respondents to provide a letter grade to various terms used in the assisted-suicide debate. He found that “respondents have a negative impression of the term ‘assisted suicide’” which received a “D.” Respondents viewed the phrases “Death with dignity,” “Right to Die,” and “End of life choices” more favorably and gave them much higher grades.<sup>2</sup> Other polls confirm the negative connotation of the word “suicide.”

For example, in 2005, the Gallup organization reported that respondents were more apt to approve letting doctors “end a patient’s life” than they were to giving doctors the right to “assist the patient to commit suicide.” According to the polling firm, “The apparent conflict in values appears to be a consequence of mentioning, or not mentioning, the word ‘suicide.’”<sup>3</sup>

Assisted-suicide advocates concluded that, if they were going to break their twelve-year string of failure, the word “suicide” had to go. It had to be replaced with a more neutral term. And since the Oregon law is used as the model for other legislation, they began attempts to get the media to stop using “assisted suicide” in articles.

Press releases were sent to media outlets suggesting that references to suicide demonstrated insensitivity to dying patients and that they were offending physicians who assisted their suicides. “As a physician, I resent the term ‘physician-assisted suicide.’ I have never felt I was assisting a suicidal patient, but rather aiding a patient with his or her end of life choice,” said Dr. Peter Goodwin, a longtime assisted-suicide supporter and practitioner.<sup>4</sup>

But even more important than altering media depictions was the need to persuade the State of Oregon to delete the words “assisted suicide,” since every time official statistics were cited and documented, the dreaded words “assisted suicide” stood out on state communications about the Oregon law.

### Let the Oregon Word Games Begin

The Oregon Department of Human Services (DHS) is the entity charged with compiling annual assisted-suicide statistics. Ever since Oregon's Death with Dignity Act (DWDA) went into effect in 1997,<sup>5</sup> the DHS has used the term "physician-assisted suicide" in its press releases, on its official web site and in each of the required annual reports it has issued.

That will no longer be the case. In October 2006, DHS announced that it would not refer to physician-assisted suicide. The decision followed intense discussions between ODHS and C & C.

In August, C & C sent a letter to DHS stating that "physician-assisted suicide" "is value-laden and negatively biased language that perpetuates misunderstanding of Oregon law and policy." The letter was a formal request that the state agency review its wording related to the assisted-suicide law and suggested that the terms "aid-in-dying," "directed dying" or "assisted dying"<sup>6</sup> be used in state communications.<sup>7</sup>

According to *American Medical News*, C & C brought lawyers to a meeting with DHS to discuss the language substitution and said that retention of the term "physician-assisted suicide" would be a violation of the law.<sup>8</sup>

C & C lawyers pointed out the DWDA itself states that "actions taken in accordance with [the DWDA] shall not, for any purpose, constitute suicide, assisted suicide, mercy killing or homicide, under the law."<sup>9</sup> (This section of the law, however, means that physician-assisted suicide could not be the subject of criminal or civil liability and that it would not affect such things as life insurance. It certainly did not prohibit calling the action "assisted suicide." In fact, assisted-suicide proponents did not raise objections to the term until their polling found that it was turning off potential support for the practice.)

Rather than risk litigation over the matter, the state acquiesced to C & C's request.

On Monday, October 16, state officials said that, in the future, a person who ends his or her life under the DWDA would be listed as "physician-assisted death,"<sup>10</sup> not physician-assisted suicide. But that label lasted only one day. A number of people pointed out that "physician-assisted death" was so ambiguous that it could mean plumping the pillow, wiping the brow, providing ice chips, murmuring a kind word or a giving a lethal drug overdose. So, the state went back to the drawing board.

Finally, the state agency said that it would refer to patients who die after their doctors provide them with an intentional lethal overdose as "persons who use the Oregon Death With Dignity Act."<sup>11</sup>

Assisted-suicide advocates are ecstatic about the change. Kathryn Tucker, C & C's director of legal affairs, said, "This will be a sea change because how you speak of things strongly influences how you think of them."<sup>12</sup>

They have another reason to be pleased.

At its annual meeting in November, the American Public Health Association (APHA) also jumped on the name change bandwagon when its governing board approved an interim policy straight out of C & C's playbook. The policy, as summarized by the APHA:

"Urges health educators, policy-makers, journalists and health care providers to recognize that the choice of a mentally competent, terminally ill person to choose to self-administer medications to bring about a peaceful death is not 'suicide,' nor is the prescribing of such medication by a physician 'assisted suicide.' Urges terms such as 'aid-in-dying' or 'patient-directed dying' be used to describe such a choice."<sup>13</sup>

The policy will become permanent if the APHA's governing Council confirms it at its 2007 meeting.

#### Not Everyone Will Use the New Terminology

Although the verbal engineering in official state communications is a done deal and the APHA is poised to permanently do so, not everyone will engage in the semantic gyrations, at least not initially.

Journalists are not rushing to embrace the new language. The Associated Press bureau chief in Portland said, "We have thought about it and we feel 'suicide' describes the act of taking one's life, so we'll stick with it—for the time being." The *Statesman Journal* wasn't certain how the Salem newspaper would handle the situation, although its executive editor said "One of the deciding factors for us is, 'which is a more accurate assessment of what happens?'" In Eugene, the *Register-Guard's* news editor said the publication will continue to use the terms "doctor- or physician-assisted suicide." He said, "What we are doing is choosing to err on the side of plain English."<sup>14</sup>

That sounds reasonable. And it also is a very good point for everyone to keep in mind. In plain English, the Oregon law is an assisted-suicide law. A person who takes a deadly overdose, prescribed by an Oregon physician, dies from assisted suicide.

If a doctor prescribes sleeping pills to aid a patient's sleep, and if the patient takes all of the pills at once so she will die, her death is called a suicide. If the same doctor prescribes sleeping pills to cause a patient's death, and if the patient takes all of the pills at once so she will die, her death should be called an assisted suicide. Verbal gymnastics will not change the simple fact that the Oregon law is about assisted suicide, not some ambiguous

aid-in-dying, death with dignity, or physician-assisted death.

However, manipulating the language of suicide isn't the only area where there is a reality gap. Contrary to the slogan, "It's working well in Oregon," the actual practice of assisted suicide in the state is shrouded in secrecy and the accuracy of official statistics is questionable.

## Part II: Assisted Suicide in Oregon

As noted above, under Oregon's law permitting physician-assisted suicide, the Oregon Department of Human Services (DHS)—previously called the Oregon Health Division (OHD)—is required to collect information, review a sample of cases and publish a yearly statistical report.<sup>15</sup>

However, due to major flaws in the law and the state's reporting system, there is no way to know for sure how many or under what circumstances patients have died from physician-assisted suicide. Statistics from official reports are particularly questionable and have left some observers skeptical about their validity.

For example, when a similar proposal was under consideration in the British Parliament,<sup>16</sup> members of a House of Lords Committee traveled to Oregon seeking information regarding Oregon's law for use in their deliberations. The public and press were not present during the closed-door hearings. However, the House of Lords published the committee's proceedings in three lengthy volumes, which included the exact wording of questions and answers.

After hearing witnesses claim that there have been no complications associated with more than 200 assisted-suicide deaths, committee member Lord McColl of Dulwich, a surgeon, said, "If any surgeon or physician had told me that he did 200 procedures without any complications, I knew that he possibly needed counseling and had no insight. *We come here and I am told there are no complications. There is something strange going on.*"<sup>17</sup>

The following includes statistical data from all official reports released through 2006 and other published information that deal with troubling aspects of Oregon's assisted-suicide practice. Statements from the 744-page second volume of the House of Lords committee proceedings are also included (see footnotes). None of the included statements from the committee hearings were made by opponents of Oregon's law.

### Official Reports

#### Assisted-suicide deaths reported during the first eight years

Official Reports:	246
Actual number:	Unknown

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◦ The latest annual report indicates that reported assisted-suicide deaths have increased by more than 230% since the first year of legal assisted suicide in Oregon.<sup>18</sup> The numbers, however, could be far greater. From the time the law went into effect, Oregon officials in charge of formulating annual reports have conceded “*there’s no way to know if additional deaths went unreported*” because Oregon DHS “has no regulatory authority or resources to ensure compliance with the law.”<sup>19</sup>

◦ The DHS has to rely on the word of doctors who prescribe the lethal drugs.<sup>20</sup> Referring to physicians’ reports, the reporting division admitted: “For that matter the entire account [received from a prescribing doctor] could have been a cock-and-bull story. We assume, however, that physicians were their usual careful and accurate selves.”<sup>21</sup>

The Death with Dignity law contains no penalties for doctors who do not report prescribing lethal doses for the purpose of suicide.

### Complications occurring during assisted suicide

Official Reports: 13 (12 instances of vomiting & 1 patient who did not die from the lethal dose)

Actual number: Unknown

◦ Prescribing doctors may not know about all complications since, over the course of eight years, physicians who prescribed the lethal drugs for assisted suicide were present at only 19.5% of reported deaths.<sup>22</sup> Information they provide might come from secondhand accounts of those present at the deaths<sup>23</sup> or may be based on guesswork.

◦ When asked if there is any systematic way of finding out and recording complications, Dr. Katrina Hedberg, who was a lead author of most of Oregon’s official reports, said “Not other than asking physicians.”<sup>24</sup> She acknowledged that “after they write the prescription, the physician may not keep track of the patient.”<sup>25</sup> Dr. Melvin Kohn, a lead author of the eighth annual report, noted that, in every case that they hear about, “it is the self-report, if you will, of the physician involved.”<sup>26</sup>

### Complications contained in news reports are not included in official reports

◦ Patrick Matheny received his lethal prescription from Oregon Health & Science University via Federal Express. He had difficulty when he tried to take the drugs four months later. His brother-in-law, Joe Hayes, said he had to “help” Matheny die. According to Hayes, “It doesn’t go smoothly for everyone. For Pat it was a huge problem. It would have not worked without help.”<sup>27</sup> The annual report did not make note of this situation.

- Speaking at Portland Community College, pro-assisted-suicide attorney Cynthia Barrett described a botched assisted suicide. “The man was at home. There was no doctor there,” she said. “After he took it [the lethal dose], he began to have some physical symptoms. The symptoms were hard for his wife to handle. Well, she called 911. The guy ended up being taken by 911 to a local Portland hospital. Revived. In the middle of it. And taken to a local nursing facility. I don’t know if he went back home. He died shortly—some . . . period of time after that. . . .”<sup>28</sup>

Overdoses of barbiturates are known to cause vomiting as a person begins to lose consciousness. The patient then inhales the vomit. In other cases, panic, feelings of terror and assaultive behavior can occur from the drug-induced confusion.<sup>29</sup> But Barrett would not say exactly which symptoms had taken place in this instance. She has refused any further discussion of the case.

#### **Complications are not investigated**

- David Prueitt took the prescribed lethal dose in the presence of his family and members of Compassion & Choices. After being unconscious for 65 hours, he awoke. It was only after his family told the media about the botched assisted suicide that Compassion & Choices publicly acknowledged the case.<sup>30</sup> DHS issued a release saying it “has no authority to investigate individual Death with Dignity cases.”<sup>31</sup>

- Referring to DHS’s ability to look into complications, Dr. Hedberg explained that “we are not given the resources to investigate” and “not only do we not have the resources to do it, but we do not have any legal authority to insert ourselves.”<sup>32</sup>

- David Hopkins, Data Analyst for the Eighth Annual Report, said, “We do not report to the Board of Medical Examiners if complications occur; no, it is not required by law and it is not part of our duty.”<sup>33</sup>

- Jim Kronenberg, the Oregon Medical Associations’ (OMA) Chief Operating Officer, explained that “the way the law is set up there is really no way to determine that [complications occurred] unless there is some kind of disaster.” “[P]ersonally I have never had a report where there was a true disaster,” he said. “Certainly that does not mean that you should infer there has not been, I just do not know.”<sup>34</sup>

In the Netherlands, assisted-suicide complications and problems are not uncommon. One Dutch study found that, because of problems or complications, doctors in the Netherlands felt compelled to intervene (by giving a lethal injection) in 18% of cases.<sup>35</sup> This led Dr. Sherwin Nuland of Yale

University School of Medicine to question the credibility of Oregon's lack of reported complications. Nuland, who favors physician-assisted suicide, noted that the Dutch have had years of practice to learn ways to overcome complications, yet complications are still reported. "The Dutch findings seem more credible [than the Oregon reports]," he wrote.<sup>36</sup>

**Assisted-suicide deaths of patients with impaired judgment**

Official Reports: 0 (Official reports do not contain this category.)

Actual number: Unknown

◦ Under the assisted-suicide law, depressed or mentally ill patients can receive assisted suicide if they do not have "impaired judgment."<sup>37</sup> Concerning the decision to refer for a psychological evaluation, Dr. Kohn said, "According to the law, it's up to the docs' discretion."<sup>38</sup> During the last year for which reports are available, *only 5% of patients were referred for a psychological evaluation or counseling* before receiving a prescription for assisted suicide.<sup>39</sup>

◦ Even if a patient is competent when the prescription is written, that may not be the case when the lethal drugs are taken. Dr. Hedberg acknowledged that there is no assessment of patients after the prescribing is completed. "Our job is to make sure that all the steps happened *up to the point the prescription was written*,"<sup>40</sup> she said. "In fact, after they write the prescription, the physician may not keep track of that patient. . . . [T]he law itself *only provides for writing the prescription, not what happens afterwards*."<sup>41</sup>

◦ Kate Cheney, 85, died of assisted suicide under Oregon's law even though she reportedly was suffering from early dementia. Her own physician declined to provide the lethal prescription. When counseling to determine her capacity was sought, a psychiatrist determined that she was not eligible for assisted suicide since she was not explicitly seeking it, and her daughter seemed to be coaching her to do so. She was then taken to a psychologist who determined that she was competent, but possibly under the influence of her daughter who was "somewhat coercive." Finally, a managed care ethicist who was overseeing her case determined that she was qualified for assisted suicide and the drugs were prescribed.<sup>42</sup>

**Assisted-suicide deaths of depressed patients**

Official Reports: 0 (Official reports do not contain this category.)

Actual number: Unknown

◦ The first known assisted-suicide death under the Oregon law was that of a woman in her mid-eighties who had been battling breast cancer for twenty-

two years. Two doctors, including her own physician who believed that her request was due to depression, refused to prescribe the lethal drugs. Then Compassion in Dying (CID), now called Compassion and Choices, became involved. Dr. Peter Goodwin, who was then the medical director of CID, determined that she was an “appropriate candidate” for death and referred her to a doctor who provided the lethal prescription. In an audiotape, made two days before her death and played at a CID press conference, the woman said, “I will be relieved of all the stress I have.”<sup>44</sup>

- In 2001, Dr. Peter Reagan, an assisted-suicide advocate affiliated with CID, gave Michael Freeland a prescription for lethal drugs under Oregon’s law. Freeland, 64, had a 43-year history of acute depression and suicide attempts. However, when Freeland and his daughter went to see Dr. Reagan about arranging a legal assisted suicide, Dr. Reagan said he didn’t think that a psychiatric consultation was “necessary.”<sup>45</sup>

**Assisted-suicide requests based on financial concerns**

Official Reports: 7  
Actual number: Unknown

- Data about reasons for requests is based on prescribing doctors’ understanding of patients’ motivations. It is possible that financial concerns were much greater than reported. According to official reports, 36.5% of patients whose deaths were reported were on Medicare (for senior citizens) or Medicaid (for the poor) and an additional 1% had no insurance.<sup>46</sup>

- After the second annual report, official reports have not differentiated between Medicare and Medicaid patients dying from assisted suicide.

**Patients who received lethal dose more than 6 months before death**

Official Reports: 2 or 4 (After the 2<sup>nd</sup> year, official reports stopped including this category.)  
Actual number: Unknown

Lethal prescriptions under Oregon’s law are supposed to be limited to patients who have a life expectancy of six months or less.<sup>47</sup>

- One patient was still alive 17 months after the lethal drugs were prescribed,<sup>48</sup> and, during the first two years of the law’s implementation, at least one lethal dose was prescribed more than eight months before the patient took it.<sup>49</sup> The DHS is not authorized to investigate how physicians determine their patients’ diagnoses or life expectancies.<sup>50</sup>

- According to the OMA’s Chief Operating Officer, Jim Kronenberg, most physicians have told him that trying to predict that a patient has less than six



months to live “is a stretch.” “Two hours, a day, yes, but six months is difficult to do,” he explained.<sup>51</sup>

◦ Dr. Peter Rasmussen, an advisory board member of the Oregon chapter of C & C,<sup>52</sup> has been involved in Oregon assisted-suicide deaths numbering in double digits. He said life expectancy predictions for a person entering the final phase of life are inaccurate. He dismissed this as unimportant, saying, “Admittedly, we are inaccurate in prognosticating the time of death under those circumstances, *we can easily be 100 percent off*, but I do not think that is a problem. If we say a patient has six months to live and we are off by 100 percent and it is really three months or even twelve months, I do not think the patient is harmed in any way. . . .”<sup>53</sup>

**Shortest length of time reported for prescribing doctor-patient relationship**

Official Reports:       Less than one week  
Actual number:         Unknown

Oregon’s assisted-suicide law requires that at least two weeks elapse between the patient’s first and last requests for lethal drugs.<sup>54</sup> Yet, for the third through the eighth years, the doctor-patient relationship in some reported assisted-suicide cases was under one week.<sup>55</sup> Thus, official reports indicate that either some physicians are not complying with the two-week requirement or they step in to write an assisted-suicide prescription after other physicians refused.

**First physician asked agreed to write prescription**

Official Reports:       27 (41%) in the first three years (After the 3rd year, official reports stopped including this category.)  
Actual number:         Unknown

A *New England Journal of Medicine* article noted that “many patients who sought assistance with suicide had to ask more than one physician for a prescription for lethal medication.”<sup>56</sup> Patients or their families can “doctor shop” until a willing physician is found. There is no way to know, however, why the previous physicians refused to lethally prescribe (i.e., the patient was not terminally ill, had impaired judgment, etc.), since non-prescribing physicians are not interviewed for the official state reports. The only physicians interviewed for official reports are those who actually wrote lethal drug prescriptions for patients.<sup>57</sup>

**Other Troubling Aspects of Assisted Suicide in Oregon**

*No way to track the drugs once they are received*

“[W]e do not have a way to track if there was a big bottle [of lethal drugs]

sitting in somebody's medicine cabinet and they died whether or not somebody else chose to use it," explained Dr. Hedberg.<sup>58</sup>

***Self-administration is very broadly interpreted***

- Dr. Rasmussen explained that, in one case, he opened 90 capsules—a lethal dose—of barbiturates and poured the white powder into a bowl of chocolate pudding. He gave the mixture to the woman's son who spooned the mixture into his mother's mouth. Another son gave her sips of water to wash the solution down. The woman died twelve hours later.<sup>59</sup> (Because the woman performed the last action—swallowing—that led to her death, the act was technically assisted suicide, not euthanasia.)

- According to Sue Davidson of the Oregon Nurses Association (ONA), a 2002 survey found that nurses were very actively involved in the process and that "some indicated that they had assisted [patients] in the taking of it [the lethal dose]."<sup>60</sup>

***Lethal drugs do not need to be taken orally***

- Barbara Glidewell who educates Oregon Health & Science University (OHSU) patients and their families about "the need for a dying plan and to rehearse the plan"<sup>61</sup> said that patients who cannot swallow would "need to have an NG tube or G tube placement."<sup>62</sup> Then, they could "express the medication through a large bore syringe that would go into their G tube."<sup>63</sup>

- Oregon's 2005 *Guidebook for Health Care Professionals* states, "It remains unclear whether the Oregon Death with Dignity Act allows an attending physician to prescribe an injectable drug for the patient to self-administer for the purpose of ending life."<sup>64</sup>

- Discussing a case in which a man said he helped his brother-in-law take the prescribed drugs, Dr. Hedberg said, "[W]e do not know exactly how he helped this person swallow, whether it was putting a feed tube down or whatever, but he was not prosecuted . . ."<sup>65</sup>

***"Safeguards" are disregarded but no one is disciplined***

- Referring to assisted-suicide cases that were in violation of the law—where only one of the required two witnesses signed the request or where doctors prescribed the lethal drugs without waiting for 15 days as the law requires—Dr. Hedberg said, "[T]here have been a number over the years."<sup>66</sup>

- Kathleen Haley, Executive Director of the Oregon Board of Medical Examiners, said four such cases, one involving multiple patients,<sup>67</sup> were reported to the Board of Medical Examiners. This resulted in issuance of two "letters of concern" that are considered "letters of advice." She explained

that the letters “are not public and they are not official disciplinary actions.”<sup>68</sup>

*Records used in annual reports are destroyed*

Dr. Hedberg said, “After we issue the annual report, we destroy the records.”<sup>69</sup> Thus, there is no way to track if the same physicians have violated the law during more than one year.

*HMOs are facilitating assisted suicide*

- The unwillingness of many physicians to write lethal prescriptions led one HMO to issue a plea for physicians to facilitate assisted suicide.

- On August 6, 2002, Administrator Robert Richardson, MD, of Oregon’s Kaiser Permanente sent an e-mail to doctors affiliated with Kaiser, asking doctors to contact him if they were willing to act as the “attending physician” for patients requesting assisted suicide. According to the message, the HMO needed more willing physicians because, “Recently our ethics service had a situation where no attending MD could be found to assist an eligible member in implementing the law for three weeks. . . .”<sup>70</sup>

Gregory Hamilton, MD, a Portland psychiatrist, pointed out that the Kaiser message caused concern for several reasons. “This is what we’ve been worried about: Assisted suicide would be administered through HMOs and by organizations with a financial stake in providing the cheapest care possible,” he said. Furthermore, despite promoters’ claims that assisted suicide would be strictly between patients and their long time, trusted doctors, the overt recruitment of physicians to prescribe the lethal drugs indicated that those claims were not accurate. Instead, “if someone wants assisted suicide, they go to an assisted-suicide doctor—not their regular doctor.”<sup>71</sup>

Kaiser’s Northwest Regional Medical Director Allan Weiland, MD, called Dr. Hamilton’s comments “ludicrous and insulting.”<sup>72</sup> But it appears that Dr. Hamilton was correct, as the involvement of an assisted-suicide advocacy group indicates.

*Assisted-suicide advocacy group facilitates most of Oregon’s assisted suicides*

If a physician opposes assisted suicide or believes the patient does not qualify under the law, C & C or its predecessor organizations has often arranged the death.

- Dr. Peter Goodwin, the group’s former medical director, said that about 75% of those who died using Oregon’s assisted-suicide law through the end of 2002 did so with the organization’s assistance.<sup>73</sup>

- During the 2003 calendar year, the organization was involved in 79% of assisted-suicide deaths.<sup>74</sup>

- According to Dr. Elizabeth Goy of OHSU, Compassion in Dying (now called Compassion and Choices<sup>75</sup>) sees “almost 90 percent of requesting Oregonians. . . .”<sup>76</sup>

- Barbara Farmer of the Visiting Nurses Association said, if a person’s own doctor doesn’t want to participate, “we have advised them to work with Compassion in Dying. . . .”<sup>77</sup>

***The state pays for assisted-suicide drugs for the poor***

- Oregon’s Medicaid program pays for assisted suicide<sup>78</sup> but not for many other medical interventions that patients need and want.

- Ann Jackson, Executive Director and primary spokesperson of the Oregon Hospice Association, explained, “The State of Oregon, under the Oregon Health Plan, will buy the medications. . . . The drugs are very inexpensive.”<sup>79</sup>

***No family notification required before a doctor helps a loved one commit suicide***

Family notification is only recommended, but not required, under Oregon’s assisted-suicide law.<sup>80</sup> The first time that a family learns that a loved one was considering suicide could be after the death has occurred.

***Prescribing doctors decide what “residency” means***

- Under Oregon’s law, a patient must be a resident of Oregon. Residence can be demonstrated by means that include, but are not limited to, a driver’s license or a voter registration.<sup>81</sup>

- According to Dr. Hedberg, “It is up to the doctor to decide” whether the person is a resident. There is no time element during which one must have lived in Oregon. “If somebody really wanted to participate, they could move from their home state,” she said. “I do not think it happens *very much*. . . .”<sup>82</sup>

***Pain control has become increasingly inadequate in Oregon***

As of 2004, nurses reported that the inadequacy of meeting patients’ pain needs had increased “up to 50 percent even though the emphasis on pain management has remained the same or is slightly more vigorous. . . . Most of the small hospitals in the state do not have pain consultation teams at all,” said a spokesperson for the Oregon Nurses Association.<sup>83</sup>

***Oregon’s health care delivery system is flirting with “duty to die” mentality***

In December 2006, the Oregon Health Forum hosted its annual awards dinner in Portland, Oregon. The Oregon Health Forum (founded by such health groups and providers as Pacific Health Plans, the Oregon Health & Science University, the Providence Health System and Regence BlueCross

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BlueShield of Oregon) states that its vision is “to be the Northwest’s leading source of health care information and education.”<sup>84</sup>

For its awards dinner keynote speaker, the Forum selected former Colorado governor Richard Lamm, who made news in 1984 when he said elderly people had the “duty to die” rather than use up health care dollars. In an interview conducted in conjunction with his speech, Lamm said he hadn’t changed his mind about his controversial duty-to-die statement. Asked how he planned to avoid becoming a burden to his children and grandchildren, he replied, “I belong to the Hemlock Society, [now called C & C]” and went on to say he was interested in the public policy implications of the question, since he was convinced that taxpayers’ money should not be used to pay for lives that lack quality. According to Lamm, “[P]eople have to recognize that, at a certain point, many elderly people are on welfare just as a ‘welfare mother’ is on welfare.”<sup>85</sup>

When the keynoter for a major event of leading health care providers in Oregon has this type of mindset, one cannot help but wonder what message is being sent to the sick, the elderly and the disabled in that state.

### Conclusion

It remains to be seen if, in upcoming months and years, any other jurisdictions will choose to follow Oregon’s example. The eventual outcome of the assisted-suicide debate depends on exposing the deception that has become part and parcel of assisted-suicide in Oregon.

It’s plain and it’s simple.

Assisted suicide, by any other name, is still assisted suicide. And “It’s working well in Oregon” is just a slogan—a deceptive slogan—masking the deadly reality that legalized physician-assisted-suicide gives doctors the power to prescribe poison to their patients.

### NOTES

1. For the evolution of the name from Hemlock to Compassion & Choices, you may visit the website:[http://www.internationaltaskforce.org/rpt2005\\_I.htm#212](http://www.internationaltaskforce.org/rpt2005_I.htm#212).
2. “‘Suicide’ is Inaccurate, Biased Term to Describe Terminally-Ill Patients’ End-of-Life Choices,” Californians for Compassionate Choices press kit ( Sept. 28, 2005), p.2.
3. The Gallup Organization, “Three in Four Americans Support Euthanasia: Significantly less support for doctor-assisted suicide,” *Religion & Social Trends* (2005), p. 98.
4. “‘Suicide’ is Inaccurate, Biased Term to Describe Terminally-Ill Patients’ End-of-Life Choices,” Californians for Compassionate Choices press kit ( Sept. 28, 2005), p.3.
5. Although the Death with Dignity Act passed in 1994, it did not go into effect until 1997.
6. Tim Christie, “State sidesteps ‘suicide’ in report,” *The Register-Guard* (Eugene, OR), Oct. 23, 2006.
7. Beth Casper, “‘Assisted-death’ wording stirs debate,” *Statesman Journal* (Salem, OR), Oct. 17, 2006.

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8. Kevin B. O'Reilly, "Oregon nixes use of term 'physician-assisted suicide:' Right-to-die advocates hope that changing the language may help pass laws in other states," *AMNews*, Nov. 6, 2006.
9. ORS 127.880 §3.14.
10. AP, "Oregon changes physician-assisted suicide terminology," Oct. 17, 2006.
11. *Supra* note 8.
12. *Supra* note 7.
13. APHA Press Release, Dec. 20, 2006. Available at: <http://www.apha.org/news/press/2006/policies07.htm> (last accessed Dec. 26, 2006). The APHA has over 50,000 members from over 50 occupations in the public health field and an annual income of more than thirteen million dollars. According to its web site, "APHA has been influencing policies and setting priorities in public health for over 125 years." Available at <http://www.apha.org/about/> (last accessed Dec. 26, 2006).
14. *Supra* note 6.
15. ORS 127.865 §3.11.
16. The "Assisted Dying for the Terminally Ill Bill," proposed by Lord Joffe, was virtually identical to Oregon's law. It was defeated on May 12, 2006. (Kristy Walker, "Peers kill off euthanasia bill," *Daily Mail*, May 13, 2006 and "Lords block right-to-die proposal," *Guardian*, May 12, 2006.)
17. House of Lords Select Committee on the Assisted Dying for the Terminally Ill Bill, *Assisted Dying for the Terminally Ill Bill [HL] Volume II: Evidence*. Apr. 4, 2005. Proceedings of the committee hearings were published in two volumes. Available at: <http://www.publications.parliament.uk/pa/ld200405/ldselect/ldasdy/86/86ii.pdf> (last accessed Dec. 22, 2006). Hereafter referred to as HL. Remarks by Lord McColl of Dulwich, HL, p. 334, question 956. (Emphasis added.)
18. DHS, "Eighth Annual Report on Oregon's Death with Dignity Act," March 9, 2006 (<http://egov.oregon.gov/DHS/ph/pas/docs/year8.pdf>).
19. Linda Prager, "Details emerge on Oregon's first assisted suicides," *American Medical News*, Sept. 7, 1998. (Emphasis added.)
20. Joe Rojas-Burke, "Suicide critics say lack of problems in Oregon is odd," *Oregonian*, Feb. 24, 2000.
21. Oregon Health Division, *CD Summary*, vol. 48, no. 6 (March 16, 1999), p. 2 (<http://www.ohd.hr.state.or.us/chs/pas/pascdsm2.htm>).
22. *Supra* note 18, p. 23. The annual report states that the presence of the attending physician in the 48 out of 246 reported deaths is 28%; however, the calculation is mathematically inaccurate. The correct calculation is 19.5%.
23. DHS, "Fifth Annual Report on Oregon's Death with Dignity Act," March 6, 2003, p. 9 (<http://www.ohd.hr.state.or.us/chs/pas/year5/ar-index.cfm>).
24. *Supra* note 17. Testimony of Katrina Hedberg, p. 263, question 597.
25. *Ibid.*, p. 259, question 567.
26. *Ibid.* Testimony of Melvin Kohn, p. 263, question 598.
27. Erin Hoover, "Dilemma of assisted suicide: When?" *Oregonian*, Jan. 17, 1999 and Erin Hoover, "Man with ALS makes up his mind to die," *Oregonian*, March 11, 1999.
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"He's entitled to his moods."



## APPENDIX A

[*Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights and author of many books, including The War on the Bill of Rights and the Gathering Resistance (Seven Stories Press, 2003). The following column appeared in the Washington Times on November 27, 2006 and is reprinted with Mr. Hentoff's permission. Copyright © 2007 News World Communications, Inc. All rights reserved.*]

### Ignorance and Abortion

*Nat Hentoff*

On Nov. 7, a South Dakota law prohibiting nearly all abortions in that state was clearly defeated; but still in the federal courts is another South Dakota statute requiring the “informed consent” of the woman before the abortion. Now blocked in the 8th Circuit Court of Appeals, that law confronts judges—and the rest of us—with the core question: When do we become human beings?

The law would require that doctors tell women intent on having abortions that the procedure would “terminate the life of a whole, separate, unique, living human being.”

Arguing against this at the 8th Circuit in St. Louis, a lawyer for Planned Parenthood, Timothy Branson, said the language of this South Dakota law “injects an ideological component into the discussion of the unsettled question of when human life begins.”

“This is the first case,” he emphasized, “that really shows where the line is.”

Yes, it is.

As Adam Liptak reported in the Oct. 31 *New York Times*, a panel of the Court of Appeals agreed with Planned Parenthood and blocked enforcement of the law. Many states do have “informed consent” laws by which doctors must provide factual information about the procedure to women and its health risks. These laws have been upheld by other federal appeals courts.

What, then, makes the South Dakota “informed consent” law different? Before this case (*Planned Parenthood v. Rounds*)—that “really shows where the line is”—reached the 8th Circuit, Karen E. Scheier, a federal district court judge in South Dakota—had stopped enforcement of the law with a preliminary injunction back in June 2005, in which she ruled:

“Unlike the truthful, non-misleading medical and legal information doctors were required to disclose” (in the Supreme Court’s 1992 *Planned Parenthood v. Casey* decision), “the South Dakota statute requires abortion doctors to enunciate the state’s viewpoint on an unsettled medical, philosophical, theological and scientific issue—that is, whether a fetus is a human being.”

Agreeing with her, the *New York Times* noted, 8th Circuit Judge Diana Murphy, writing for the 2-to-1 majority, declared: “Governmentally compelled expression is particularly problematic when a speaker is required by the state to impart a political or ideological message contrary to the individual’s own views.”

Moreover, said Judge Murphy—invoking Justice Sandra Day O’Connor’s widely

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effective phrase to permit abortion—the South Dakota law creates an “undue burden” on the (continually embattled) constitutional right to an abortion.

This crucial dispute reminded me of a letter in the Feb. 18, 1990, issue of the *Journal of the American Medical Association* that significantly affirmed my decision—contrary to many of my fellow journalists—to become a pro-lifer. Dr. Joel Hylton, a North Carolina physician, wrote in that letter:

“Who can deny the fetus is . . . a separate genetic entity? Its humanity also cannot be questioned scientifically. It is certainly of no other species.”

I wonder if the federal judges in the district and appellate courts, who have forbidden the enforcement of this South Dakota “informed consent” law, would have allowed the presence in their courtrooms of a 3-D and 4-D ultrasound sonogram?

As the *New York Post* and *Daily News* reported in September 2003, a British obstetrician—using ultrasound scanning—showed unborn babies (also known as fetuses) “yawning, blinking, sucking their thumbs, smiling and crying.” Some of these separate genetic entities in the sonogram were much younger than 24 weeks—and manifestly of no other species than ours.

In his dissent at the 8th Circuit, Judge Raymond Gruender got right to the palpable point. He noted that this embattled law goes on to define “a whole, separate unique living being” as an “individual living member of the species *Homo sapiens*, including the unborn human being.” That, said the judge, “is nothing but an unremarkable tautology [needless repetition]. It is simply a restatement of the definition of ‘abortion.’”

Quoting from the Merriam-Webster’s Collegiate Dictionary, the judge continued, “Abortion is defined as ‘the termination of a pregnancy . . . resulting in, or closely followed by the death of the embryo or fetus.’” And that departed fetus or embryo, whatever you call it, is unmistakably “an individual living member of the species *Homo sapiens*.”

It is no wonder that supporters of abortion insist on describing themselves as “pro-choice”—and recoil at the term “pro-life.” I have a friend who, seeing his unborn child in a sonogram, was exhilarated. But months later, in an argument on abortion, he snapped at me, “If you’re pro-life, why don’t you kill abortionists?”

“Because,” I said, “I am pro-life.

*[The following column appeared December 4, 2006 in the Washington Times and is reprinted with Mr. Hentoff’s permission. Copyright 2006 New World Communications, Inc. All rights reserved.]*

### **Politically Correct Abortion-speak**

*Nat Hentoff*

Brian Lamb, creator of C-Span, has greatly informed those of us watching the channel—as recently in airing the two-hour oral arguments on whether Congress

can ban partial-birth abortion, called by doctors who perform the procedure, intact dilation and extraction.

What fascinated me throughout the debate and the reactions of the justices was, as George Orwell put it, the way language can be, and is so often used, “as an instrument which we shape for our own purposes.” Only rarely did any participant speak plainly about the procedure.

In his essay “Politics and the English Language,” Orwell said, “What is above all needed (in honest speaking) is to let the meaning choose the word, and not the other way about.” During the two hours, I often heard references to “fetal demise.” What they were actually talking about, some of us would say, is the killing of a human being.

That plain intent of abortion slipped in briefly when Solicitor General Paul Clement, speaking for the government, said the important issue is whether this form of abortion “is to be performed in utero or when the child is halfway outside the womb.” (A child? Where?) Justice John Paul Stevens quickly interrupted: “Whether the *fetus* is more than halfway out,” he corrected the solicitor general.

“Some of the fetuses, I understand in the procedure,” Justice Stevens added, “are only 4 or 5 inches long. They’re very different from fully formed babies.” Babies had again crawled into the discussion but not for long. The abortion procedure at issue is D&X, intact dilation and extraction, which removes babies from existence. Years ago, the late Sen. Daniel Patrick Moynihan, who was for abortion rights, nonetheless called this D&X procedure, “only minutes from infanticide.”

And in a previous Supreme Court decision rejecting an attempt to ban partial-birth abortion, Justice Anthony Kennedy, dissenting from that decision, called D&X abortion “a procedure many decent and civilized people find so abhorrent as to be among the most serious crimes against human life.” But during the Nov. 8 oral arguments on D&X, Justice Kennedy possibly indicated some doubts as to whether he still believes this and his ultimate conclusion may well decide the case.

To keep the discussion at the High Court that day within the bounds of proper discourse, Justice Ruth Bader Ginsburg cautioned: “We’re not talking about whether any fetus will be preserved by this legislation. The only question we’re raising is whether Congress can ban a certain method of performing an abortion.” That D&X “method” requires that during the abortion, the fetus (if you like) comes out intact but with the head inside the uterus and too large to emerge on its own. The doctor must then crush the skull, removing its “intracranial contents,” thereby killing the patient.

I use the term “patient,” as it appears in a medical textbook that is neither pro-choice nor pro-life: “The Unborn Patient: Prenatal Diagnosis and Treatment” by Harrison, Globus, Filly (W.B. Saunders Co., 1991): “The concept that the fetus is a patient, an individual whose maladies are a proper subject for medical treatment as well as scientific observation, is alarmingly modern . . . Only now are we beginning to consider the fetus seriously, medically, legally and ethically.”

This has not yet happened at the Supreme Court, where *Roe v. Wade* is still

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intact. During the oral arguments, Mr. Clement did not refer to the fetus as a patient. Instead, he emphasized that D&E, dilation and evacuation, by which 95 percent of second-trimester abortions are performed, would not, in any case, be banned thereby providing alternative successful abortions to D&X.

Mr. Clement called D&E “the gold standard of abortions.” In the usual D&Es, the fetus (or patient) comes apart while still in the uterus or has to be dismembered while still there. I once covered a lawsuit in which an operation-room nurse, who had to assemble the dismembered pieces, refused in an act of conscience and revulsion. She was fired, and claimed her dismissal was unjust. She won the case. That nurse, however, did not consider this alternative method of abortion “the gold standard.” George Orwell said of the language of “orthodoxy” that it “seems to demand a lifeless, imitative style.” That was what I heard nearly all the two hours of “orthodox” oral argument at the Supreme Court on whether banning D&X would be unconstitutional.

Whatever the decision, doctors will still be able to dismember the baby. Yes, the baby.



*“Now you deny you’re denying you’re in denial?”*

## APPENDIX B

[Kathryn Jean Lopez is the editor of National Review Online ([nationalreview.com](http://nationalreview.com)). The following interview appeared on NRO on Dec. 19, 2006 and is reprinted with permission.]

### The Hook-up Is In

Kathryn Jean Lopez

An NRO Q&A

*“Dr. Anonymous”—recently revealed to be Miriam Grossman, M.D., a psychiatrist working at UCLA—is author of a new book called Unprotected: A Campus Psychiatrist Reveals How Political Correctness in Her Profession Endangers Every Student. She recently took questions from NRO Editor Kathryn Jean Lopez about her look at the dire state of campus life.*

**KATHRYN JEAN LOPEZ:** How are America’s college students “unprotected”?

**DR. GROSSMAN:** I believe the false security engendered by the notion of “safer sex,” in an environment that promotes multiple casual encounters, endangers students.

Students are immersed in a campus culture in which sexual behavior is commonly detached from emotional commitment. Parents need to familiarize themselves with the terms “friends with benefits” and “hooking-up.” If your daughter has a friend with benefits, she is in a relationship that occasionally includes sex, but is without any expectation of commitment or exclusivity. If your son “hooks up,” he has sexual encounters in which there is no expectation of seeing one another again.

These behaviors are the norm on our campuses. Depending on the study, 40-80 percent of students “hook-up,” and by graduation, the average number of these nearly anonymous encounters is ten. Yet we wonder why so many young people suffer from depression, anxiety, eating disorders, and self-abuse.

A young woman is not warned that she is hard-wired to attach through sexual behavior, and that no condom will protect her from the heartache and confusion that may result. Also missing from her education is that the younger she is, the more vulnerable her system is to infection with a sexually transmitted virus or bacteria. Some of these organisms are transmitted even with condom use, and may have painful consequences even with timely diagnosis and treatment. This is information every incoming freshman must know; it will optimize her chances of staying emotionally and physically healthy as she navigates her way through the anything-goes campus environment.

Our universities and health organizations have yet to declare war on the hook-up culture, and some campuses actually promote and glorify it. I suggest parents log on to Columbia University’s [goaskalice.com](http://goaskalice.com) for a sense of how some schools normalize risky behaviors. This is especially hazardous for a young woman, who may feel pressure to fit in. The university and health organizations advise her to limit her partners, use condoms, and get tested frequently for STDs. In doing so,

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they say, she'll be "safe," or at least "safer."

**LOPEZ:** But if you've raised your child "right," is there really anything too much to worry about?

**DR. GROSSMAN:** There may be. It depends on many factors: how concerned she is about fitting in, how she copes with stress and loneliness, whether she is inclined to experiment with drugs or alcohol, whether she can withstand the campus culture of permissiveness, and whether she has the good fortune to find a group of friends who are like-minded.

**LOPEZ:** Who should be reading your book? Kids, parents, administrators? All of the above?

**DR. GROSSMAN:** Yes, all of those. I would add to the list people active in our national mental health and medical organizations, especially women's health.

**LOPEZ:** You write "Our job is not to proclaim whether abortion is good or bad; our job is to ask, and listen." But aren't you weighing in fairly heavily on the "bad" side when you write about it as you do?

**DR. GROSSMAN:** I want to highlight the existence of an invisible group: women (and men) with emotional scars from an abortion. They are out there in numbers; many must seek support from networks outside our mental-health system. This is because although individual practitioners may be sensitive to the trauma of abortion, the mental-health establishment denies it exists.

My concern here is not whether abortion is right or wrong. If anything is being judged, it's the refusal of my profession to formally acknowledge and reach out to those who suffer with severe emotional disorders following an abortion. And mind you, these are professionals who are normally eager to identify and assist victims of all sorts of other traumas—be it child abuse, sexual harassment, or natural disasters.

We are told by Planned Parenthood and other women's health groups that most women do fine following an abortion. I'm not denying that's so. But if only one percent of the one million-plus girls and women getting abortions each year suffer severe emotional consequences, that's still tens of thousands of people. I myself was unaware, prior to researching my book, of how horrifying an abortion might be under some circumstances, and how there may be long-lasting consequences. Again, not for all, but for some.

**LOPEZ:** What ought feminists take to heart about the health care of women on campus?

**DR. GROSSMAN:** I'd like to bring to the attention of those devoted to the welfare of all women, a group on our college campuses in need of recognition and advocacy: Young women who aspire to motherhood. The plans of these young women, many of whom have dreamed of having babies since early childhood, are put at risk due to lack of accurate information about the optimal time to conceive and bear children. Many women devote years to their education, career, and other endeavors, believing they can postpone childbearing indefinitely. This misperception is fueled by well-publicized cases of celebrities bearing children later in life. What

young women may not realize is that sometimes these infants are not related genetically to their moms, and that the cost of creating these children is prohibitive. Furthermore, egg-freezing companies prey on vulnerable women to invest thousands in a procedure questioned by experts. Campus-health and counseling centers are in an ideal position to counter these misperceptions and provide accurate biological information and guidance. Women's groups should be at the forefront of this effort.

LOPEZ: Would you/Do you recommend girls get married and pregnant quickly?

DR. GROSSMAN: "Quickly"? Of course not. But I suggest that women who are considering their long-term plans for school and career, begin to sort out what's important to them in this area. A vast majority of young women envision motherhood in their future, and some would like large families. Let's give them accurate information about their biology, and acknowledge that marriage and parenthood are important developmental goals.

LOPEZ: Do you downplay the danger of AIDS?

DR. GROSSMAN: No, I emphasize that it is a virus that is transmitted by having anal sex, sharing needles, or having a sexual partner that does those things. I explain why the virus is more easily transmitted during those behaviors. I argue that the warning "anybody can get AIDS" is a distortion. Without delineating which sexual activities are truly dangerous, this warning may lead those in danger to minimize their risk, and those in little or no danger to magnify theirs.

LOPEZ: Are you more worried about the guys or the gals on campus?

DR. GROSSMAN: Certain trends on campus are in my opinion detrimental to everyone, male and female. Political correctness marginalizes and silences those who think differently. The exaggerated place of sexuality is grotesque and destructive.

That said, I more often see young women for whom the campus environment is toxic. I believe that for many of these women, the lack of stability and clarity in their intimate lives causes profound emotional damage.

LOPEZ: So when the kids are home for Christmas, what should parents be talking to them about?

DR. GROSSMAN: First, understand that kids may want to sleep long hours when they get home, because finals week is a period of high stress and all nighters. When she's awake, try to find out what life has been like on campus. Ask about classes and professors, the atmosphere in the dorm, parties, roommates, and friends. You might want to ask how he spends free time, and if she feels pressure to follow the crowd. You could say, "I've heard there isn't much dating anymore. What's the social scene like on your campus? Have you found a group of friends you are comfortable with?"

LOPEZ: What are the odds you keep your job now that your identity is unprotected?

DR. GROSSMAN: It's too early to say, we'll have to wait and see.

LOPEZ: What realistically can be done about the problems you outline in college campus counseling?

DR. GROSSMAN: On an institutional level, I'd like to see war declared on our campus

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hook-up culture. It should be done with the same no nonsense approach we've used in our campaigns against tobacco, drugs, and alcohol. Remember, self discipline exists outside the gym and the cafeteria. First we must believe students can "just say no" to promiscuity. Once that happens, some of them might actually consider it.



*"Omigod—we forgot to turn off the humidifier!"*



## APPENDIX C

[*Yuval Levin is a fellow at the Ethics and Public Policy Center and senior editor of The New Atlantis magazine. The following essay appeared January 10, 2007 on National Review Online (nationalreview.com) and is reprinted with permission.*]

### **An Unreal Debate: Stem-cell Ideologues vs. the Facts**

*Yuval Levin*

This week offers a perfect snapshot of the sorry state of the embryonic-stem-cell-research debate. On Monday, the newspapers were full of headlines about a new scientific paper showing that stem cells derived from amniotic fluid appear to have many of the same capabilities as embryonic stem cells, but without the ethical pitfalls of embryo destruction. But on Thursday, the House of Representatives plans to take up once again a bill that would overturn President Bush's stem-cell-research-funding policy, and have the government use taxpayer money to encourage the destruction of embryos for their cells.

That disconnect mirrors the larger detachment of the political push for embryonic-stem-cell funding from the actual facts on the ground. Again and again, advocates for relaxing the ethical standards on funding make assertions and arguments with no basis in fact. Again and again they refuse to acknowledge the increasing evidence that genuine alternatives to embryo-destructive research may be possible.

The false claims are familiar by now. We continue to hear there is a "ban" on federal funding of embryonic-stem-cell research. But in fact, the Bush administration was the first to fund the research, and has devoted well over \$100 million to it since 2001, though only in ways that do not encourage the further destruction of embryos.

We continue to hear that 100 million Americans are sick and could be cured by stem-cell research, but it is hard to imagine what that claim might be based on. In March of last year, Rep. Mark Souder (R., Ind.) had the following exchange in writing with Dr. James Battey, director of the NIH Stem Cell Task Force:

**Souder:** A common figure tossed around regarding the "promise" of embryonic stem cell research is that it can provide cures for 100 million people. Is there any scientific evidence to actually support that claim?

**Battey:** It is unclear where this statistic came from. Human embryonic stem cell (hESC) research is a relatively new field of science, having been first reported by James Thomson at the University of Wisconsin in 1998. More basic research needs to be conducted in the laboratory before the full potential for treating diseases is clear.

No one has since come forward to justify the figure, yet the stem-cell campaigners, including members of Congress, continue to use it.

We continue to hear that the stem-cell lines eligible for funding under the Bush policy are contaminated by exposure to animal cells, and therefore useless for any future therapeutic applications. But the FDA has plainly said that past exposure to

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animal products need not make a cell line ineligible for future use, and in any case a series of papers in the past year (most notably one by stem-cell pioneer James Thomson) has shown animal materials can be removed from the existing lines. The most recent global survey of stem-cell work also shows that the Bush-approved lines continue to be used in a majority of embryonic-stem-cell projects worldwide—so researchers hardly consider them useless.

We continue to hear that the Bush-approved lines lack genetic diversity, or are not matched to patients with specific diseases. But the bill before the House this week would not address either point, since it would only make available more lines of cells derived from embryos created for in vitro fertilization. To match cell lines to patients using existing techniques, researchers would have to employ human cloning; and to derive a line with a genetic heritage not commonly represented by IVF patients, they would have to create embryos specifically to destroy them for research. Advocates of embryo-destructive research will likely move to endorse these radical steps next, but for the moment they claim they do not support the creation of embryos specifically for research, and in any case their bill would not fund it.

We continue to hear that American scientists are falling behind in embryonic-stem-cell research because federal support is lacking. But the latest numbers clearly demonstrate a large and stable American lead in the field. No other country even comes close to matching the output of American embryonic-stem-cell researchers.

We continue to hear that the American public passionately supports embryonic-stem-cell research and demands the loosening of the ethical boundaries imposed by President Bush. But actual surveys of public opinion suggest views are divided and not firmly held.

Strangely, though, for all this talk, the opponents of President Bush's stem-cell-funding policy have not had much to say about the real news in the field over the past two years. That news has been almost exclusively about the emerging possibility of developing cells with the abilities of those derived from embryos, but without the need to harm human embryos.

A number of possible avenues have presented themselves. One would involve reprogramming adult cells to function like embryonic stem cells, whether by fusing them with existing stem-cell lines or by injecting them with the right combination of chemical factors. Another study has shown that such "pluripotent" cells could be derived from testes. And yet other researchers have begun to find cells with such capabilities in the placenta collected after birth, in human cord blood, and, as we saw earlier this week, also in amniotic fluid. Numerous labs around the world are now working to develop these techniques further, and to pursue more of them.

What we're seeing is not exactly a search for one particular magic bullet to end the stem-cell debate. Rather, these studies show that the capacity to differentiate into a great many different cell types may not be exclusive to embryonic stem cells or any other one particular type of cell, and that the debate we have had now for the

better part of a decade may have been based on a faulty premise to begin with.

All of this suggests the divisive fight over embryonic-stem-cell research might just be amenable to a consensus solution: a way to get the type of cells the scientists seek while avoiding any harm to nascent human life.

But advocates of looser funding rules will not take “yes” for an answer. Rather than jump at the chance to promote a common-ground way forward on stem cells, they have chosen to ignore the emerging alternatives, and insist that embryo-destructive research must be funded.

Last year, when the Congress passed the very same bill the House will consider this week, several members of both houses proposed an additional bill that would have encouraged research into new ethical methods of deriving embryonic-like cells. The Senate passed the bill unanimously. But in the House, most of the Democrats and a few Republican opponents of the president’s policy decided they could not support the search for a solution. They opposed the bill, and prevented its passage. Their intransigence sent a very strange message: They would have the federal government fund the exploration of pluripotent stem cells only if it involved destroying human embryos. Otherwise, they were not interested. They would only back the science if it were controversial. These opponents of the stem-cell-alternatives bill included the entire Democratic House leadership, and this year they have prevented the same bill from even coming to a vote.

Step by step these past few years, the public arguments for overturning the Bush funding policy and using taxpayer dollars to encourage embryo destruction have fallen apart, and the possibility of a consensus solution to this divisive battle has emerged. But the leaders of the effort to overturn the president’s policy have opted to ignore the facts and turn down a potential solution. They would prefer a political rallying point over a scientific way forward. Let us hope the Congress as a whole does not make the same choice.

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### This Heartbreaking Court

Hadley Arkes

Both sides in the culture war over abortion have been readying themselves for the decision of the Supreme Court this fall on partial-birth abortion. Both sides expect a decision portentous and astounding—for people on both sides seriously expect the Court will use its decision to overturn *Roe v. Wade*.

That is not likely to be the case. An outcome so dramatic is not strictly necessary, and it may not even be prudent. In any event, it seems quite improbable from a Court containing judges as cautious and circumspect as John Roberts and Samuel Alito. The question on which everything else hangs is whether the Court will manage to flip the decision it handed down six years ago in *Stenberg v. Carhart*, in which, with Sandra Day O'Connor providing the deciding vote, the Court overturned the law on partial-birth abortion in Nebraska (and, by inference, in thirty other states).

With O'Connor now replaced, it seems a good bet the Court would overturn that judgment. Whether it will reach the same result with a ban on partial-birth abortion emanating from the *federal* government is a notably different question. Still, if Roberts and Alito help simply to overturn that prior decision on partial-birth abortion, my own judgment is that the regime of *Roe* will have come to its end, even if *Roe* itself is not explicitly overruled. What the Court would be saying in effect is, "We are now in business to consider seriously, and to sustain, many plausible measures that impose real restrictions on abortion."

That would invite a flood of measures enacted by the states. They might be restrictions on abortion after the point of viability, for instance, or even earlier, with the first evidence of a beating heart. Or requirements that abortionists use a method more likely to yield the child alive. Or provisions that ban abortions on a child likely to be afflicted with disabilities, such as Down syndrome.

Each restriction would command the support of about 70 or 80 percent of the country, including many people who describe themselves as pro-choice. And step by step, the public would get used to these cardinal notions: that the freedom to order abortions, like any other kind of freedom, may be subject to plausible restrictions; that it is legitimate for legislatures to enact those restrictions; and that it is, in fact, possible for ordinary folk, with ordinary language, to deliberate about the grounds on which abortions could be said to be justified or unjustified. This seems to me the path far more likely to be taken by justices with the judicial temperament of John Roberts and Samuel Alito.

It may also be the better and more prudent path to take. To overturn *Roe* in one

decisive stroke risks setting off a panic among people who have been led to believe that they would be dispossessed, at once, of rights they have come to regard as fundamental. We've lately had the spectacle of people even with college degrees apparently seized with the notion that the overruling of *Roe* would make abortion illegal, overnight, throughout the land. Simply overturning *Stenberg v. Carhart* this fall would avoid that panic and nonetheless mark the beginning of the end of *Roe*.

Even that will not be easy, despite the presence of John Roberts and Samuel Alito. As the drafters of the federal bill sought to get around the objections of the Court, they tried to address two lines of argument in the *Stenberg* case.

First was the charge of vagueness in what they were proscribing. There was nothing, of course, vague about partial-birth abortions, and surgeons did not suffer the least doubt as to when they were doing them. But, as Dr. Carhart earnestly pleaded, his daily work—his ordinary, everyday abortions—involved the dismemberment of a child in the womb and the drawing of severed parts through the birth canal. Every abortion he performed could be called, then, the destruction of a “living fetus” emerging from the womb: Killing live fetuses is exactly what he did for a living with every abortion. There was one of the truths that dare not speak its name: Most of the country recoiled from the horrendous procedure of partial-birth abortion when it was described, but in point of fact it was not more horrendous than the butchering that was commonly taking place with the dismembering of live babies, without anesthetic, in the daily run-of-the-mill practice of abortion.

The second line of argument dealt with the “health exception.” The Court, and especially Justice O'Connor, insisted there cannot be a restriction of abortion without such an exception for the pregnant woman. Ample testimony in the hearings demonstrated that the procedure of partial-birth abortion is never indicated for the purpose of guarding the physical health of the pregnant woman. But, of course, in the way that the Court defined *health*, it typically encompassed mental health—which is to say, an abortion could be ordered up if a doctor certified that his patient would suffer distress in not having one.

No evidence had been presented to Congress or a court showing any case in which a partial-birth abortion had been necessary or even safer as a procedure. Nevertheless, Justice Breyer was willing to strike down the bill simply because it was *conceivable* that this procedure, in certain instances, might be safer: No parts of the fetus would be left behind in the body, where they could cause infections. But by this reckoning, the safer procedure by far would be the “live-birth abortion,” as practiced in Christ Hospital, in Oak Lawn, Illinois, and other hospitals: A child is simply delivered whole and put aside, in another room, to die.

Justice Scalia aptly rejoined, in the *Stenberg* case, that grafting a health exception on to this kind of bill was a requirement that extinguished the bill itself: “The Court must know (as most state legislatures banning this procedure have concluded) that demanding a ‘health exception’—which requires the abortionist to assure himself that, in his expert medical judgment, this method is, in the case at hand, marginally safer than others (how can one prove the contrary beyond a reasonable

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doubt?)—is to give live-birth abortion free rein.”

There had been ample testimony in the congressional hearings, from fetologists and doctors who performed abortions, that no affliction faced by a pregnant woman would be remedied by a partial-birth abortion. Congress revisited those hearings in order to meet the concerns of the Court. With its own reading of the record and its own assessment of the evidence, the Congress then declared, “There exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a ‘health’ exception, because the facts indicate that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman’s health, and lies outside the standard of medical care.”

**B**ut by the time the bill on partial-birth abortion was presented for the third time, the opposition had lined up its own array of professionals, ready to affirm the safety, value, and redeeming goodness of partial-birth abortions. And so, there were statements duly offered in opposition to the act from the American College of Obstetricians and Gynecologists and a cluster of groups with an evident political coloration, allied to governments or to advocacy groups: the American Public Health Association, the California Medical Association, the Association of Reproductive Health Professionals.

Judge Richard Conway Casey, considering the constitutionality of the bill in the district court in New York, offered a scrupulous review of the testimony, and he acknowledged that the defenders of partial-birth abortion were never actually able to bring forth evidence to show that the procedure was necessary because it was demonstrably safer than any alternative form of abortion.

As Casey summed up his judgment, in language not at all shaded, many of the “purported reasons” offered in support of the medical necessity of the procedure were simply not credible; “rather they [were] theoretical or false.” In no case, he said, involving “maternal health conditions” could the professionals opposing the bill “point to a specific patient or actual circumstances in which D&X [dilation and extraction, or partial-birth abortion] was necessary to protect a woman’s health.”

And yet the problem, as Judge Casey understood, was that the Supreme Court had altered the frame of the question: What was involved now was something regarded as the “fundamental right” of a woman to choose abortion. And against that right, a legislature had to bear a heavy burden of proof. He was constrained by the guidelines of the Supreme Court, but he made use of his powers of trial to put on the public record one of the most detailed accounts of the facts that describe the procedure of partial-birth abortion and revealed the character of the people who would make this kind of killing their office work. While Casey was prepared to do his judicial duty and overturn the ban, he allowed himself the observation that “medical science and ideology are no more happy companions than *Roe* and its progeny have shown law and ideology to be.”

In the first footnote of his fastidious opinion, Casey pointed out the dog that was

not barking. The opponents of the bill, he noted, “do not allege that Congress exceeded its authority under the Commerce Clause” of the Constitution. There is the ingredient that complicates this case for conservative judges. That a state may bar private clinics and doctors from performing surgeries it regards as wrongful is a matter that comes presumptively within the traditional reach of police powers: the traditional authority of state and local governments to act for the “health, welfare, and morals” of the people within their reach. But for the federal government, a government supposedly of enumerated powers, it has not been so clear as to how that government can reach directly to private clinics, private clubs, private businesses. Since the New Deal, that matter has been finessed, though never satisfactorily explained or justified, by using the Commerce Clause of the Constitution. Conservatives bite their lips when they invoke the Commerce Clause, but for the most part they too have had to absorb the precedents set in place since the New Deal. And so, when the bill on partial-birth abortion was introduced in 1995, the drafters directed the bill to “any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus.”

But what seemed to go unnoticed for a long while was that, in the same year, the conservatives on the Supreme Court started taking some modest steps in placing limits on the Commerce Clause. In *U.S. v. Lopez*, the Court overturned the federal bill that barred the use of guns near schools. The liberals on the Court were willing to reason along with the reigning fictions: In this case, that violence near the schools could impair the performance of students and render them less able to take their part in a national and global economy.

But as Chief Justice Rehnquist observed, the performance of children in the schools was demonstrably likely to be affected by the breakup of their families. Did that mean that the federal government could take over the laws on marriage and the family in the states, or perhaps even take over the local schools altogether? As pro-lifers concentrated on the bill on partial-birth abortion, they seemed to forget that it was still cast in terms of the Commerce Clause. The bill, in that form, could have trouble in commanding uniform support from the conservative justices. With O’Connor replaced by Samuel Alito, there is now a potential majority in support of the bill on partial-birth abortion—if the question of the Commerce Clause does not prove unsettling. And the loss of one vote would be the loss of the case.

I had raised this issue in a meeting of lawyers, and a friend who had clerked for Justice Scalia reminded us of how limited the holding in the *Lopez* case had been. The reach of the federal government under the Commerce Clause would be vast, but it has to be confined to “commerce” or to activities that were “economic” in character. In other words, for Scalia and Rehnquist, it would have been an entirely different matter if the federal government had sought to bar the *sale* of guns near schools. That, apparently, they would have felt obliged to sustain. Scalia’s former clerk pointed out that the bill on partial-birth abortion would pose no problem as long as there was a transaction—as long as someone paid for the service of

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performing the abortion. For most of the judges, that may be true. But not for all. Most notably, not for Clarence Thomas. When his colleagues started their cautious scaling down of the Commerce Clause in *Lopez*, Thomas thought the change so modest, so pusillanimous, as to be unserious. He wrote a separate, concurring opinion, arguing for a return to the wholesome discipline and constraints that came with the Commerce Clause as traditionally understood, before the New Deal dissolved any plausible sense of boundaries.

Thomas was alone, even among the conservative jurists. But he had articulated his position in one of the most notable essays in his years on the Court, and that argument, put forth so earnestly, had to come into play if the bill on partial-birth abortion were litigated under the Commerce Clause. For Thomas would be under immense personal pressure to show that he did indeed respect the doctrine of jurisprudence he had put forth. And in the style of conservative jurisprudence, the demonstration would be all the more exquisite when he shows people that he would honor his doctrine even when it prevented him from reaching a decision in the case at hand that he devoutly wished to reach. For the pro-life cause, the loss of this vote would be momentous: If the federal bill on partial-birth abortion were struck down, no one would expend the political capital to try, for a fourth time, to revise that bill and present it for hearings yet again. That particular measure by itself may not be overly important, but the dramatic loss in the Court could be widely demoralizing.

There the matter sits, with a question mark for Clarence Thomas. Some of us in the pro-life ranks have sought to make an argument that runs back to the axioms of the Constitution and the separation of powers. It involves a slight reworking of an argument offered by Chief Justice Marshall in *Cohens v. Virginia* (1821), and it may be condensed in this way: If the Supreme Court can articulate new rights under the Constitution—if it can find, in the Fourteenth Amendment, the right to an abortion—then the legislative branch must be able to act on the same clause in the Constitution in vindicating those same rights. And in filling them out, it may also mark their limits. Congress could plausibly say, for example, that whatever was established in *Roe v. Wade*, a right to abortion could never be taken to mean a freedom to kill a child at the very point of birth. What cannot be tenable, under the logic of this Constitution, is that the Court can articulate new rights—and then assign to itself a monopoly of the legislative power in shaping those rights.

If Justice Thomas were willing to join a majority containing Scalia, Kennedy, Roberts, and Alito, the federal bill could be sustained, and the decision in *Stenberg* flipped. That, I think, would signal the end of the regime of *Roe v. Wade* even if the Court does not pronounce that “super-duper precedent” overruled. And yet, a Court containing jurists of the temperament of Roberts and Alito may choose to decide in this case in a manner even more delicate and restrained, even more in keeping with the discipline of judging that conservatives keep touting.

The key is the *other* dog that didn't bark, the dog that remained silent during the oral argument six years ago in the *Stenberg* case. The case offered Justice O'Connor a chance to strike a conservative posture because the case had arisen as a “facial



challenge.” The aim of the law was to protect children from a hideous procedure, puncturing their skulls at the point of birth. Dr. Carhart professed to fear that the law could be used against him for abortions performed much earlier. But it made no sense to presume that the people who framed the law, or those who enforced it, would act in such an incontinent way, paying no heed to the purpose and guidelines of the law. The truly conservative reflex would have been to withhold judgment and *wait for a real case*: Let us gauge the intentions and understanding of the authorities by waiting to see just how, in fact, they choose to enforce the law. O’Connor could have written for a conservative majority in declining to decide the case.

But in the course of the oral argument, that concern was never sounded by Justice O’Connor, and I took it as a telling sign of how the case would come out. In declining to take that conservative path, O’Connor and her colleagues were, in effect, rendering an advisory opinion, and they were abandoning the rule contained in their own 1987 precedent in *U.S. v. Salerno*, where the Court had acknowledged that “facial challenges” must be accepted only rarely, because they involve the risk of exceeding those boundaries that confine the power of the judges.

The understanding was that a law may be struck down on its face only when there was no conceivable or imaginable set of circumstances in which the law could be constitutional. But with cases on abortion, the situation has now been inverted: The Court seems to begin with the premise that any law restricting abortion is presumptively invalid, and the legislation could be declared unconstitutional on its face if there were any conceivable circumstances in which it might be unconstitutional. Judge Frank Easterbrook in the Seventh Circuit expressed the perplexity of judges trying to discern the law they are expected to follow: “When the Justices themselves disregard rather than overrule a decision—as the majority did in *Stenberg*, and the plurality did in *Casey*—they put courts of appeals in a pickle. We cannot follow *Salerno* without departing from the approach taken in both *Stenberg* and *Casey*; yet we cannot disregard *Salerno* without departing from the principle that only an express overruling relieves an inferior court of the duty to follow decisions on the books.”

What has happened to that vaunted “respect for precedent,” of which we heard so much in the hearings on Roberts and Alito? Chief Judge Walker observed in the appellate court in New York that even if Congress barred that grisly procedure known as partial-birth abortion, there would be a safe, alternative procedure available for any woman who wanted an abortion. And yet, under the *Stenberg* case, the lower courts were obliged to strike down any bill on partial-birth abortion out of a *speculation* that the procedure might, just *might*, be useful to someone. Judge Walker took the shift here as profoundly serious: In the understanding long settled, the courts need to wait for a real case in controversy, and while the judges hold back their hands, power is left in hands other than their own. In Walker’s reckoning, the performance of the Court here was tantamount to the Court itself

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evading the boundaries to its own power and the restraints of the Constitution.

A Court headed by John Roberts may simply install the rule from the *Salerno* case and send all of the pending cases back to be tried again. Under that rule, the law on partial-birth abortion may be harder to strike down. But the judges in the lower courts, ever resourceful, ever willing to contrive new arguments, will find other reasons for striking it down. The matter will come back again, and again.

All of that quite suits the temper of conservative judges, who may be disinclined to take any step that is not strictly necessary. But in this path now lies evasion and debility. My hope is that the Court, with Roberts and Alito, will do more—that it will move decisively to sustain the bill on partial-birth abortion. But it has been confirmed now, in the circles of conservatives, that judges will show their fitness as judges by honoring a notion of law utterly detached from substantive judgments of right and wrong. The voters who have backed two Bushes and Reagan, expecting something dramatically different, may discover once again that the judicial world is fixed in a mold that will persistently break their hearts.



*"You don't think we'll be accused of, perhaps, targeting the young?"*

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