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. . . It felt like the Lord was smiling down on those who participated in the 50th March for Life. January 19 was a sunny, blustery but mild day in our nation's capital—quite a contrast to many previous years when marchers trudged through icy temperatures and blizzards. Of course, the biggest contrast: celebrating the death of *Roe*! When the Students for Life chanted their familiar “We. Are. The Post-*Roe* Generation,” they were chanting a fact, not an aspiration.

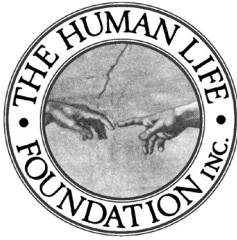
Though violence was feared, thankfully, none was reported—but that bucks the recent trend. As Julia Duin reports in our lead article, there have been a record number of vicious attacks on pregnancy centers and churches since the *Dobbs* leak last May. Not only are you not reading about them in the major media, but the FBI and DOJ have shown “stunning inaction” in identifying and arresting the criminals, while at the same time zealously persecuting peaceful pro-life protestors. As we go to press, however, there has been some positive news. On January 24, two individuals were indicted by a federal grand jury in Florida for vandalizing a Winter Haven pregnancy resource center and spray-painting threats, including “If abortions aren’t safe than niether [sic] are you,” “YOUR TIME IS UP!!,” “WE’RE COMING for U,” and “We are everywhere.” And on January 30, Mark Houck, the pro-life activist arrested by a SWAT team at his home in Pennsylvania (see page 11), who was facing up to eleven years in prison, was acquitted. For up-to-date news and analysis on these and other stories, please visit NEWSworthy on our website at www.humanlifereview.com.

Marvin Olasky, whose article “What’s Said and What’s True” begins on page 19, has a new book out, co-written with Leah Savas: *The Story of Abortion in America: A Street-Level History, 1652-2022*, with an introduction by Robert P. George (Crossway Books). Also out with a new book, our beloved cartoonist Nick Downes: *Polly Wants a Lawyer: Cartoons of Murder, Mayhem & Criminal Mischief*, available from Humorist books (humoristbooks.com) and Amazon.

Our thanks go to Catholic News Agency for permission to reprint Jonah McKeown’s report on the inspiring speeches given by actor Jonathan Roumie, who plays Jesus in *The Chosen*, and others at the March for Life rally (Appendix A). We finish up the issue with a marvelous reflection from the late, great Pope Benedict XVI (remembered in *From the Website* by senior editor William Murchison) who reveals a startling bit of biblical exegesis that puts lie to the claim that the Bible says nothing about the embryo.

With this we commence year 49 of the *Human Life Review*! May you read with hope.

MARIA MCFADDEN MAFFUCCI
EDITOR IN CHIEF



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INTRODUCTION

Unlike the public at large, *Review* readers are likely aware of the months-long violent response to the *Dobbs* decision. Still, Julia Duin’s “Crisis Pregnancy Centers Suffer Record Attacks” may hold surprises. It did for me. I didn’t know, for instance, that in July the home of Thomas More Center founder Thomas Brejcha was splattered with “indelible green paint” while police—who warned him his house would be attacked that day—“just remained in their cruisers, watching the whole thing.” Brejcha’s group is representing CompassCare Pregnancy Services, “a medical clinic in Buffalo employing 22 nurses and five doctors” that sustained \$530,000 in damages “after being firebombed on June 7.” By the end of the year, Duin reports, “at least 39 churches and 60 crisis pregnancy centers and medical clinics” had been attacked, vandalized, or threatened. As of this writing, there have been two arrests.

Anti-abortion activists who disrupt and damage clinics to save condemned babies—by gluing locks, breaking windows, disabling vacuum machines—expect to be arrested. In “Always a Helper,” Brian Caulfield profiles Monsignor Philip Reilly, a priest of the Brooklyn Diocese and “an early participant in Operation Rescue.” But after being jailed for blocking an abortion clinic entrance, Reilly “came up with an idea that led him to begin another frontline action against abortion.” One, the priest told Caulfield, that would encourage proliferators to work *with* police, who, he believed, were “their natural allies” because “many are pro-life.” Since its founding in 1989, his Helpers of God’s Precious Infants has “conducted prayer vigils and sidewalk counseling” all over the country, saving thousands of babies by being there to help “the many young women who turned around near the doors of a clinic.”

Do the young women who don’t turn around have any idea of what awaits them inside? In “What’s Said and What’s True,” Marvin Olasky, the Human Life Foundation’s 2021 Great Defender of Life and co-author of the new book *The Story of Abortion in America*, refutes deceptive abortion memes the press has pushed for decades, one of the most insidious being that abortion is a decision made by a woman in concert with her doctor. “Delve into documents,” Olasky counters, “and you’ll find that it’s rare for a woman climbing onto an abortionist’s table to have seen him before . . . the clinic abortionist is an assembly-line worker.” Nor is it true that “the woman makes the decision by herself,” another familiar meme. Studies, routinely ignored by the media, have shown “that the most ardent abortion proponent is often the male partner.”

Even when abortion studies do make the news, findings are often misrepresented. “A recent report on global abortion rates,” writes sociologist Anne Hendershott in “Promoting Marriage as an Anti-Abortion Policy,” was “spun by some media outlets” to give readers the impression that “most abortions were procured by married women.” The report, however, clearly noted that “in North America, the majority of

abortions are obtained by unmarried women”—86 percent in 2019—a qualification the *New York Times* failed to acknowledge. “In fact,” Hendershott reports, “the latest data from the Centers for Disease Control and the Guttmacher Institute (the research arm of Planned Parenthood) suggest that marriage is most likely the best way to prevent abortion.” It’s time, she insists, now that “the ability to shape abortion policy has returned to the states,” to focus on ways “to encourage marriage and family formation.”

Deception, misinformation, fake news—these permeate the *Roe v. Wade* and *Doe v. Bolton* opinions as well as the legal machinations behind the cases themselves. “Close scrutiny of the cases by a range of activists and scholars,” writes Raymond Adamek, “clearly shows that they were intentionally crafted to permit abortion-on-demand and bolstered by false data to achieve that purpose.” Adamek, also a sociologist, has been observing the anti-abortion movement since the beginning—his first article for us was in 1977. In “Destined to Be Overturned,” with the economy and precision characteristic of those at the top of their game, Adamek pulls together people and arguments, firmly establishing that, “rather than being grounded in scientific data and a thorough consideration of current philosophical thinking, *Roe* and *Doe* were based on biased ‘evidence’ to bring about a social policy desired by a few.”

It is “a delicious irony,” says Wesley Smith in “How Assisted Suicide Advocacy Overturned *Roe v. Wade*,” that “the precedent the Supreme Court established [in its 1997 *Washington v. Glucksberg* ruling] would years later become the hammer that shattered the constitutional right to abortion.” In *Glucksberg*, nine justices rejected the argument that assisted suicide was a fundamental liberty interest, ruling that its legislation was properly the business of the states, not the Court. In this informative article, Smith, who has covered end-of-life issues for over three decades, shows how Justice Samuel Alito unexpectedly used *Glucksberg* twenty-four years later to anchor the *Dobbs* decision and declare *Roe* “bad constitutional law.” *Dobbs*, Smith concludes, “hit the country like an earthquake” and vindicated “the great democratic struggle to reverse the great injustice of *Roe*.”

Mary Ziegler is a law professor (now at the University of California-Davis) who has written extensively on the legal history of abortion. In “Campaign Finance and the Right to Life,” Jason Morgan reviews her “important new book,” *Dollars for Life: The Anti-Abortion Movement and the Fall of the Republican Establishment*, where, he writes, “Ziegler more narrowly focuses on how the pro-life groups’ various attempts to get political parties and politicians to act on protecting the unborn and their mothers may have worked to debilitate, for better or worse, the long-standing liberal consensus guiding American political discourse and practice.” In a chapter-by-chapter analysis, Morgan examines “Ziegler’s core argument . . . that, in trying to change finance laws so proliferators could overrun the GOP instead of trying to control it from the outside,” a conservative lawyer named James Bopp Jr. “set the stage for the party’s collapse.” It is a “turbulent history,” and Morgan’s review offers an enlightening look at it.

INTRODUCTION

What to say about “Evelyn Waugh’s Displaced Persons”? Edward Short, like our senior editor Ellen Wilson Fielding, is an accomplished essayist who provides a splendid literary finish. Here he scrutinizes some scenes in Waugh’s *Sword of Honour*, a panoramic trilogy set during World War II that is, he writes, “about the workings of Providence in a fallen world.” It is the British writer’s “crowning masterpiece,” in which “Waugh deploys one of his best female characters, Virginia, a prodigal, promiscuous, ingenuous creature . . . who finds herself not only broke and alone but saddled with an unwanted pregnancy.” Short observes that Waugh’s portrayal of Virginia “desperately searching wartime London for an abortionist” exhibits “not only his shrewd understanding of character but his even shrewder appreciation of the dignity of human fallenness—even at its most absurd.”

* * * * *

“Prolifers have a stronger intuitive-spiritual sense for outlier possibilities,” writes Joe Bissonnette (“Black Swan in the Pro-Life Personality” in From the HLR Website), “for things that are beyond the conventional imaginative horizon. We know that some big gamechanger is coming. Someday.” Meanwhile there are smaller “gamechangers,” as when an abortionist renounces baby-killing and joins a pro-life practice (see Maria McFadden Maffucci’s review of Dr. John Bruchalski’s *Two Patients* in Booknotes). Could the overturn of *Roe* be the kind of Black Swan event Bissonnette anticipates? We’ll see. It did bring joy to last October’s Great Defender of Life dinner, where, in the words of the Foundation’s Board Chairman James McLaughlin, we gathered “to celebrate a great victory, to renew old friendships, to make new ones, to revivify our commitment to the cause, and most of all,” he told the room full of loyal supporters, “to thank each of you.” We include in this issue honoree introductions and speeches, and photographs we hope will convey some sense of this special evening. But I would encourage you, if possible, to watch the program online (<https://humanlifereview.com/special-event-great-defender-life-dinner-2022/>). Join guests in the dining room of the Union League Club and listen as Gerard Bradley provides a roadmap for where the pro-life movement goes from here. And as Nicole Miller, the director of Pregnancy Help, tells us that while “it is still dark” in blue states like New York, “since the end of *Roe v. Wade*, there’s been a change in the hearts of the women who are calling.”

Many of us never expected to outlive *Roe*; many of those who labored alongside us in the anti-abortion vineyard didn’t. Ray Kerrison, the long-time *New York Post* reporter whose columns were reprinted in the *Review* for years, died on December 18 at the age of 92. One of these, titled “Death Takes a Stubborn Defender of Life,” appeared in the *Post* on Oct. 22, 1998, five days after the death of J.P. McFadden, our founding editor. “It was a privilege to have known him,” Kerrison wrote. Copy that. (For both men.)

ANNE CONLON
EDITOR

Crisis Pregnancy Centers Suffer Record Attacks

Julia Duin

The photos are apocalyptic: Pictures of charred office spaces, glass scattered in great sheets on the sidewalk; jeering slogans spray-painted on the exterior walls; and windows filled with circular cracks that, spiderweb-like, stretch from one sill to another.

This was the scene at CompassCare Pregnancy Services, a medical clinic in Buffalo employing 22 nurses and five doctors, after being firebombed on June 7. The attack caused \$530,000 in damages and injured two firefighters. The graffiti left on the building stated: “Jane was here.”

It was the first the nation heard of the militant pro-abortion movement that labels itself “Jane’s Revenge.” The significance of “Jane” in the title is unclear; it could stand for either the “Jane Roe” in the 1973 landmark U.S. Supreme Court decision legalizing abortion nationwide or the “Jane Collective,” an underground movement that helped women get abortions before 1973.

Whatever the case, the vandals caused enough damage to shut down the clinic for about 55 days. CompassCare is one of numerous crisis pregnancy centers, churches, and pro-life groups that have been firebombed, defaced, or vandalized in the wake of the *Dobbs* decision overturning *Roe*. In addition to the physical damage the vandals have caused, many people involved in crisis pregnancy work—along with lawyers and even politicians—have been harassed, received death threats, or been doxed at their homes.

From demonstrators splashing green paint on the home of a pro-life attorney just north of Chicago to half-naked pro-abortion protesters showing up at mega-congregations such as Joel Osteen’s Lakewood Church in Houston, it is clear the war against pro-lifers is on. By the end of the year, at least 39 churches, 60 crisis pregnancy centers and medical clinics, and 23 assorted “incidents,” including vandalism, bomb threats, and assaults on police officers, have been directed at abortion opponents across the country.

The tally of 122 attacks, logged by the Washington, D.C.-based Family Research Council, covers a six-month period from May to the beginning of

Julia Duin is *Newsweek*’s contributing editor for religion. She has also worked as an editor or reporter for five newspapers, published seven books, and has master’s degrees in journalism and religion. Her latest book, *Finding Joy: A Mongolian Woman’s Journey to Christ*, tells the story of Yanjmaa Jutmaan, a Mongolian activist for women’s rights, a counselor, and statistics expert. Julia lives in the Seattle area. (An earlier version of this piece ran in *Newsweek* December 30, 2022.)

November.

No one has been arrested for any of these crimes over a seven-month period, despite protests (ranging from the U.S. Supreme Court marshal to members of Congress) against the stunning inaction of the Department of Justice and the Federal Bureau of Investigation. Yet, some of these same agencies have been quick to move against Jan. 6 protesters at the Capitol and, starting last summer, began rounding up people who had taken part in abortion clinic blockades more than a year ago. One predawn raid involved a SWAT-like attack on the home of a protester in front of his terrified family. How have things gone downhill so fast?

Lackadaisical Police Efforts

No one has yet fessed up to being the source of the *Politico* magazine story that on May 2 alerted the nation that 49+ years of legalized abortion were nearing an end—at least in states that were predisposed to outlaw it. Up until then, it was rare for crisis pregnancy centers—clinics that encourage pregnant women to keep their unborn children and offer various forms of assistance in doing so—to undergo physical attack.

Then on May 8, at about 6 a.m., the Madison-based Wisconsin Family Action was vandalized and set on fire with two Molotov cocktails.

“This was only a warning,” read a communique from Jane’s Revenge. “We demand the disbanding of all anti-choice establishments, fake clinics, and violent anti-choice groups within the next thirty days. This is not a mere ‘difference of opinion’ as some have framed it. We are literally fighting for our lives.”

None of the attacks have led to any arrests. After months of waiting, Julaine Appling, president of Wisconsin Family Action, finally began speaking out in November about police inaction.

“All this is beginning to look as if, well, because of your position, because you’re pro-life, we’re just not going to push as hard,” Appling told the *Wisconsin State Journal*.

A Madison police spokesman told the newspaper that the investigation can’t be rushed, but Appling pointed out that when someone set fire to a Planned Parenthood clinic in Kalamazoo, Michigan, on July 31, a suspect was arrested within a few days.

After the Wisconsin attack, James Harden, president of CompassCare, braced for more. First, he disclosed, the search engine Google de-listed his organization, declaring it closed on May 16.

“We were re-listed one hour before the firebombing on June 7,” he said. “When the first firebombing happened in Wisconsin, Jane’s Revenge put out

a notice giving CPCs a month to shut down. June 7 was a month later.”

Once again, there have been no arrests, despite a surveillance video. Harden retrieved it after the attack and gave it to local Amherst, N.Y., police, assuming they would eventually return it. He figured that either police or the FBI would quickly post the video’s images of two white men along with the license plate of a red or orange late model Dodge Dart.

When he asked to have the footage back—or at least receive a copy so that the group’s attorney could prepare a civil lawsuit against the arsonists—local police and the FBI refused. In September, CompassCare filed a lawsuit seeking the return of the video. To date, it still has not.

In November, the FBI released a portion (18 seconds) of the video and a “wanted” poster of the two men, announcing a reward of up to \$25,000 for any information leading to their arrest. Harden describes this as a feeble attempt to combat bad PR emanating from a House Judiciary investigation into why the FBI has been so lax in pursuing dozens of attacks against pro-life groups.

“There appears to be more than 160 attacks—to some degree or another—on pro-life organizations,” he said in an interview. “One of the questions that needs to be asked is if they had confidential sources in these groups that did the attacks, why didn’t they stop them?”

For instance, Harden notes that Thomas Brejcha, founder of the Thomas More Society (the legal group representing CompassCare), was warned by police in early July that protesters would target his Evanston, Illinois, home the following day. Sure enough, several dozen people showed up the next evening to throw indelible green paint at Brejcha’s brick home, trample on his yard, and write obscene slurs on his driveway. Brejcha, who with his wife stayed away from his home that evening, later said that Evanston police just remained in their cruisers, watching the whole thing.

“We need these police to protect us,” he told radio talk show host Drew Mariani a few days later. “They made an effort—the commander talked to us before and after it happened—but it sounded like they were taken by surprise.”

And so the Evanston police officers—perhaps misunderstanding laws pertaining to picketing—did nothing.

“I think they were inhibited by too generous an understanding of the First Amendment,” Brejcha said during the radio show. Protesters are allowed to walk about a neighborhood, he added, but “you’re not supposed to focus on anyone’s residence.” For now, surveillance cameras will remain on his home, he said. “The other side is reacting with violence. That’s what the other side is all about.”

One reason for the lack of action may be the desultory media coverage

of these attacks throughout the year. Except for Fox News, there's been no in-depth reporting in any of the major media on this trend and on the sheer volume of property damage involved. On social media, TikTok dropped a personal page belonging to Lila Rose, founder of the pro-life group Live Action, and has yet to restore it. Meanwhile, Facebook labeled Jane's Revenge a terrorist group, restricting discussion of the organization on its pages.

But none of this explains the lack of arrests in any of the 122 above-mentioned incidents.

"It is naïve to think the best law enforcement agency in the world doesn't know who is perpetrating these attacks," Harden said. "They've got cell phone numbers, clear pictures of body imaging, license plate numbers—how is it they are not finding these people? They are just not intentionally arresting them."

When asked for comment, the FBI sent out a copy of its earlier statement regarding the \$25,000 award; that statement also said it was investigating violence at abortion clinics as well as at crisis pregnancy centers and "faith-based organizations." Moreover, "the incidents are being investigated as potential acts of domestic violent extremism, FACE Act violations, or violent crime matters, depending on the facts of each case." The FBI also released a copy of its "wanted" poster for the destruction at Compass Care, with blurred photos of the arsonists and their getaway car with the license plate whited out.

More recent incidents include a death threat received Dec. 3 by a Catholic campus ministry center at the University of Nebraska in a note signed Jane's Revenge." Students for Life was scheduled to meet there that day.

"If our right to abortion in Bellevue is taken away due to the attempt to pass an abortion ban and it gets passed[,] we will shoot up your Newman center with our new AR14 rifles. Sincerely, Jane's Revenge," said a note posted on the door of the center. (The AR-14 was a 1950s-era assault rifle that was never put into production. Whether the writers knew this or simply didn't know the difference between various types of guns is uncertain.)

Posting on Twitter, Students for Life president Kristan Hawkins blamed U.S. Attorney General Merrick Garland for failing to move decisively against "pro-abortion terrorist groups." What also didn't help, she added, was a Dec. 2 interview of Hillary Clinton by CNN's Christine Amanpour in which Clinton compared attacks against women in Afghanistan, Ukraine, and Iran with the closing of abortion clinics in the United States.

"Sadly, the incendiary comments of leaders like Hillary Clinton yesterday comparing pro-lifers to the Taliban is case in point of the poisoned political climate being deliberately fostered by corporate abortion and their allies," Hawkins tweeted.

The general public, however, equates the recent attacks against pro-lifers with years of protests against abortion clinics. A typical comment came from Jessie Hill, a law professor at Case Western Reserve University, who speculated in an email that, “I suspect that the prevalence of this kind of violence pales in comparison to violence committed by anti-abortion activists against clinics and providers.”

According to figures released by the National Abortion Federation this year, attacks against abortion clinics (burglaries, assaults on clinic personnel, vandalism, suspicious packages, blockages, and bomb threats) rose by 128 percent in 2021 compared with 2020. The NAF emphasized “a 600% increase in stalking” clinic staff, giving the impression of hundreds if not thousands of such incidents. A closer look at their data reveals stalking increased from 4 incidents to 28.

Supreme Court Justices as Targets

He showed up at around 1 a.m. on June 8 in front of the Chevy Chase, Maryland, home of Supreme Court Justice Brett Kavanaugh. Nicholas John Roske, 26, of Simi Valley, California, had a gun, a knife, pepper spray, duct tape, a crowbar, zip ties, and other paraphernalia he intended to use to kill the 57-year-old justice.

Although Roske was arrested before he could do any harm, he was merely one of many people to appear in front of Kavanaugh’s home after the leak of the *Dobbs* opinion draft, despite its being a federal crime to picket or parade near a residence of a federal judge for the purpose of influencing the outcome of a judicial proceeding.

The lack of outrage among the liberal classes about Kavanaugh’s narrow escape—the would-be killer confessed to police before actually attempting the deed—was striking. Puffy articles about demonstrators in front of Kavanaugh’s home (a May 7 *Washington Post* piece is a prime example) carried no warnings about any kind of “climate of hate” caused by the demonstrators.

Instead, as a July 2 photo in the *Post* illustrates, dozens of demonstrators are pacing back and forth on the sidewalk while police officers—at least seven appear in the photo—stand on guard in the shrubbery in front of the Kavanaugh home.

High-level government officials have been bickering over why these protesters are even allowed anywhere near where a justice lives. As demonstrations in front of the homes of conservative justices increased over the summer, Supreme Court Marshal Gail Curley sent terse messages to Maryland and Virginia governors, as well as executives of Montgomery County, Maryland, and Fairfax County, Virginia, telling them to enforce federal law.

But some of the state officials have fought back, saying that protesters' First Amendment rights trump anti-picketing statutes.

"This is beyond the pale," said Harden on how the rule of law has broken down nationwide. "This is not how civilized societies should behave. This feels like the beginning of a Bolshevik Revolution. It feels like being at the beginning of a dystopian novel."

And thus nothing happened on June 27 when anarchists stormed a Baptist church in Portland, Oregon, that housed First Image, a crisis pregnancy center. Numerous black-clad activists carrying umbrellas and wearing masks (to conceal their identities) damaged its exterior and attacked a reporter trying to cover the event. Despite heavy police presence—the church's staff was warned beforehand that a protest was in the offing—no arrests were made.

Attacks have not been merely physical. Care Net, a CPC network with 1,200 affiliates, posted a statement on its site saying that pregnancy centers have faced a tsunami of fake negative reviews, spammed online appointments, troll comments, and more. The situation got so bad that both Google and Yelp disabled reviews on some CPC pages due to a pro-abortion spam campaign run by Gen-Z for Change, a pro-abortion youth activist group.

In interviews with NBC News in July, the group was quite frank about its aim to flood crisis pregnancy centers and pro-life tip lines with thousands of negative reviews and comments through an initiative termed SAFER (Spam, Assist, Fund, Educate and Register).

If that weren't enough, Democratic politicians, led by Sen. Mark Warner, D-Va., and Rep. Elissa Slotkin, D-Mich., were pressuring Google to fine-tune its search results for abortion clinics so that women wouldn't end up at a CPC. In a June 17 press release, the lawmakers claimed that 37 percent of all Google Map results for an abortion clinic in states with "trigger laws" to end abortion access turned up a CPC instead.

The fight turned particularly ugly in September, when an 84-year-old woman representing a group called Right to Life was shot in the shoulder with a .22 caliber rifle while canvassing door-to-door in south-central Michigan against an upcoming abortion-rights ballot measure. The shooter, Richard Alan Harvey, 74, said he got angry during an exchange his wife was having with the canvasser and went for his gun. He has been charged with assault with a dangerous weapon, weapons firearms careless discharge causing injury, and weapons firearms reckless use.

"I didn't shoot her on purpose," he told the 911 dispatcher. "She was a right-wing nut. I'm sorry I shot her."

The victim, Joan Jacobsen, said the bullet exited her body but came very close to hitting her spine. She was released from the hospital the same day.

Harvey will stand trial on two felony charges.

The shooting was covered by Michigan media, but got minuscule national coverage, which explains why so few proliferers have heard of the incident. Had the victim been an abortion rights activist and the shooter a proliferer, it's a safe bet that national media would have been on the next plane.

Instead, they are focusing on a different sort of crisis pregnancy center news story, such as CNN's Oct. 25 piece "The crisis pregnancy center next door: How taxpayer money intended for poor families is funding a growing anti-abortion movement." The story, which was stacked with studies and quotes by pro-abortion advocates with minimal input from abortion opponents, didn't mention one word about any attacks on CPCs.

Employing the FACE Act

On Sept. 20, U.S. Rep. Chris Smith (R-N.J.) and Cathy McMorris Rodgers (R-Wash.), joined by 28 sponsors, proposed the Protect Pregnancy Centers Care Act 2022 (HR 8926) in an effort to hold the Department of Justice and the Department of Homeland Security accountable for their unimpressive pursuit of the perpetrators of the crimes against the nation's 3,000 CPCs. From 2016-2020, the bill stated, some 828,130 had been saved from abortions, thanks to the pregnancy centers.

Then on Jan. 11, the U.S. House passed H.R. 1233, a resolution condemning attacks against CPCs and churches and calling on the Biden administration to do more in prosecuting those responsible. The 222-209 vote included three Democrats: Marie Perez of Washington, Chrissy Houlahan of Pennsylvania, and Vicente Gonzalez of Texas.

But the feds have been headed in the opposite direction. On Sept. 23, the FBI conducted a dawn raid on the rural Pennsylvania home of Catholic speaker and author Mark Houck on charges that he assaulted an escort at the Elizabeth Black Health Center, a Planned Parenthood clinic, in Philadelphia in October 2021. Houck's wife, Ryan-Marie, told Catholic News Agency that "a SWAT team of about 25" showed up at her house with guns drawn and threatened to break down the front door, terrifying the parents and their seven children. (The FBI has since responded that there was no literal SWAT team involved and that agents merely asked Houck to exit his residence.)

Houck complied with orders to come outside; he was then charged with violation of the Freedom of Access to Clinic Entrances (FACE) Act. The law makes it a federal crime to use force with the intent to injure, intimidate, and interfere with anyone providing abortions. According to the charges, he shoved a 72-year-old male escort to the ground twice outside the Philadelphia center on Oct. 13, 2021. The charges bring a maximum of 11 years in

prison, three years of probation, and fines up to \$350,000.

But Houck states that the escort was threatening and using vulgar language against his 12-year-old son, who was accompanying him. He maintains that his argument with the escort does not violate the FACE Act. Accounts of his early-morning arrest spurred a Sept. 27 protest letter from 22 members of Congress calling the FBI's arrest "chilling."

The arrests continued on Sept. 29, when a Franciscan friar, Christopher "Fidelis" Moscinski, was charged with violating the FACE Act after he attached five locks, some with glue poured onto them, onto a gate at the entrance of a Planned Parenthood facility on Long Island on July 7.

Then on Oct. 5, a group of twelve activists were charged with violating the FACE act by blocking access to the Carafem Health Center Clinic in Mt. Juliet, Tennessee, on March 5, 2021. The indictment claimed that Chester Gallagher and "co-conspirators" live streamed the blockade on Facebook, "tried to intimidate and interfere" with clinic employees, and prevented at least one patient from entering the clinic.

Seven of the activists were charged with the same fines and jail time as Houck; the others were liable for up to one year in prison, probation, and a \$10,000 fine.

On Oct. 12, forty members of Congress sent a letter to FBI Director Christopher Wray complaining about the "continued politicization" of his agency, arguing that arrests involving clinic blockades should be a local or state matter, not a federal offense.

The arrests and indictments were "overzealous prosecutions," the letter read, "particularly true since there have been no reports of FBI investigations or DOJ prosecutions in relation to the more than 72 crisis pregnancy centers and 80 Catholic churches that have been attacked or vandalized since the Dobbs leak," all of which are also subject to the FACE Act.

In November, the DOJ informed the U.S. Conference of Catholic Bishops that the FACE Act could be applied to those attacking crisis pregnancy clinics as well. With the onset of winter, such attacks have temporarily waned.

Brejcha notes a certain irony to the attacks on the CPCs. "They say proliferators don't care about human beings after they are born," he said on the radio show. "Of course, the pregnancy resource centers are trying to do precisely that and now they are trying to shut them down."

Meanwhile, Brejcha's Thomas More Society has teamed up with Harden to hire their own investigators to search out who bombed CompassCare.

"We're planning on collecting the award money from the FBI," Harden said. "That will put pressure on them." (In January, the FBI widened the scope of its \$25K award, saying it now applied to information about "a se-

ries of attacks and threats” against CPCs, faith groups, and abortion clinics. A press release said the agency will apply sanctions in the FACE Act against perpetrators.)

NOTES

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Always a Helper

Brian Caulfield

It had never been done before in New York. A Catholic bishop of one of America's largest dioceses processed through the streets, surrounded by a thousand or more of the faithful, praying the rosary over a loudspeaker as he headed for an abortion clinic on a mid-June morning in 1990. Escorted by New York police officers, who drove their squad cars ahead and behind to hold back traffic at intersections, the group stopped in front of Choices, a busy abortion clinic in a busy commercial building on a busy thoroughfare in the teeming, diverse, never-sleeping Borough of Queens. Throughout fifteen decades of the rosary and numerous sacred songs and hymns, the hardy group stood and prayed beneath a strengthening sun, as sidewalk counselors attempted to hand flyers and speak to women heading into the building, and protestors screamed, "Keep your rosaries off our ovaries," and other blasphemous chants.

More than just another New York street scene, it was the beginning of a movement of the faithful that, woven into a complex of other factors, would lead over many decades to the overruling of *Roe v. Wade*.

The bishop that morning was the Most Reverend Thomas V. Daily of the Diocese of Brooklyn, who had celebrated Mass in a local church before heading in procession to the clinic. The priest at his side, who organized the event, was Msgr. Philip J. Reilly, at that time rector of the diocese's high school seminary, Cathedral Preparatory. A soft-spoken, grey-haired priest with a magnetic smile and shining eyes seemingly set on heaven, he had recently formed the Helpers of God's Precious Infants to conduct prayer vigils and sidewalk counseling outside abortion clinics. An early participant in Operation Rescue, he had joined others in New York and elsewhere in blocking clinic entrances, been arrested, and spent some days in jail. It was there that he came up with an idea that led him to begin another frontline action against abortion.

Formed in October 1989, the Helpers has saved many thousands of unborn babies and served as many young women who turned around near the doors of a clinic, or even after entering, in response to prayers and peaceful pro-life witness. Never one to let others do the work alone, Msgr. Reilly spent count-

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less hours outside clinics, counseled thousands of women, brought many to pro-life pregnancy centers, baptized babies once bound for abortion, and traveled the United States and a number of other nations to set up Helpers groups.

Now 88 years old, suffering from skin cancer and unable to walk unassisted, he has retired to a Catholic nursing home in the Diocese of Brooklyn, where his devoted niece and her husband, who carry on the daily business of the Helpers, visit him regularly. He looks forward to their company along with the little snacks and scoops of ice cream they bring to supplement the institutional food.

Although she limits visitors, his niece allowed me to sit with Msgr. Reilly for an hour last fall. In my capacity as vice postulator for the canonization cause of the founder of the Knights of Columbus, I brought with me a first-class bone relic of Blessed Michael McGivney for veneration and prayer. It was also a chance to renew a friendship with Msgr. Reilly that had begun back at that Helpers rally with Bishop Daily, who was at that time supreme chaplain of the Knights (he passed away in 2017).

When I arrived at the nursing home, Msgr. Reilly was sitting up in his wheelchair, alert and lively, his eyes still bright and his smile quick to appear as he recalled a mutual friend on the frontlines or a visit from a mother and her child saved from abortion. The smile persisted even when remembering close encounters with abortion forces on the streets, his Irish humor and gentle manner making light of the harsh words and rough elbows he has endured over the years.

“Good things are happening,” continues to be his motto, uttered under any and all circumstances, whether his Helpers have been successful or not in their sidewalk efforts. Far from a Pollyanna-ish quip, the phrase expresses Monsignor’s unwavering faith in God’s providence, love, and mercy, confident that he will bring ultimate good out of even the worst evil.

Speaking to me of how he came to found the Helpers, he echoed words he has spoken and written many times over the years:

In any civil rights action, there will be people who protest to the point of being arrested and going to jail, and this is a great witness to injustice. But unfortunately, the people in jail are sometimes forgotten and their witness is lessened, and not everyone who wants to be part of the movement can risk arrest since they have families and other obligations. What we need are hundreds and thousands and hundreds of thousands standing at the doors to the modern-day Calvary, where the most innocent new lives—made in the image of God—are being killed. They are there to pray and witness, not risking arrest, so they can return day after day, week after week, and year after year, with the police escorting their processions and protecting their First Amendment rights to speech and peaceful assembly. That was the idea behind the Helpers.

The term “modern-day Calvary” struck a chord in my heart. Living in

Queens in 1990, I saw a flyer at church one Sunday announcing the Helpers event with Bishop Daily, with the bold-face words, “Come and Pray at the Modern-Day Calvary.” I had been engaged in sidewalk counseling outside a clinic in Manhattan for a month or two, but it had not occurred to me that I was standing at the foot of the cross as I tried to persuade women from going inside the clinic. Yet the flyer explained clearly that the children in the womb were God’s most recent creations, and the forces of evil were determined to wipe out that image of God from earth.

Msgr. Reilly pointed out as well that in rescue operations police were assigned to arrest and carry away those who blocked clinic entrances, even if the officers were sympathetic to the cause. In a Helpers procession, on the other hand, he worked with the local precinct to obtain a parade permit, and officers were assigned to lead and protect the proliferers. “Most police officers are Catholic and many are pro-life,” he remarked. “In this way, we have our natural allies working for us and with us, which is the best of both worlds. They are there to protect our First Amendment rights to religion, speech, and assembly.”

It was because of Operation Rescue, I told him, that I was initially forced into sidewalk counseling. I had met some pro-life activists late in 1989 at an all-night vigil and they invited me to join them at the abortion clinic that morning. With no sleep, I stood in the prayer pen outside Eastern Women’s, which at the time was the busiest abortuary in Manhattan but closed down a few years later. I joined in the rosary on that wickedly cold morning, watching the sidewalk counselors approach women as the clinic escorts (or “death-scorts,” as we called them) ran interference and even grabbed informational pamphlets from the women’s hands and tore them up with glee. Saturday after Saturday I returned to pray, but one morning I didn’t see the familiar counselors on the sidewalk. They were serving a jail sentence for a rescue sometime back, I was told. Someone handed me a stack of pamphlets and said, “You’re up. Get out there!” That was my introduction to sidewalk counseling, I laughingly told Monsignor.

Our discussion inevitably led to perhaps the most notable Helpers event: the June 1992 participation of New York’s Cardinal John O’Connor in a pro-life Mass and prayer procession through the midtown streets. As a reporter for the archdiocesan weekly *Catholic New York*, I received a flyer for the upcoming event. When my editor asked me to confirm that the cardinal was really committed to leading the procession, I called Msgr. Reilly, who said O’Connor’s office had just confirmed his participation that day. I then wrote up a short announcement for the newspaper, and soon the story became headline fodder for the city’s daily tabloids. Since his arrival as archbishop of New York in

1984—just in time to declare that the Democratic vice-presidential candidate, Geraldine Ferraro, could not support abortion and still claim to follow her Catholic faith—Cardinal O’Connor had proved to be an irresistible media figure. Since then, the tabloids had made hay out of any connection between O’Connor and the issue of abortion, and the cardinal was not shy in speaking out plainly on the subject. To show that proliferers cared for mothers and their babies at all stages, he promised that any pregnant woman in need could come to the archdiocese and receive free maternal services through Catholic Charities.

Thus, on the basis of the brief notice I wrote, the city’s dailies concluded that the Church was embarking on a new, in-your-face tactic in the abortion wars. Never mind that Bishop Daily had been leading Helpers events in his diocese each month, and Cardinal Roger Mahony had led a Helpers procession a few months earlier in Los Angeles; in the mind of the New York press, the Church’s presumed “power broker” was escalating the battle in the heart of the media capital. Soon there were reports of death threats against His Eminence if he dared to lead a procession to an abortion clinic. Photos from that memorable day show the cardinal walking with his rosary beads, surrounded by plainclothes detectives and even New York Giants all-star tight end Mark Bavaro. If the cardinal looked like he was carrying a few extra pounds, it was because he wore a bullet-proof vest, so seriously did the police take the threats.

To his credit, he did not back down. He never did when it came to speaking out for innocent victims and those who were rejected by society, including the AIDS patients he frequently visited at Mother Teresa’s New York hospice. So on June 13, Cardinal O’Connor offered Mass at St. Agnes Church, a block from Grand Central Station, then processed prayerfully with a thousand of the faithful for a full thirteen blocks south and two avenues west till he arrived at Eastern Women’s. The scene was madness, with police in riot gear and pro-abortion mobs screaming every imaginable curse and incantation as the well-protected cardinal was escorted to a spot across the street from the clinic. I was covering the event and knew I could not use the lede that came to mind, accurate as it was: “The demons were out in force this morning as Cardinal O’Connor led a peaceful, prayerful procession to the heart of hell in midtown . . .”

Msgr. Reilly listened as I recalled that day, and he observed, “It means so much when bishops and cardinals come out to pray with the Helpers. These are their shepherds, and they want to know that what they do has the moral and spiritual support of the Church.”

Changing to a lighter subject, I asked about his early years and his call to the priesthood. Again, that smile spread wide and his eyes brightened with memory. Born in the Maspeth section of Queens to an Irish father and an American mother, he became an altar boy as soon as he was old enough to memorize the Latin responses of the Mass of those days. Almost immediately he knew that he would become a priest. After graduating from Catholic grade school, he went on to Cathedral Prep, the same high school seminary where he would later serve as principal. He then completed four years of theology studies at Immaculate Conception Seminary and was ordained a priest in 1960.

His niece Susan added her own perspective at this point, explaining that her uncle is such a good priest because he has the heart of a father. When she was growing up, he made sure his nieces and nephews said their prayers and made Mass on Sundays, and treated each one as a unique individual with a special calling from God. “I don’t know what life would have been without him,” Susan said.

After ordination, he served at Queens parishes before being assigned to Cathedral Preparatory to teach Latin and mentor the chess club. There he spent more than two decades, stepping down from his position as rector in 1991 to devote himself full-time to pro-life work, with Bishop Daily’s permission.

After leaving Cathedral Prep, Msgr. Reilly was assigned as chaplain to the nuns at Precious Blood Monastery in Brooklyn, which became a center for pro-life prayer and planning for years to come. He also traveled far and wide, throughout the U.S. and overseas to South America, Europe, Asia, and Africa, setting up groups to operate under the guidelines of the Helpers of God’s Precious Infants.

As my visit was nearing an end, I asked monsignor for a final thought. Catholics—and all pro-life people, he reflected—must choose life in the midst of a culture of death. Ultimately, it is a matter of right and wrong, good and evil, life and death. “We must care for everyone, the babies, their mothers, even those who are against us, even the abortionists, because this is God’s work, and God wants all to be saved. We pray for the salvation of everyone.”

At our request, he imparted his priestly blessing to me and his niece. Then it was time for some ice cream.

What's Said and What's True

Marvin Olasky

Readers of the New Testament are familiar with one way Jesus and later Paul explained to their listeners and readers the difference between what evildoers argue and what is true: “It is written.” For example, when Satan asked Jesus to turn stones into bread (chapter four of two gospels, Matthew and Luke), Jesus replied, “It is written, ‘Man shall not live by bread alone.’”

This “it is written” phrase, followed by an Old Testament quotation or paraphrase, appears 63 other times in the New Testament (English Standard Version). I’d like to use that approach in regard to five frequent memes we hear from abortion advocates. I’m not saying the responses I suggest have biblical authority, but I am saying they undermine pro-abortion propaganda.

First, if you watch or listen to abortion advocates, you’ve heard that abortion follows a discussion between “a woman and her doctor.” That suggests the two deciders have a pre-existing relationship of the kind popularized in TV shows like *Marcus Welby, M.D.*, which in 1970-1971 ranked #1 in the Nielsen ratings. (Actor Robert Young, the kind father in the 1954-1960 *Father Knows Best*, played Dr. Welby, with a warm and fuzzy bedside manner and a willingness to make house calls.)

Delve into documents, though, and you’ll find that it’s rare for a woman climbing onto an abortionist’s table to have seen him before. Any counseling comes from somewhere else: The clinic abortionist is an assembly-line worker.

Second, abortion advocates who acknowledge the rarity of a Santa Claus Dr. Welby often say that the woman makes the decision by herself. Studies, though, show that the most ardent abortion proponent is often the male partner. For example, one researcher in abortion-friendly Norway found that 25 percent of aborting women spoke of “pressure from male partner.” And if we look at the historical record of abortions in America, 100 percent of the first three clearly documented abortions involved such pressure.

Some specifics: It is written in the Archives of Maryland (1652) that Captain William Mitchell mixed an abortifacient—a potion that could kill the unborn child—with a poached egg and forced Susan Warren, the indentured servant he had impregnated, to eat it: “He said if she would not take it he

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would thrust it down her throat, so she being in bed could not withstand it.” Four years later Francis Brooke beat his pregnant wife Ann with a large pair of wooden tongs. Brooke then forced an abortifacient on her, and their unborn child died. Midwife Rose Smith described the 3-inch corpse: “a man child about three months old and it was all bruised one side of it.” The Archives of Maryland in 1663 show Jacob Lumbrozo reneging on his promise to marry pregnant Elizabeth Weales. Lumbrozo gave Weales an abortifacient and there “came sumthing downe as big as her hand from her bodie.”

Other colonies showed the same pattern. One young Massachusetts woman, Sarah Crouch, testified in 1669 that Christopher Grant demanded sex and promised that “no hurt should come of it,” because if she became pregnant he would marry her. When she did become pregnant, his marriage proposal became conditional: “He said he would marry me if I would make away with the child, which I did refuse to do, for which I bless my God.”

Third, abortion advocates say the “post-abortion syndrome” spoken of by proliferators is myth or exaggeration. And yet, it is written: The *New York Times* in 1976 ran a column by Linda Bird Francke that contrasted her abstract thinking during a pro-choice march with her “panic” moments before she was about to abort. Francke wrote, “Suddenly the rhetoric, the abortion marches I’d walked in . . . peeled away, and I was all alone with my microscopic baby.” Her tale ended poignantly: “It certainly does make more sense not to be having a baby right now But I have this ghost now. A very little ghost that only appears when I’m seeing something beautiful, like the full moon on the ocean last weekend. And the baby waves at me. And I wave back at the baby.”

(Even in the 1870s Dr. Rachel Gleason described how “Remorse for the deed drives women almost to despair.” In 1875 Elizabeth Evans’s *The Abuse of Maternity* quoted women who mourned their abortions years after they occurred. One said her “thoughts were filled with imaginings as to what might have been the worth of that child’s individuality; and especially, after sufficient time had elapsed to have brought him to maturity, did I busy myself with picturing the responsible posts he might have filled. [I never] read of an accident by land or by water, or of a critical moment in battle, or of a good cause lost through lack of a brave defender, but my heart whispered, ‘He might have been there to help and save.’”)

A fourth “you have heard” is the contention by some newspaper editors that they’ve already covered the abortion debate, and enough is enough. Actually, when it comes to abortion, for 50 years now many newspapers have deviated from the standard journalistic practice of “show, don’t tell.”

Earlier Americans could get from their newspapers a glimpse of reality.

The *New York Times*, for example, emphasized specific detail in 1871 in a long and vivid story headlined “THE EVIL OF THE AGE. Slaughter of the Innocents . . . Scenes Described by Eyewitnesses.” The *Times* included descriptions of “human flesh, supposed to have been the remains of infants, found in barrels of lime and acids, undergoing decomposition.”

On the first day of summer in 1883, the *New York Times* headlined a story “TWENTY-ONE MURDERED BABIES.” The story showed a detective pushing his shovel through basement dirt and finding tiny skulls, ribs, and leg bones, the remnants of 400–500 unborn children killed by a Philadelphia abortionist. The *Times* reported that when a district attorney shook the cigar box containing 21 corpses, the bones rattled like “hard withered leaves.” A Philadelphia newspaper offered specific detail: The “remnant of arms and hands” had “their natural shape.”

Today’s abortion reporters, though, often abandon street-level journalistic best practice. Instead of speaking plainly about abortion and unborn children, they offer abstract terms like “pro-choice” and “products of conception.” But it is written: Reporters could learn from the work of Magda Denes, a 42-year-old Holocaust survivor in 1976 when her extraordinary account *In Necessity and Sorrow* hit the bookstores.

Denes supported legal abortion yet had the journalistic integrity to hate “the evasions, multifaceted, clever, and shameful, by which we all live and die.” Here’s one description that shows how she did not run from reality: “I look inside the bucket in front of me. There is a small naked person in there floating in a bloody liquid—plainly the tragic victim of a drowning accident. But then perhaps this was no accident, because the body is purple with bruises.”

Denes also quoted one abortionist who said, “You can feel the fetus wiggling at the end of that needle and moving around, which is an unpleasant thing.” She quoted another: “You have to become a bit schizophrenic. In one room you encourage the patient that the slight irregularity of the fetal heart is not important, everything is going well, she is going to have a nice baby, and then you shut the door and go into the next room and assure another patient on whom you just did a saline abortion, that it’s fine if the heart is already irregular, she has nothing to worry about, she is *not* going to have a live baby.”

Here’s a fifth and last “you have heard”: For most women, abortion is no big deal. This meme began a half-century ago, when the *Omaha World-Herald* quoted “Betty” describing her abortion experience: “I had to stay quiet for 15 minutes. When I got up, I felt like a brand-new woman. I felt so happy.” The *Long Island Press* quoted “Susan” telling the abortionist when

the operation was over, “Oh, thank you, thank you.” The reporter added, “Within the next half hour she will have some cookies and a soft drink in the recovery lounge . . . and be on her way back home”—probably skipping, the article seemed to suggest. The *San Francisco Chronicle* told how a woman “put a bright scarf over her hair” and told a patiently waiting mother, “I’m starved. Let’s go to lunch.” The reporter said abortion “is so simple and over so quickly that [women] have no feeling of guilt.”

Magda Denes, though, described the women she observed: “Their pinched faces are full of determination and terror. Big-eyed, bird-like, pale, hawk-handed in fright, they seem like lost souls before the final judgment.” After an abortion, one patient’s drained face was “indistinguishable from the white sheet on which she lies.” Though Jewish, Denes was familiar with the New Testament, so I suspect it was no accident that when she portrayed a woman coming out of anesthesia and asking if the abortion was complete, she had a nurse answering, “It is finished.”

That’s what Jesus said just before he died, relinquishing his life for the sins of many, as aborted children relinquish their lives—but they can’t absolve their parents from wondering what might have been, or the rest of us from wondering what an America without hundreds of thousands of abortions could be.

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Promoting Marriage as an Anti-Abortion Policy

Anne Hendershott

In the months following the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, both sides in the abortion debate have proposed a number of policies at the state and federal level. While the pro-life side has welcomed state anti-abortion trigger laws that were passed in advance of the ruling, legal challenges to many of them have resulted in “business as usual” in the abortion industry in many states; meanwhile the pro-choice side continues to lobby for federal laws to protect a woman’s right to choose abortion. And although there has been support from both sides for policies like the Pregnant Workers Fairness Act, which provides workplace protections and support for pregnant women who choose life, these types of programs have historically had little effect on reducing abortion rates. Worse, pro-choice politicians have also promoted the draconian Women’s Health Protection Act, which promises to invalidate all state laws protecting unborn children.

An increasing number of proliferers believe it may be time for a different strategy now that the ability to shape abortion policy has returned to the states. But so far, the policies that have been proposed have been lacking in their potential to make a large difference in the numbers of those choosing to abort their children. Protecting pregnant women in the workplace is important, but it will not roll back the culture of death we have created in this country. And even if pro-life politicians mobilized to defeat the Women’s Health Protection Act, this would still not be enough to change the pro-abortion ethos that has become so entrenched in our culture.

This pro-choice culture continues to be maintained through effective messaging from the abortion industry—led by Planned Parenthood and its media enablers—that convinces too many women of their need for unfettered access to abortion in order to live full and productive lives. However, the pro-life community has long known that those most likely to choose abortion are unmarried women who are already struggling to live full lives. These abortion seekers are significantly less likely to have a spouse who will support them throughout their pregnancy, as all of the surveys demonstrate that married women in the United States are highly unlikely to choose to terminate the lives of their unborn children.

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In fact, the latest data from the Centers for Disease Control and the Guttmacher Institute (the research arm of Planned Parenthood) suggest that marriage is most likely the best way to prevent abortion. In 2019, unmarried women accounted for 86 percent of all abortions. Married women make up only 14 percent of those choosing to abort their children. Among married women only four percent of 2019 pregnancies ended in abortion; among unmarried women 28 percent ended in abortion (CDC).

The data on marriage and abortion are inconvenient for the pro-choice side, which has enlisted the media to keep this truth to themselves. A recent report on global abortion rates issued by the World Health Organization and the Guttmacher Institute was spun by some media outlets to mean that it is “primarily married women who are choosing abortion,” claiming that “most abortions, 41 million a year in 2014, were obtained by married women.” One website erroneously announced that “Study Finds that Married Women Have More Abortions than Anyone Else.” And although the WHO/Guttmacher report included a qualifier that “in North America, the majority of abortions are obtained by unmarried women,” the “revelation” that most abortions were procured by married women was retained in the *New York Times* report.

Another way the media has attempted to conceal the significance of marriage in preventing abortion is to include “cohabiting couples” in the same category as “married” couples, together constituting all of those not “single.” In a report on the World Health Organization data, the *New York Times* dishonestly stated that “nearly half of all women who seek abortion are single,” but in order to arrive at this figure, the reporters excluded from the “single category” those women who were “previously married,” as well as those who are part of a “cohabiting couple,” writing that: “Nearly half of those who have abortions are single, a third are living with a partner, nine percent have been previously married and 14 percent are married.”

To their credit, though, at the end of the article, the *Times* acknowledges that “Cohabiting but unmarried people are overrepresented in abortion numbers, while married people are underrepresented, based on their share of the population.” The data cannot be denied, even though the media has tried to hide it: Women in cohabiting relationships are as likely as single women to seek abortion to end their pregnancies. Marriage is key.

If we are serious about creating a culture of life, we will finally begin to get serious about supporting family formation through incentivizing marriage and family formation. We know that marriage has been declining for several decades. The most recent data indicate that marriage rates are the lowest since national record-keeping began in 1900. According to the national Center for Health Statistics, marriage rates hit an all-time low in 2018, when the

national marriage rate fell from 6.9 to 6.5 marriages per 1,000 people from 2017 to 2018. As recently as 2001, the national rate was 8.2 marriages per 1,000 people. Nearly every state has seen huge declines in marriage rates. And abortion flourishes in a society that has so devalued marriage.

Cohabitation is not the answer to reducing the rate of abortion. Women living with a partner to whom they are not married account for 25 percent of abortions. Among White women, 10 percent of 2019 pregnancies ended in abortion. Among Black women, 28 percent ended in abortion. Black women were more than 3.6 times more likely to have an abortion in 2019 than white women. Among the states that reported race by ethnicity data for 2019, non-Hispanic White women and non-Hispanic Black women accounted for the largest percentages of all abortions (33.4 percent and 38.4 percent respectively) and Hispanic women and non-Hispanic women in the “other” race category accounted for smaller percentages of abortion (21 percent and 7.2 percent respectively). Non-Hispanic White women had the lowest abortion rate (6.6 abortions per 1,000 women) and ratio (117 abortions per 1,000 live births), while non-Hispanic Black women had the highest abortion rate (23.8 abortions per 1,000 women) and ratio (386 abortions per 1,000 live births). It is not surprising, then, that Black women are significantly less likely to be married to the father of their children. And the abortion rate of women with Medicaid coverage is three times as high as that of other women.

The data on marriage and abortion are startling, and the *Dobbs* decision provides an opportunity for us to begin to pay attention to them. Any policy that encourages family formation and flourishing is a policy that can create a culture of life—a culture that rejects abortion. In some demographic groups, including college students, this should be relatively easy to do, because today’s college students still want to be married. In fact, the most recent national data collected from 137,456 full-time first-year students at 184 United States colleges and universities indicated that “being married” and “raising a family” is an essential life goal for more than 72 percent of them.

The Higher Education Research Institute Study (HERI) revealed that Gen Z college students are pretty traditional in their desire to get married and have children, and much more so than the immediately preceding generations. In fact, only 56 percent of the 1975 respondents to the survey believed that “raising a family” was a “very important” or “essential” life goal. The importance of family is much clearer for the current cohort: 72 percent of Gen Z claim in 2019 that “raising a family” is a “very important” or “essential” life goal. More than any previous generation studied in *The Freshman Survey*, members of Gen Z value family life and want to replicate that with their own families in the future.

Although “political polarization on campuses is the most extreme it has been in the study’s 51-year history,” this newer cohort is pretty traditional in a lot of ways. Just as the Boomers were shaped by the Vietnam War and the sexual revolution, this new generation was shaped by the aftermath of 9/11 and political polarization. Today’s college students seem to want a shelter from that. As far back as 1977, in his book *Haven in a Heartless World: The Family Besieged*, sociologist Christopher Lasch reminded us that the family had been losing its importance over the 20th century. Parental authority had declined as the state, the schools, and the “helping professions” took over many of the family’s functions. Lasch believed that what emerged from the loss of importance of the family was The Culture of Narcissism—a kind of normlessness or anomie—a profound loneliness, a loss of confidence in the future, and a belief that things may not get better so we better make the best of the present.

A far more pragmatic generation, only 47 percent of the current cohort viewed “developing a meaningful philosophy of life” as “very important” or “essential” in 2016. This compares with 68 percent of the 1975 cohort of respondents who believed that it was “very important” or “essential” to “develop a meaningful philosophy of life.” Still, 75 percent of the current cohort rates “helping others who are in difficulty” as “very important” or “essential,” compared with only 68 percent of respondents in 1975 and only 63 percent of Gen X respondents in 1995.

The Problem of Marriage: The Lack of Marriageable Men

Only about half of all Americans are now married, down from more than 72 percent in the 1960s—and the decline continues. The share of Americans who have never married has been rising steadily in recent decades, as more adults are living with a series of partners instead of marrying. Not surprisingly, the birthrates are at an all-time low.

In an attempt to understand why, most social scientists have blamed the changing norms surrounding marriage and motherhood. As more women began earning college degrees, entering the workforce, and delaying motherhood, marriage became less necessary for their economic survival. Others have blamed a deteriorating job market due to global competition, cheap labor, and de-unionization. Still others claim that the escalating college loan debt has resulted in the failure to form families.

But the motivations may be more Darwinian than any of these. A recent study published in the *Journal of Marriage and Family* reveals that, viewed more closely, the declines in marriage rates indicate “large deficits in the supply of potential male spouses.” Using demographic data on recent marriages from the 2008 to 2012 and 2013 to 2017 files of the *American Community*

Survey, researchers employed data imputation methods to look closely at the sociodemographic characteristics of “successful” men—those who found a woman to marry them—and then compared these characteristics with the actual distribution of unmarried men at the national, state, and local area levels to identify marriage market imbalances.

Findings reveal that men who found women to marry them have an average income about 58 percent higher than the unmarried men who are currently available to unmarried women. The researchers conclude that the decline in marriage is due to the “putative shortage of economically attractive partners for unmarried women to marry.”

In other words, women are “choosy maters”—something that evolutionary psychologists have been telling us for decades. Because women invest greatly in the reproduction of offspring, they have developed traits to look for in a mate that help improve the chances of their offspring’s survival. Women seek mates with the resources to support their efforts to give birth and nurture a child. They are strongly motivated to ensure that their children will have the physical and psychological traits necessary to survive and to continue the line. As a result, women—even high-status women with their own incomes—prefer intelligent men with resources to support their offspring.

The most fundamental principle of evolutionary psychology is that women are much more selective than men in their mate choice. Making the wrong choice carries a far greater reproductive cost for women, so evolutionary psychologists suggest that women have been “designed by evolution” to be more cautious and choosier than men in mate selection.

In contrast, men are much less choosy about potential mates’ socioeconomic status and more concerned about physical attractiveness as an indicator of a woman’s ability to procreate. Some will attempt to impregnate as many women as possible in order to ensure the continuation of their genetic line. Therefore, men seek young women who are physically fit and attractive, because these are indicators that they will be more likely to successfully give birth to a healthy child. While women focus on the financial resources of a potential mate, men have historically been much less concerned about the social status of their chosen mate—and much more concerned about her physical attractiveness.

In sociology, this is called the “mating gradient,” which means that when men increase in status, they widen their pool of eligible women; but when women increase in status, their pool of eligibles becomes narrower, leading to an exacerbation of the female marriage squeeze. According to the most recent Pew Research data, among adults who have never been married but say they are open to marrying in the future, about 6 in 10 (59 percent) say a

major reason they are not married is that they haven't found the right person.

University of Texas Psychology Professor David M. Buss, author of *The Evolution of Desire*, writes that even professionally and economically successful women value resources in men. In his “newlywed” study, he identified women who were financially successful, measured by their salary and income of more than \$100,000, and contrasted their preferences in a mate with those of women with lower salaries and incomes. The study showed that successful women place an even greater value than less successful women on mates who have professional degrees, high social status, and greater intelligence, as well as desiring mates who are independent and self-confident.

Women are very fussy about whom they select. Most of the men they look at do not measure up. But as women delay marriage to finish graduate school or attain higher positions in their careers, their pool of eligible men shrinks. Young women—even highly educated, career-oriented women—will still find high-status partners because they can trade their youth and physical attractiveness for a high-status husband. But a well-educated woman who is getting older is going to have a very hard time finding a mate in a very small pool of eligible men unless she is willing to dig very deep into that pool. Evolutionary psychology would predict that most of these high-status women would not be willing to reproduce with these low-status men—and we are seeing just that in the dramatic increases in the permanently single.

It would seem that a job that pays well enough to support a family would be the minimum requirement to “make a man marriageable.” But in today’s economy, that is much more difficult than ever to achieve. For more than a century, Catholic social teaching has advocated for not just a minimum wage but “a living wage” for workers. According to Pope Leo XIII in his 1891 encyclical *Rerum Novarum*, a living wage is defined as enough to provide for a family’s basic living expenses, including food, housing, and other necessities. Thirty years after *Rerum Novarum* was released, the U.S. bishops proposed a universal living wage (which they defined as a wage that would keep a family out of poverty) in their 1919 Program for Reconstruction. This was nearly two decades before a minimum wage became part of the Roosevelt administration’s release of the New Deal.

Many states have raised their minimum wage. But many libertarians and free market conservatives have blocked this goal because they believe the market—and not the government—should set wages. Still, a federal standard would be helpful so that those regions that try to help workers are not penalized for being just. Forcing someone to work at poverty wages is a form of slavery. Women will not be attracted to a man who is living in poverty—a

woman doesn't need help being poor—and a man without a well-paying job is not a good prospect to be the father of her children.

Learning from Hungary

Hungary is one country that has emerged from the demographic death spiral we are experiencing here and throughout most of Europe. In an important paper published last year in *The Public Discourse*, University of Dallas Political Science Professor Gladden Pappin pointed out that when Viktor Orban's Fidesz party came to power in 2010, Hungary's birth rate had fallen every year since the mid-1970s, and the country was losing overall population. Fidesz proceeded to increase family expenditure each year, and Hungary now boasts an annual national outlay of five percent of GDP on families. To encourage marriage and family formation, Hungary provides generous cash incentives of \$30,000 for married couples who have more than two children, income tax exemptions for married women who have three children or more, generous home mortgage loans that do not have to be repaid if the couple stays married and has a minimum of three children, and even loan subsidies to purchase minivans to accommodate growing families.

This change in priorities in Hungary has paid off. Since 2010, when the Orban government began its family policy, the total fertility rate in Hungary has increased by 28 percent. Abortion has declined thirty-five percent, from around forty-five abortions per hundred live births to fewer than 30 per hundred live births. Marriage rates have increased by a staggering 88 percent, while divorces have fallen 25 percent. Pappin points out that Hungary stands out against the trend of its neighbors: Between 2010 and 2017, marriage rates in the European Union remained static at around 4.4 per 1,000 per year. Yet in Hungary they rose from 3.6 to 5.2, an enormous rise of 45 percent. Hungary's closest regional post-communist neighbors did not share in Hungary's success, because they did not share the same family policies. Romania, Croatia, Serbia, Slovakia, and Slovenia all saw average increases in the marriage rates between 2010 and 2017 of only 11.5 percent versus 45 percent in Hungary. As Pappin writes, "Hungary is an extreme outlier when it comes to increasing marriage rates."

Pappin believes—as do many marriage and family scholars—that key elements of the Hungarian program could be implemented here. In an article published in *Compact Magazine* last spring, Pappin argued that the end of *Roe* offers the Republican Party a "golden opportunity" to articulate an agenda that will be genuinely supportive of families and family formation. Pappin pointed to the success that Hungary has experienced in promoting marriage and home ownership. Between 2012 and 2019, Hungary introduced for

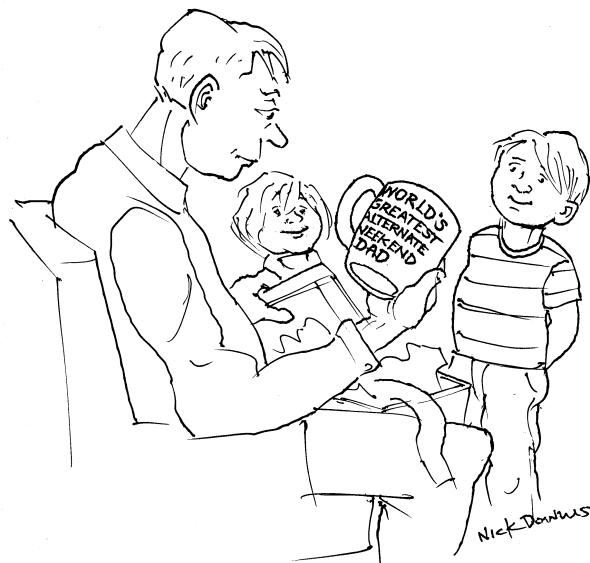
married parents subsidies for building homes, a home-purchase cash subsidy, and a subsidized home purchase loan. Between 2010 and 2020, births to married parents increased nearly 20 percent, standing today at 70 percent of all births. Between 2010 and 2020, the annual number of marriages also increased by a staggering 87 percent. The policy encouraging home ownership worked to encourage marriage. And we already know that marriage is key to avoiding abortion. Pappin suggests that a Republican administration could create a National Family Investment Bank to offer interest-free loans to qualified married couples to purchase homes.

Home ownership is important for young couples wanting to expand their families. Christopher Lasch predicted more than 50 years ago that a culture that values life cannot emerge in the culture of narcissism we are currently experiencing. Rather, what emerges is a consumer culture that views each of us—including the unborn child—as one more commodity to accept or discard as easily as other commodities like cars, shoes, or clothing. Pappin points out that Hungary’s success demonstrates that a home is something more than just another commodity. Home really is where the heart is. Home has an emotional dimension. It is a place where children are welcomed and celebrated. It is a place where roots can grow. For Pappin—and for an increasing number of pro-family activists—the best pro-life policy we can possibly create in these post-*Roe* days is one in which couples are not just encouraged to marry, but are supported in their often-challenging early years of marriage and childbearing.

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• THE HUMAN LIFE REVIEW •

19TH ANNUAL
GREAT DEFENDER OF LIFE
DINNER



• HONORING •

GERARD V. BRADLEY
AND
PREGNANCY HELP, INC.

AND CELEBRATING
THE OVERTURN OF *ROE V. WADE*

THURSDAY OCTOBER 6, 2022 • NEW YORK CITY

Anne Manice:

Thank you [Jim McLaughlin] for your kind introduction. Thank you, Maria. I remember when you were thinking of taking on the *Human Life Review* after your father's death, I said, please continue it because you're our intellectual sustenance. We're in the field, and on weekends we read the *Human Life Review* to be stronger for Monday. So, thank you, Maria, for continuing the *Human Life Review*.

A pregnancy center—what is it, and what do we do? We're the very first contact. We're the frontline. We're just a voice sometimes. And the voice we train for months, just to learn how to say, "Hello, may I help you?" We know that the woman on the other end of the line is nervous, she's scared. She has probably just done a pregnancy test, maybe two. And every fiber of her being knows that nothing will ever be the same in her life. She hasn't decided yet if she's going to tell her boyfriend, her mother, the people around her. She's lost.

At our end, at the end of the pregnancy center, we know there's a life, the life of a child, at stake, and also the life of the mother—her spiritual life. We know that. And we also know that it's going to take everything we've got to save them both. We know that. We really are at the frontline of this enormous national conversation that has shaken the American soul since 1973. Because, when a pregnancy is there, it's no longer about if the mother is pro-life or pro-women's right to choose. For her, it's really about "What am I going to do today, who am I going to tell, how am I going to make it through the next week?"

Pregnancy Help opened in 1994. It was quite funny that we were renting the front office of a Jewish foot doctor on West 14th St. When I explained to him what we were going to do, I said, "Well, we help women." With a broad, reassuring smile, he said, "Well, help them from here." So I signed a lease with him. He had a very foggy idea about what we did, but he liked us, and we had a wonderful 25-year relationship with him.

It's been almost 30 years since then. Over 30,000 women have contacted us. And, I think we can safely say that there are over 5000 children alive today



because their mothers called Pregnancy Help. Last June, I was walking down Second Avenue, and a voice says “Anne Manice.” This woman, sitting at a table having coffee, was Christie, our very, very first client. Her daughter Rosa Sophia is a graduate of Hunter College. She showed me a picture of her, and we have each other’s cell-phone numbers.

In those early years, we advertised in the (now defunct) yellow pages and in *El Diario* and other daily papers. But I am here tonight to introduce you to Nicole Moore, who is now the Director of Pregnancy Help. She reaches out to needy women on the Internet, on Facebook and Instagram. Nicole has even counseled women on Zoom! Things we couldn’t imagine twenty years ago.

Last week, Nicole called me about a small matter. My husband and I were driving upstate, and within minutes of our conversation the tone of her voice changed: “Anne,” she said, “this summer we saved four babies.” My heart skipped a beat—good thing I wasn’t driving—and I knew that the work of Pregnancy Help continues strong and well in the hands of Nicole. So, thank you, Maria, for tonight. And thank you, Nicole, for being today’s warrior for life.

Nicole Moore:

I’m not much of a public speaker, so this is not going to be very long. But I want to thank all of you for being here to support Pregnancy Help, Inc. Your support is so appreciated, because I

can tell you firsthand that working in the frontlines is—it can be very isolating. And very difficult, in the sense of day in and day out seeing women in difficult pregnancies, seeing how real the threat of abortion is in their lives, and seeing why they even consider abortion in the first place. It’s kind of easy



to get caught in that darkness of “Oh, my gosh, this city is steeped in sin and darkness, and is there hope for these women?” And even when you are counseling them, you realize that you’re probably the only voice in their life

telling them, “You can keep this baby, you can do this.” And so just seeing all of you here present tonight, it’s encouraging to know that, okay, there are people who believe in life, there are people who believe that the unborn child matters. So, thank you all for your support.

But I would argue that the support should continue. It doesn’t end here. We did have the beautiful victory of *Roe* being overturned, but the reality is here in New York nothing has changed. Abortion is still legal through nine months. I have women who are hitting 23 weeks of pregnancy, who are calling me saying that they are considering aborting their child. And so, the reality is we still have a lot of work to do here. While other states are celebrating, maybe taking a step back and resting in the victory, we don’t have that luxury. We have to keep on fighting.

And God is good. Even in the midst of the barbaric laws of our state, since the end of *Roe v. Wade*, I can tell you, there’s been a change in the hearts of the women who are calling. Yes, they may be calling asking for an abortion, but when I suggest to them, “Well, have you considered another option?” their heart is open. So, yes, we had the legal victory, but I think *spiritually* something is going on. It’s no coincidence that *Roe v. Wade* was overturned on the Feast of the Sacred Heart of Jesus.

God is good all the time. And so, we keep on fighting. You support in whatever way you can. If it’s monetarily . . . if it’s being physically in front of abortion clinics, sidewalk counseling . . . if it’s volunteering in a crisis pregnancy center . . . if it’s reporting the real news about abortion, not fake news—we thank you for your support. Just remember that the fight continues. And know that even though it is still dark here in New York City, there is light, and that women are choosing their children. And again, thank you everyone.

Helen Alvaré:

Good evening. it’s a pleasure to see so many beautiful and friendly faces. I’m really honored that I have the honor of introducing Gerry. I don’t know what I did to deserve this. But I will try to do him justice.

Gerard V. Bradley—I take it the V is for victory, Gerry, because you make me put it in your email all the time. It’s always Gerard V. He is a giant of a man in more ways than one. I think I’ve known *of* him at least since the 1980s. First by way of his scholarship, which dates back to that period, and then in pro-life circles, and now as an academic colleague. But before and through all of that, I always knew that Gerry and his wife Pam were this amazing family. We just missed each other at Cornell Law School, by a

year, Pam and I, and Gerry by a couple of years. He's a wonderful father and family man. You must know this Pam, I'm sure, that when people would ask Gerry when he was travelling how many kids he had, he used to say, "I have to call home and check the situation and I'll let you know."

Also, my daughter, who is at Notre Dame, lived across the street from one of their children—Michael and his wife—and I can tell you that if Michael is an example of the family that Gerry and Pam have raised—this is impressive stuff, and an absolutely beautiful family.

If I had to *briefly*—and Gerry has had a *long* career—but if I had to briefly characterize Gerry—I would characterize his role in the pro-life movement using the images of a rock, a lighthouse, and a refuge. Please don't laugh because it came to me in a flash, and I think it's true!

He's a rock, because in season and out, decade after decade, no matter how the academy is swinging, no matter what direction even Catholic universities are swinging, no matter whether we're on a winning streak or losing streak, Gerry stands firm. We can expect rock solid reasoning and conviction in everything that flows from his pen.

I also think of Gerry as a lighthouse, not just because he is super tall, but also because his scholarship is amazingly illuminating. He is a significant part of the pro-life intellectual movement that this country has been lucky enough to have for decades. It's no surprise for anyone who's at a dinner for the *Review*, that the pro-life movement has a significant intellectual tradition. What happened in *Dobbs* was a logical product of this intellectual tradition. The movement didn't just do populist things, we didn't just take our cause to the streets, we didn't just do all the wonderful work we accomplished at the crisis pregnancy centers, and the enormous legislative work we accomplished at both the state and federal levels. We did our homework as *scholars* too. And Gerry is one of the brightest stars in that firmament.

I believe the movement's intellectual prowess needs to be stressed again and again in the current stage of our victory, because I think those who are on the other side of this issue—ironically those who deny sci-



ence, human rights, and logic—will tend to claim the intellectual mantle for themselves, and all the academic honors. But it is *Gerry* who is a decade’s-long star on the intellectual aspect of this debate, with dozens of articles and books on these subjects. And not just on the abortion issue—but also on natural law and other issues related to life or death, and on church-state relations as they interact with these issues.

I think he is also a lighthouse because even when we’re winning, even when we’re tempted to spend time appreciating our progress, Gerry says, “No, no, I see something further. I see the next stage.” I think the piece that he has in the most current edition of the *Review* illustrates this virtue, and is something that you should take a close look at. Because while we’re saying, “Oh, *Roe* versus *Wade* has been overturned!” Gerry is saying, “Wait a minute, the word “life” in the 14th Amendment protects the unborn. And here’s how I can make a legal argument for this, and here’s how Justice Alito gave us an opening for this argument, etc.” Gerry is a light that’s showing us that we can sail forward, even further forward than we might believe.

Finally, I would say that Gerry is a refuge. His success and his strengths—personally, familiarly, spiritually, intellectually—are a light to others and an assurance to them, to other scholars in particular, that it is okay to venture “out there.” His life communicates: “be truthful, be intellectually rigorous, be logical, and be not afraid. And you too can have a meaningful, happy, successful career—and a career in service to other people. You can write about some of the most contested things on the planet and live to tell the tale.” Gerry is telling us that it’s OK to be brave. And I know that he’s helped me (and some others) from time to time, when I just can’t take it anymore, when the slings and arrows just make me want to weep (and I do). Gerry has talked me off the ledge, and I’ll bet he has done it for a lot of other people as well.

So, Gerry, on behalf of your academic colleagues, and, if I may, on behalf of all the students, the budding scholars, and all the members of the public who have never met you but whom you have helped, on behalf of all the children who are here but otherwise would not have been, thank you from the bottom of our hearts for your intellectual dedication. And thank you, Pam, for being with him from the beginning of his efforts. I know what it’s like to be in a relationship with a spouse who runs around and does pro-life things. And I know that one should always thank the family, and Pam’s own intellectual and personal commitment to the issue, as well as what the Bradley’s do together as a couple. So, thank you very much to Pam and to the whole family. And, Gerry, congratulations.

Gerard Bradley:

I can't summon the words to thank Helen enough for that introduction. Not only for what she said but that she said it. Fact is, I have long looked up to Helen as not only a "great" defender of life, but as an utterly fearless one too.

Sincerest thanks to my friend and classmate Jim McLaughlin. For several years Jim and I have been saying that we need to get together for dinner in Manhattan. When he called a few months ago and suggested Oct 6, I said fine. Who knew that Jim would invite all of you to join us?

Thank you, Maria, and all your collaborators, especially Jane Devanny, for bestowing on me this honor. And thank you all assembled here for making the evening such a memorable one.

Frankly, I'm not sure I can summon words equal to the moment. For one thing, I am troubled by advice that a great man of Notre Dame, a great philosopher, and author of 95 detective novels gave me thirty years ago, as he pushed me onstage for my first after-dinner speech to a discriminating audience like this one. Ralph McNerny's words to me that night in Corpus Christi, Texas, were: "Don't worry. It doesn't matter what you say—so long as you are *very* funny."

As tonight drew near, I sought help from the funniest "great defender" of life I know, Hadley Arkes, your 2004 honoree.

If you have heard Hadley speak you know that he serves up natural law wrapped in Borscht Belt humor. He quotes in equal measure from Aristotle, Aquinas, Blackstone—and Ralph Kramden. Twice in the last few weeks I asked Hadley if I could borrow his joke book for tonight. Each time he just smiled and said: "You're on your own, kid."

He says that he keeps all the jokes in his head.

Hadley's award was sandwiched between your dinners honoring Henry Hyde and Nat Hentoff. The Irish-Catholic Hyde possessed the looks and the resume of an American hero: college basketball, Navy service, political prominence. He will forever be remembered for the Amendment bearing his name. Hentoff was an entirely different sort of cat, most famously the jazz critic for the *Village Voice*. He was, according to one magazine profile of him, "the only Jewish, atheist, pro-life, libertarian hawk in America."

Two very different men united by conviction, and in effort, to save the lives of our tiniest brothers and sisters.

I am being honored tonight for what I have given to the pro-life cause. Fair enough. But the truth is that the cause has given me way more. The work I do is part of my calling, my vocation, my personal share in building up the everlasting Kingdom. It is how the Lord wants me to use my peculiar gifts

for the good of others. Serving the cause has given me a certain confidence that I am doing what Jesus wants me to do. What more is there?

Well, the pro-life cause also helped deliver God's greatest gift to me. Pamela Vivolo Bradley is my wife of forty-one years, mother of our eight children and grandmother of fifteen, including three in the womb. Pam was two years behind me at Cornell Law School. By her own account she was at first not much drawn to an insouciant 3L who skipped more classes than he attended. Then she saw him at daily Mass a few times. That helped. But her heart really softened when she heard that I was conspicuously pro-life.

We married while Pam was still in law school and moved to Brooklyn. Straightaway a college friend of hers came to visit. This young Catholic journalist, Pete Sheehan, announced that his cousin in Manhattan wanted us all to come over. Soon we pulled up to 1050 Park Avenue, dwelling place of the McFadden clan. Jim and Faith could not have been more gracious hosts to two strangers from across the East River.

That night, this son of a Brooklyn cop tasted caviar for the first time in his life.

But we did not meet Maria. She was in France for the academic year.

Being pro-life has been a marital partnership for Pam and me. Still in her twenties Pam became President of the Birthright Chapter in Champaign, Illinois, my first teaching stop. She has given in so many ways since. Being pro-life thus profoundly shaped our family. Tonight, three of our children are here: Jennie, Kevin, and Anna.



My biggest worry about what to say tonight is the timing: It just so happens I am the honoree the year that *Roe v. Wade* was finally overruled. I stand in the place of countless other persons, many now dead and all of them absent tonight save you few. It is their night, not mine. I contributed an infinitesimal share to the work which bore fruit on June 24, 2022. No less but no more. How could I do justice in words to *all* those who in season and out of season labored to keep the flame of life burning bright these fifty years?

Yes, we justly celebrate the courage and legal skills of our Supreme Court justices. They did the right thing and have paid a price for it, in opposition, ridicule, even danger: Just weeks ago Amy Barrett returned to Notre Dame Law School to teach a week-long seminar. She could not move without a squad of federal marshals moving in tandem with her.

Then again, the justices were doing their jobs. They said in *Dobbs* that *Roe* was egregiously mistaken the day it was handed down. Indeed, it was. At any moment since January 22, 1973, you could easily have found five constitutional lawyers willing to overrule *Roe v. Wade*. The trick has been to get them onto the Supreme Court. That took a mass, grassroots movement, comprised of courageous and faithful people, forceful and even uncompromising, wholly dedicated to life. *It was not their jobs*. It was their way of being Good Samaritans, without recompense or recognition at least in this life.

As a matter of fact: They—we—have accomplished something that no other country in the world has accomplished. Everywhere else on planet Earth where abortion sunk its tentacles into a legal culture, it never let go. Our law and our cultural elites swallowed abortion hook, line, and sinker a half-century ago.

But the American people spit it back out!

I do not think that this was *humanly* possible; it could not have happened without grace.

Jim McFadden did more than his share to keep the flame of life alive. It was not his day job either. And talk about modest beginnings: At the 2003 Great Defender of Life dinner Ed Capano recalled that “over a glass of Chianti and a couple of bowls of linguine with red clam sauce” shortly after *Roe*, he and Jim decided to do what they did best, which was publish. The result of that meeting was *Lifeletter*, a four-page newsletter. Two years later the first issue of the *Human Life Review* was published. Capano said that the *Review* became “the pro-life debater’s bible.”

Amen. In the Psalmist’s words, the Human Life Foundation has gone from “strength to strength” since that pasta repast, all the way to this huge gala. If Yogi Berra were here, he would probably say: “It’s just like the Parable of the Mustard Seed. . . . Only bigger.”

We woke up on June 25, 2022, to a brave new world. *Dobbs* released constitutional law from its bondage to abortion. But this is 2022, not 1972. *Roe v. Wade* is dead. But its legacy is daunting, and likely to be stubborn.

One thing I noticed right away is that a lot of red-state politicians had wet their beds overnight. They were all saber and musket when being pro-life was cheap, because *Roe* made sure that the substance of the abortion liberty was sacrosanct. Then being a pro-life politician came cheap. Now the price for that, too, has gone way up. Lindsey Graham recently introduced in Congress a national ban on late-term abortion. Some Republicans are saying that, according to *Dobbs*, the federal government has no power to limit abortion. Nothing in that case supports this. Anyone who says otherwise is likely wearing Depends.

Even red states where the politicians have backbones also have judges. *Dobbs* cancelled the right to abortion Harry Blackmun muscled into the Due Process Clause. But pro-abortion judges are creative and, in their way, ruthless. They are looking for a right to abortion *elsewhere* in the Constitution, like in the Free Exercise (of religion) Clause. Extending that thought to ghoulish lengths, one federal judge in Indiana just threw out a state law requiring that fetal remains be given a proper human burial. That, this judge said, violated the religious freedom of those who believe that unborn people are not people, but instead that they are discardable medical waste.

The more ominous judicial moves after *Dobbs* are towards *state* constitutions. In my adopted home state of Indiana, in a special session this summer, the legislature enacted a substantial though not fully just prohibition on abortion. It has yet to take effect, because a state judge enjoined its enforcement. On what grounds? Article 1, section 1 of the 1855 Indiana Constitution, which says “all people are created [and] are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.” Sounds good. But our judge held that “forcing pregnancy and childbirth upon thousands of Hoosiers” prevented them from enjoying the “Creator’s” gift to them.

This judge acknowledged that abortion was a crime when the Indiana constitution was ratified. No worries: “The significant deficits of those who wrote that constitution—particularly as they pertain to the liberty of women and people of color—are readily apparent . . . Our analysis cannot disregard this reality.”

Yes, you heard that right: The constitution that we actually have does not protect abortion. But the constitution that right-thinking people like me *would* have written, does.

This is not legal reasoning. It is judicial alchemy—in reverse: This judge made something base out of something noble and good. The judge is a Republican, by the way.

If it happened in Indiana, it could happen anywhere. Because these are *state* judges claiming to apply their *state* constitutions, the lethal rulings are beyond review by the Supreme Court, as would be the barbaric abortion laws in states such as California and New York—unless *Dobbs* does more than cancel *Roe*.

Is *Dobbs* a more pro-actively, more assertedly pro-life holding?

It should be: Every legitimate source of constitutional meaning—text, structure, history—says that the unborn are “persons” within the meaning of the Equal Protection Clause and, therefore, have the same right not to be killed that you and I have. Extraordinarily able briefs made precisely this argument to the *Dobbs* Court. If the Court took this position in *Dobbs*, we would be consuming the fatted calf this evening, because it would mean, practically, the end of legal abortion in America.

But *Dobbs* said nothing *explicit* about who counts as a “person” for Equal Protection. The majority said *nothing* about these briefs or the argument they made. Truth be told, even pro-life justices have long been averse to making what they call a “value judgment” about when people begin. This was the signature line about abortion of the late Justice Scalia.

It seems, then, that constitutional “personhood” is the White Whale of the pro-life movement. For the foreseeable future, trying to carry this citadel of justice by frontal argument, as we did in *Dobbs*, won’t work.

In fact, *Dobbs* consigned abortion laws to the lowest rung of constitutional scrutiny, typically a very lax standard, a sort of E-ZPass: *Dobbs* said that abortion regulations will be upheld “against equal protection challenge if any reasonably conceivable state of facts could provide a rational basis for the classification.” According to this judicial test, only laws that are “arbitrary” are unconstitutional.

The holding of *Dobbs* is nonetheless profoundly pro-life. The Court’s opinion opened a back door to personhood, another constitutional pathway to obtaining justice for the unborn. This route is governed by logic and undeniable biological fact, not by anything that looks like a suspect judicial “value judgment.” It shows that abortion kills a living, whole human individual who cannot rationally be distinguished from a baby or an infant or any other “person,” such as you or me. In other words: Homicide laws which treat the unborn child unequally are unconstitutional.

Here is the capsule version of a case I make at length in the current issue of

the *Human Life Review*, a case sharpened by Anne Conlon’s expert editing.

Dobbs recognized that whatever it is that gives *anyone* a right-to-life must be something about that individual and not about *any* external circumstance, such as “viability”—the capacity of available medical technique to keep one alive. Only what *Dobbs* called “characteristics of the fetus” count. What makes anyone a “person” is intrinsic, inherent, *not* extrinsic or accidental.

This is exactly right.

Then the Court showed there is no defensible distinction *among* unborn children. “Viability” is, the Court concluded, an “arbitrary line.” The Court then turned to the rationality of distinctions between pre- and post-natal human beings. This “arbitrary line,” the Court wrote, “has not found much support among philosophers and ethicists who have attempted to justify a right to abortion. Some have argued that a fetus should not be entitled to legal protection until it acquires the characteristics that they regard as defining what it means to be a ‘person.’” Characteristics like “sentience, self-awareness, the ability to reason, or some combination thereof” are suggested to be such “essential attributes of ‘personhood.’” “By this logic,” wrote the *Dobbs* majority, “it would be an open question whether even born individuals, including young children or those afflicted with certain developmental or medical conditions, merit protection as ‘persons.’”

Well, then, here is the core, the beating heart, of pro-life litigation going forward.



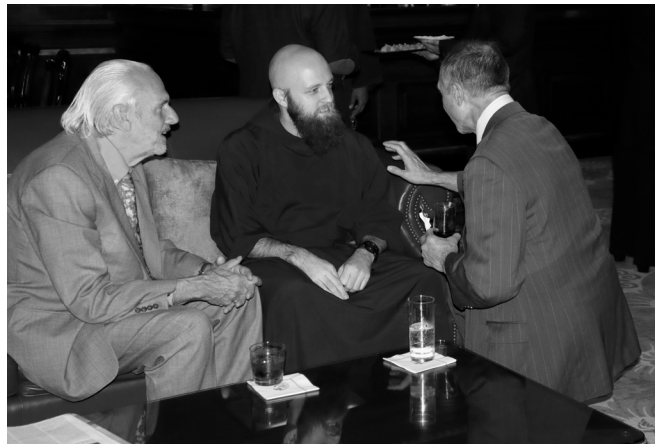
*Maria and Jim McLaughlin present Mr. Bradley
with the Great Defender of Life award*

GREAT DEFENDER OF LIFE DINNER



*Ambassador Gerald Scott and
Karina Short, wife of HLR
contributor Edward Short*

*Raymond and
Brother Gabriel
Conlon, OFM
Cap, chat with
Chris Bell of
Good Counsel*



*Rusty Reno
and Rev.
Victor Lee
Austin*



Members of Pregnancy Help, Inc. Board of Directors

*Mary Rose
Somarriba,
Maria
McFadden
Maffucci
and Edward
Mechmann*



*Feminists
Choosing Life
of New York*

photos courtesy of Michael Fusco, Feminists Choosing Life of New York, Mary Rose Somarriba

Destined to Be Overturned

Raymond J. Adamek

Although *Roe v. Wade* and its companion case *Doe v. Bolton* survived almost 50 years, they were bound to be reversed someday after careful and honest scrutiny. Both cases began with falsehoods about the situations of Roe (Norma McCorvey) and Doe (Sandra Cano) asserted by the lawyers who presented their cases. McCorvey was an unmarried woman seeking an abortion, and thought her chances would be better if she said she had been raped, although her boyfriend was the father. Being too far along for an abortion, McCorvey gave birth to a daughter. While initially “pro-choice,” she became a prolifer in 1995. Sandra Cano maintained she was not even seeking an abortion, but was involved in a divorce, and wanted custody of two of her children. Yet she was described in the court summary of *Doe v. Bolton* as “an indigent, married, pregnant woman, who desired but was refused an abortion” (p. 201). Cano denied she ever sought an abortion, maintaining that she simply signed papers presented by her lawyers. In 2003, she began unsuccessful legal proceedings to overturn the case that bears her name. Furthermore, subsequent close scrutiny of the cases by a range of activists and scholars clearly shows that they were intentionally crafted to permit abortion-on-demand and bolstered by false data to achieve that purpose. We shall review some of the evidence for this assertion.

The words of the decisions themselves. Justice Harry Blackmun delivered the opinion of the Court on January 22, 1973, with six other justices concurring with his decision. Justices Rehnquist and White dissented (disagreed) with Blackmun. (Since the two Court decisions together are some 76 pages long, we shall focus only on the most defining points here.) Blackmun believed a woman’s right to abortion rested on her “right to privacy” (p. 177). While he noted, “The Constitution does not explicitly mention any right of privacy, . . . whether it be founded in the Fourteenth Amendment’s concept of personal liberty, . . . or in the Ninth Amendment’s reservation of rights to the people, [it is] broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.” However, “this right is not unqualified, but must be considered against important state interests

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in regulation. [Hence] at some point the state interests as to protection of health, medical standards, and prenatal life, become predominant” (p. 178). The latter consideration prompted Blackmun to divide pregnancy into three trimesters—whose boundaries would change over time due to the advance of medical knowledge and technology.

Blackmun also noted that the state of Texas and others on the pro-life side “argue that the fetus is a ‘person’ within the meaning of the 14th Amendment. In support of this they outline the well-known facts of fetal development. If this suggestion of personhood is established, the appellant’s case collapses, for the fetus’ right to life is then guaranteed specifically by the [14th] Amendment” (p. 179).

Blackmun then cites several cases where the mention of “person(s)” occurs. However, he concludes, “But in nearly all these instances, the use of the word is such that it has application only postnatally. None indicates, with any assurance, that it has any possible prenatal application” (p. 179).

Blackmun also asserts that, “There has always been strong support for the view that life does not begin until live birth.” Having divided pregnancy into three trimesters, he also states (p. 181), “Viability is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks.” (Currently, studies show that over 60 percent of infants born at 22 weeks can survive with proper care).

Regarding the physician’s role, Blackmun maintains that, “the abortion decision in all its aspects is inherently, and primarily a medical decision, and basic responsibility for it must rest with the physician” (p. 184). Blackmun’s idea of the relationship between “a woman and her doctor” in this situation seems outdated. In probably greater than 90 percent of legal abortion situations today, the doctor has not cared for the woman over time and is in no recognizable sense “her doctor,” but is the abortionist who receives full remuneration only if the abortion is completed. Furthermore, a majority of abortions result because of social considerations, not medical ones, and therefore the doctor’s medical knowledge and professional advice would be largely irrelevant to most women’s decisions.

The main arguments of dissenting Justice White, Rehnquist joining. “With all due respect, I dissent. I find nothing in the language or history of the Constitution to support the Court’s judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes. . . . As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant

exercise of the power of judicial review which the Constitution extends to this Court. . . . I can in no event join the Court's judgment because I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the States. . . . This issue . . . should be left with the people and to the political processes the people have devised to govern their affairs" (pp. 195-196).

Justice Rehnquist, dissenting: "I have difficulty in concluding, as the Court does, that the right of 'privacy' is involved in this case. . . . A transaction resulting in an operation such as this is not 'private' in the ordinary usage of that word. Nor is the 'privacy' which the Court finds here even a distant relative of the freedom from searches and seizures protected by the Fourth Amendment to the Constitution which the Court referred to as embodying a right to privacy (p. 197).

"The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the State may impose in each one, for example, partakes more of judicial legislation than it does of the intent of the drafters of the 14th Amendment. . . . The fact that a majority of the States, reflecting after all the majority sentiment in those States, have had restrictions on abortions for at least a century seems to me as strong an indication there is that the asserted right to an abortion is not 'so rooted in the traditions and conscience of our people as to be ranked as fundamental'. . . . To reach its result the Court necessarily has had to find within the scope of the 14th Amendment a right that was apparently completely unknown to the drafters of the Amendment (p. 198). . . . By the time of the adoption of the 14th Amendment in 1868, there were at least 36 laws enacted by state or territorial legislatures limiting abortion. While many States have amended or updated their laws, 21 of the laws on the books in 1868 remain in effect today" (p. 199).

Three Major Critiques of the Abortion Decisions

1. Clarke D. Forsythe is senior counsel with Americans United for Life, where he has worked for over two decades, serving as vice president and general counsel for six years, and overseeing their nationwide litigation and legislative strategy. His book *Abuse of Discretion, the Inside Story of Roe v. Wade*, published in 2013, is a detailed analysis of *Roe* and *Doe* and their impact on America. We shall briefly review some of his analyses.

To begin with, Forsythe notes that both *Roe* and *Doe* (R/D) were burdened from the start by two problems. First, "Trials and hearings are supposed to thoroughly weigh the evidence and determine the truthfulness and accuracy of the claims of the parties. . . . In the lower court hearings of R/D, however, the parties did not present evidence—there were hearings, but no trials—and

the judges did not look at evidence” (p. 92).

Second, “In addition to the lack of a factual record, the oral arguments were burdened by jurisdictional and procedural issues . . . leaving little time to focus on the substantive medical, historical, and constitutional questions” (p. 97).

In spite of lacking these normal procedures, however, what the Court did do had a great impact (p. 4):

- All abortion laws across 50 states were rendered unenforceable.
- *Roe* enabled clinics to open in every state, even where they had been illegal.
- By February, clinics, some run by back-alley abortionists, opened in major cities.
- *Roe* barred public health officials from enforcing health and safety rules in the first trimester.
- Invalidating Georgia’s hospitalization requirement encouraged free-standing clinics to open.
- It gave the federal government oversight over any new state or local regulations.
- It enabled abortionists to challenge abortion laws (e.g., health/safety) in federal court. Moreover, in *Doe*, the Court defined “health” as “all factors—physical, emotional, psychological, familial, and the woman’s age—relevant to the well-being of the patient.” Hence, *Doe* gave the doctor the discretion to see the woman’s emotional stress about her pregnancy as a threat to health, essentially resulting in abortion on demand, even after fetal viability (p. 8).

2. Joshua J. Craddock was completing his training at Harvard Law School when he published “Protecting Prenatal Persons: Does the Fourteenth Amendment Prohibit Abortion?” in the *Harvard Journal of Law and Public Policy*, 42:2 (2017) 539-572. He noted Justice Blackmun’s claim in *Roe v. Wade* (p. 179) that those seeking to defend Texas’ pro-life law conceded that “no case could be cited that holds that a fetus is a person within the meaning of the Fourteenth Amendment,” and further noted Blackmun’s own assertion that in “nearly all” other cases where the word person is used, “it has application only postnatally” (p. 179). Craddock then set out to show both parties that they were wrong on this point.

Disagreeing with Blackmun’s statement “We need not resolve the difficult question of when life begins” (p. 181), Craddock suggests that question should have been the primary focus of the case: What is the nature of the preborn individual whose alleged rights to protection we should or need not recognize? Craddock proceeds to lay out the following facts:

- a. The word “person” in the dictionaries of the time was used interchangeably with “human being.”
- b. No dictionary of the era referred to birth as the event that signals the onset of personhood.
- c. The writings of 18th-century legal scholar William Blackstone indicated that in a legal sense, “person” included all human beings.
- d. When the 14th Amendment passed in 1868, it granted all “persons” equal protection of the law, and forbade them to be deprived of life without due process of law.
- e. By 1868, the states widely recognized children in utero as persons, and 23 (of 37) states and six territories referred to the fetus as a child in statutes proscribing abortion.

Given these facts, Craddock then asked: How did the *Roe* Court deny the conclusion that the preborn are “persons” protected by the 14th Amendment? The main points of his argument are that:

1. *Roe* relied in part on the subsequently debunked historical analysis of Cyril Means and others who maintained that early English Common Law and early American Law freely permitted abortion.
2. The *Roe* Court’s argument that exceptions in state law permitting abortion when the mother’s life was in danger indicated that the preborn were not persons. But other legal scholars indicate that such rare exceptions do not negate the personhood of the unborn.
3. Similarly, *Roe* argued that variations in state punishments for abortion also demonstrated that the states do not believe in personhood for the unborn. But Craddock notes that factoring in a woman’s degree of culpability, as well as other considerations, accounts for this variation, and does not negate the personhood of the unborn.
4. *Roe* suggested the lack of consensus about when life “begins” bolstered a conclusion that they should not be considered persons. But Craddock concludes, “. . . the Court’s only legally sound response would have been to ‘err on the side of life, and therefore to legally prohibit all abortions.’ . . . authorizing the killing of an organism ‘without knowing whether that being is a human being with a full right to life’ would constitute willful judicial recklessness.”
5. In denying personhood to the preborn, the *Roe* Court ignored several of the Supreme Court’s earlier decisions. For example, *Levy v. Louisiana* (1968), which concerned illegitimate children, stated, “equal protection extends to all who ‘are humans, live, and have their being.’” *MacArthur v. Scott* (1885) held that “the child in utero is entitled to secure inheritance and property rights.” In the *Steinberg v. Brown* (1970) case, the

Court stated: “Once human life has commenced, the constitutional protections found in the Fifth and Fourteenth Amendments impose upon the state the duty of safe-guarding it.” Craddock’s conclusion may therefore be stated: “The Fourteenth Amendment’s use of the word ‘person’ guarantees due process to all members of the human species. . . . Therefore, the Fourteenth Amendment protects the unborn.”

3. Thomas W. Hilgers, MD, is Director of the St. Paul VI Institute for the Study of Human Reproduction in Omaha, NE, and is board certified in obstetrics and gynecology. Active in the pro-life movement for many years, in 2020 he published the book *The Fake and Deceptive Science Behind Roe v. Wade*. In the Introduction, he states that Justice Harry Blackmun’s *Roe v. Wade* decision is “noteworthy for its lack of scholarship, extraordinary bias, its pre-medieval approach to pregnancy-related science and its intellectual dishonesty.” Hilgers notes that “the three main people who appear to have been major sources in the writing and research of *Roe v. Wade* were themselves . . . leaders in an activist movement to promote abortion and its legalization.” They were Lawrence Lader, whom Justice Blackmun cited eight times in the decision, Dr. Bernard Nathanson, who was the director of the largest abortion clinic in New York City before he converted to the pro-life movement, and Dr. Cyril Means Jr., another early proponent of legal abortion who maintained that abortion had been “a common law liberty” in the 14th century. Blackmun cited Means’ work three times. Lader (who authored the book *Abortion*) and Nathanson were co-founders of the National Association for the Repeal of Abortion Laws (later the National Abortion Rights Action League or NARAL).


To help prepare for writing the *Roe* decision, Justice Blackmun did research at the Mayo Clinic Medical Library in Minnesota. Noting that the “medical” citations that Blackmun made in the *Roe* decision contained no post-medieval sources, Hilgers determined to discover whether Blackmun or his staff had checked out any textbooks on embryology. He found that they had not. Hilgers cites 15 printed papers, textbooks, and reports between 1887 and 1971 that Blackmun could have consulted, which concluded that human life begins at conception. Blackmun also failed to consult modern philosophers on the question of when human life begins, the most recent consulted being St. Thomas Aquinas (died 1274). Yet, to support his decision to legalize abortion nationwide, Blackmun stated, “We need not resolve the difficult question of when life begins. When those trained in medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man’s knowledge, is not in a position to speculate as to the answer” (p. 181).

Furthermore, Hilgers notes that “In the lead up to *Roe v. Wade*, it was argued that there were 5,000 to 10,000 maternal deaths per year due to illegal abortion . . .” He noted that in his book *Aborting America*, Dr. Nathanson said, “at NARAL, we spoke of 5,000 to 10,000 abortion deaths per year. I confess that I knew that the figures were totally false . . . but in the morality of our revolution, it was a useful figure”

Finally, the U.S. Government reported that the number of maternal deaths *from all causes* at the end of 1973 was 25, having decreased from 197 in 1965. If thousands of women died from illegal abortions prior to *Roe*, the reduction in maternal deaths would have been much higher.

Hence, rather than being grounded in scientific data and a thorough consideration of current philosophical thinking, *Roe* and *Doe* were based on biased “evidence” to bring about a social policy desired by a few. Our work is before us. Let us also pray to end the killing of the innocent.

the
**HUMAN LIFE
REVIEW**



FALL 1977

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John T. Noonan Jr. on The Court's Retreat
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Prof. Francis Canavan on Separationism
Prof. Ian Hunter on A Protracted Debate
James F. Csank, Esq. on The Spiritual Argument
Prof. Raymond Adamek onWhat's Happened Here
M. J. Sobran on Bogus Sex
E. von Kuehnelt-Leddihn on Women

Also in this issue: Wm. F. Buckley Jr. • Sondra Diamond • James Jackson Kilpatrick • Michael Novak • George F. Will • Ellen M. Wilson

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How Assisted Suicide Advocacy Overturned *Roe v. Wade*

Wesley J. Smith

Back in the 1990s, noting the success of abortion rights advocacy in the federal courts, the assisted-suicide movement moved to circumvent the democratic process by convincing the United States Supreme Court to impose an assisted suicide *Roe v. Wade*: a decision that would establish doctor-prescribed or administered death as a national constitutional right. The assisted suicide advocates succeeded in obtaining two Supreme Court hearings. However, in a delicious irony, not only did their cases fail abysmally, but the precedent the Supreme Court established in one of the cases would years later become the hammer that shattered the constitutional right to abortion.

The Attempt to Declare Washington’s Law Banning Assisted Suicide Unconstitutional

In 1994, the assisted suicide advocacy group Compassion in Dying (now merged with the Hemlock Society to become Compassion and Choices) joined with three dying patients and five physicians to challenge Washington’s then-existing law that criminalized assisted suicide. The record prior to reaching the high court was mixed: The plaintiffs had won in the trial court, then lost in the U.S. Court of Appeals for the Ninth Circuit, where a three-judge panel ruled that Washington’s law was constitutional. Then, the notoriously liberal Ninth Circuit granted an *en banc* hearing by 11 judges, which (in an eight-to-three decision) found that Washington’s law against assisted suicide was indeed unconstitutional.

Although it never became law, the decision of the *en banc* court, written by Chief Judge Stephen Reinhardt, is worth pondering because it illustrates the true pro-euthanasia mindset and broad agenda of the euthanasia movement. First, the majority quickly and hubristically dismissed the court’s obligation to apply the law as written and to depend on previous rulings: “We must strive to resist the natural judicial impulse to limit our vision to that which can plainly be observed on the face of the document before us, or even that which we have previously had the wisdom to recognize.”

Wesley J. Smith is a senior fellow at the Discovery Institute’s Center on Human Exceptionalism and a consultant to the Patient’s Rights Council. In May 2004, Smith was named one of the nation’s premier thinkers in bioengineering by the *National Journal* because of his work in bioethics. In 2008, the Human Life Foundation named him a Great Defender of Life.

Thus freeing themselves of the usual constraints that serve to limit the scope of judicial rulings, Reinhardt and seven of his colleagues in effect licensed themselves to create new constitutional rights out of whole cloth: The wording of the United States Constitution, the binding nature of judicial precedent, and even the vote of the people of Washington only five years earlier rejecting legalization of assisted suicide carried no weight. (By 2008, voters had changed their minds about the issue and legalized assisted suicide for the terminally ill in Initiative 1000.)

The Compassion in Dying ruling relied on opinion polls for justification; it blurred sensitive and vital distinctions and was rife with factual error. For example, the eleven-judge panel found: “Unlike the depressed twenty-one-year-old, the romantically devastated twenty-eight-year-old, the alcoholic forty-year-old . . . who may be inclined to commit suicide, a terminally ill, competent adult cannot be cured.” Yet, there are many cases of people diagnosed as near death who live for many years.

Judge Reinhardt also wrote: “While some people who contemplate suicide can be restored to a state of physical and mental well-being, terminally ill adults who wish to die can only be maintained in a debilitated and deteriorating state, unable to enjoy the presence of family or friends.” But that is both alarmist and a false paradigm. Medical science has tremendous abilities to palliate the symptoms associated with the end of life. I witnessed such beneficence with my own parents, who both died naturally under the compassionate care of hospice professionals.

But factual inaccuracies were a minor problem compared to the rest of Judge Reinhardt’s decision. Officially, the case stood for the (now defunct) proposition that there is a fundamental liberty interest in the United States Constitution in allowing citizens a “right to die.” Unlike other constitutional rights, however, this “liberty interest” would not have been available to all people. Rather, deciding who did or did not possess it would have involved a sliding scale—with some lives deserving of greater protection by the state than others. According to Reinhardt, the state had the highest interest in protecting the lives of the “young and healthy” from suicide, but not much interest in protecting those “who are diagnosed as terminally ill” from suicide. So long as the dying were not coerced into choosing death and were mentally competent (both extremely questionable propositions), Reinhardt and his seven majority-opinion colleagues would have granted them an almost absolute right to choose to be assisted in their suicide by a doctor.

Judge Reinhardt’s decision would also have opened the door to hastening the deaths of people with disabilities:

There are . . . subtle concerns . . . advanced by some representatives of the physically impaired, including the fear that certain physical disabilities will erroneously be deemed to make life “valueless.” While we recognize the legitimacy of these concerns, however, we also recognize that seriously impaired individuals will, along with nonimpaired individuals, be the beneficiaries of the liberty interest asserted here—and that if they are not afforded the option to control their own fate, they like many others will be compelled against their will to endure protracted suffering.

Judge Reinhardt even legitimized money worries as a reason for seeking medicalized suicide:

While state regulations can help ensure that patients do not make uninformed, or ill-considered decisions, we are reluctant to say that, in a society in which the costs of protracted health care can be so exorbitant, it is improper for competent, terminally ill adults to take the economic welfare of their families and loved ones into consideration.

Not only that, but Judge Reinhardt’s decision would have allowed active euthanasia:

We recognize that in some instances, the patient may be unable to self-administer the drugs and that administration by a physician, or a person acting under his direction or control, may be the only way the patient may receive them.

He also endorsed nonvoluntary killings of the incompetent—which, by definition, includes children, who generally are not allowed to make their own healthcare decisions—by allowing surrogates to choose death for their wards: “We should make it clear that a decision [to end a patient’s life] of a duly appointed surrogate decision maker is for all legal purposes the decision of the patient himself.”

As *Roe v. Wade* had done twenty years previously, Judge Reinhardt’s sweeping ruling went well beyond the parameters of what the plaintiffs were asking. Thus, he sought to conjure an expansive right to die: “There is a Constitutionally protected liberty interest in determining the time and manner of one’s own death.”

Judge Reinhardt’s opinion was everything that assisted suicide activists were hoping for—and more. Not only would the majority opinion have created a constitutional right to commit suicide and to be assisted in that endeavor, but the death agenda would not have been restricted to the terminally ill, a restriction the political arm of the movement deceptively insisted would be ironclad.

Assisted Suicide Goes to the Supreme Court

In June 1997, the Supreme Court issued two 9-0 rulings that decided whether the Constitution guarantees access to assisted suicide. (Full disclosure: In

both cases I wrote and filed an amicus brief in the Supreme Court as a lawyer for the International Anti-Euthanasia Task Force, now the Patients Rights Council.) The two decisions, *Washington v. Glucksberg* and *Vacco v. Quill* (the latter of which ruled that refusing life-sustaining treatment was not a form of suicide, an issue beyond our scope here), were both thorough and far-reaching and buried hopes of the assisted suicide movement that they would be able to impose their agenda nationally via court diktat. In portentous language that would later become relevant in the 2022 decision to overturn *Roe v. Wade*, Chief Justice William Rehnquist, writing for his eight fellow justices, ruled unequivocally that assisted suicide is *not* a fundamental right.

First, the Court reviewed the laws surrounding suicide and assisted suicide during the last 700 years of Anglo/American jurisprudence, finding that assisted suicide is not a “fundamental liberty interest” protected by the “Due Process Clause.” That being so, all that the State of Washington had to demonstrate was that its anti-assisted suicide law “be rationally related to legitimate government interests.”

SCOTUS ruled that Washington had “unquestionably” accomplished this defensive task. The Supreme Court identified these interests over several pages of text:

- The State has an “unqualified interest” in the preservation of human life, “even for those near death.”
- Because suicide is a “serious health problem,” especially among “persons . . . in vulnerable groups,” states have the right to pass laws, including laws criminalizing assisted suicide, as a matter of suicide prevention.
- Those who commit suicide, including the terminally ill, “often suffer from depression or other mental disorders.” Because depression can often be effectively treated—and its causes, such as pain, significantly ameliorated—“legal physician assisted suicide could make it more difficult for the State to protect depressed or mentally ill persons, or those who are suffering from untreated pain, from suicidal impulses.”
- The State has “an interest in protecting the integrity and ethics of the medical profession.” Legalized physician-assisted suicide could “blur the line between healing and harming.”
- “Next, the State has an interest in protecting vulnerable groups—including the poor, elderly, and disabled persons—from abuse, neglect, and mistakes.” If physician-assisted suicide were permitted, “many might resort to it to spare their families the substantial financial burden of end-of-life health care costs.”
- “The State’s interest here goes beyond protecting the vulnerable from

coercion; it extends to protecting disabled and terminally ill people from discrimination, negative and inaccurate stereotypes, and ‘societal indifference.’ . . . The State’s assisted-suicide ban reflects and reinforces its policy that the lives of terminally ill, disabled, and elderly people must be no less valued than the lives of the young and healthy; and that a seriously disabled person’s suicidal impulses should be interpreted and treated the same way as anyone else’s.”

- Finally, the State may fear that permitting assisted suicide will start it down the path to voluntary and perhaps even involuntary euthanasia.”

Glucksberg and *Vacco* were devastating losses for the assisted suicide movement. It was now clear that any attempt to transform the United States into a suicide nation would require intense state-by-state political struggle rather than a sweeping declaration from the judiciary. (As of this writing, nine states and the District of Columbia have passed legislation legalizing assisted suicide for people with terminal illnesses.)

How *Glucksberg* Impacted the *Dobbs* Decision

And that’s where things stood until 2018, when Mississippi passed a law outlawing abortion after 15 weeks of gestation. As expected, the lower courts followed existing precedent and found the law to be unconstitutional. Then, the Supreme Court agreed to hear the case. In its legal brief, Mississippi argued that the Court should overturn *Roe* as bad law. And suddenly, *Roe* was on the docket in a way it hadn’t been since 1992, when the Supreme Court validated but modified the ruling in *Roe* in *Planned Parenthood v. Casey*.

Little did anyone suspect that the primary precedent the Supreme Court would apply in the ultimate ruling overturning *Roe v. Wade* would be the then little-thought-about *Washington v. Glucksberg*. I know I didn’t. As described above, that case was not about abortion. But crucially, it had been decided five years *after Casey* and contained case law that a majority of the justices deemed germane to the case at hand.

Dobbs v. Jackson Women’s Health Organization hit the country like an earthquake. Writing for a 5-1-3 majority, Justice Samuel Alito applied the ruling in *Glucksberg* as the primary precedent for striking down *Roe* as bad constitutional law! From the opinion (my emphases):

We hold that *Roe* and *Casey* must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision, including the one on which the defenders of *Roe* and *Casey* now chiefly rely—the Due Process Clause of the Fourteenth Amendment. That provision has been held to guarantee some rights that are not mentioned in the Constitution, *but any such right must be “deeply rooted in this Nation’s history and tradition” and “implicit in the concept of ordered liberty.”*

More:

In deciding whether a right falls into either of these categories, the Court has long asked whether the right is “deeply rooted in [our] history and tradition” and *whether it is essential to our Nation’s “scheme of ordered liberty”* *And in conducting this inquiry, we have engaged in a careful analysis of the history of the right at issue. . . . Thus, in Glucksberg*, which held that the Due Process Clause does not confer a right to assisted suicide, the Court surveyed more than 700 years of “Anglo-American common law tradition,” [citation omitted] and made clear that *a fundamental right must be “objectively, deeply rooted in this Nation’s history and tradition.”*

Analyzing the history of the unenumerated claim of a right to abortion, the majority found it wholly wanting:

As the Court cautioned in *Glucksberg*, “[w]e must . . . exercise the utmost care whenever we are asked to break new ground in this field, lest the liberty protected by the Due Process Clause be subtly transformed into the policy preferences of the Members of this Court” (internal quotation marks and citation omitted).

Although a pre-quickening abortion was not itself considered homicide, it does not follow that abortion was permissible at common law—much less that abortion was a legal right. Cf. *Glucksberg* (removal of “common law’s harsh sanctions did not represent an acceptance of suicide”).

And kaboom!

The inescapable *conclusion is that a right to abortion is not deeply rooted in the Nation’s history and traditions*. On the contrary, an unbroken tradition of prohibiting abortion on pain of criminal punishment persisted from the earliest days of the common law until 1973. *The Court in Roe could have said of abortion exactly what Glucksberg said of assisted suicide: “Attitudes toward [abortion] have changed since Bracton, but our laws have consistently condemned, and continue to prohibit, [that practice].”*

So, in a hubristic attempt to force assisted suicide on the nation in the same way abortion had been, euthanasia activists instead laid the groundwork for *Roe’s* ultimate obliteration. As they say, the Lord works in mysterious ways!

Conclusion

Winston Churchill famously said after an early Allied victory in World War II, “Now is not the end. It is not even the beginning of the end. But it is perhaps, the end of the beginning.” So too with abortion, for the issue is now back to where it was before the Supreme Court in *Roe v. Wade* hubristically usurped the right of the people to decide this crucial moral issue through democratic processes.

Going forward, the pro-life movement will have to convince people that abortion is both morally wrong and should be legally impermissible in most cases—which will also require convincing women in unexpected pregnancies that it is in both their and the baby’s best interests to carry to term. It will not be an easy task in either regard. Decades of legalized abortion have exacted a toll on the country’s moral core by convincing much of the country that access to abortion is a fundamental right. This task will require much more than opposing abortion. It will also be necessary to demonstrate to women that the pro-life movement is their supportive friend.

Reversing pro-abortion beliefs could take decades. But then, so too did the great democratic struggle to reverse the great injustice of *Roe v. Wade*. In bringing the country to this portentous moment, the pro-life movement has taken its place in the grand tradition of social activism that is a hallmark of the American experience. Indeed—as both *Glucksberg* and *Dobbs* proved—in a free country, there’s no such thing as a hopeless cause. Onward!

NOTES

1. Some of the below discussion is taken from Wesley J. Smith, *Forced Exit: The Slippery Slope from Assisted Suicide to Legalized Murder*, New York, NY, Times Books, 1997.
2. *Compassion in Dying v. Washington*, U.S. Court of Appeals for the Ninth Circuit, 79 F. 3d. 790 (1996).
3. Initiative 1000, “The Death with Dignity Act,” passed 2008. <https://doh.wa.gov/you-and-your-family/illness-and-disease-z/death-dignity-act>
4. *Compassion in Dying v. Washington*, 79 F. 3d. 790.
5. *Washington v. Glucksberg*, 521 U.S. 702 (1997) <https://supreme.justia.com/cases/federal/us/521/702/>
6. *Vacco v. Quill*, 521 U. S. 793 (1997).
7. *Washington v. Glucksberg*, p. 728.
8. *Ibid.*
9. *Ibid.*, pp. 730-731.
10. *Ibid.*, p. 731.
11. *Ibid.*, pp. 732-732.
12. *Ibid.*, p. 732.
13. *Ibid.*
14. These states are Hawaii, California, Oregon, Washington, New Mexico, Colorado, Vermont, Maine, and New Jersey. In addition, a Montana Supreme Court ruling found that assisted suicide does not violate Montana’s public policy.
15. HB 1500, 2018, <http://billstatus.ls.state.ms.us/documents/2018/html/HB/1500-1599/HB1510SG.htm>
16. *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).
17. *Dobbs v. Jackson Women’s Health Organization* (2022) https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

Campaign Finance and the Right to Life

Jason Morgan

In her important new book *Dollars for Life*, Mary Ziegler, the Martin Luther King Jr. Professor of Law at the University of California-Davis School of Law (formerly at Florida State University College of Law), traces how American proliferers of various descriptions and political persuasions have tried for decades to bend the two major political parties to their life-affirming will. Her other books on abortion and legal history in America, such as the highly informative (if occasionally biased) *Reproduction and the Constitution in the United States* (Routledge, 2022) and the essential *Abortion and the Law in America: Roe v. Wade to the Present* (Cambridge, 2020), detailed how the twists and turns of abortion politics have shaped the legal and political gestalt of America for decades, even centuries. But in *Dollars for Life*, Ziegler more narrowly focuses on how the pro-life groups' various attempts to get political parties and politicians to act on protecting the unborn and their mothers may have worked to debilitate, for better or worse, the longstanding liberal consensus guiding American political discourse and practice.

Dollars for Life is the story of the proliferers' frenemy relationship with the GOP. Over time, and especially "when the GOP became the only party endorsing the 'human life amendment,' most leading pro-life groups cast their lot with the Republicans" (xii). But the alliance was an uneasy one. While political machines were happy to take donations from proliferers and to court their votes, American politics bogged proliferers down in the quicksand of mixed and conflicting interests.

For instance, Ronald Reagan (1911-2004), who switched from pro-choice to pro-life views, ostensibly on the inspiration of legendary proliferer Mildred Jefferson (1927-2010), chose Sandra Day O'Connor as his first Supreme Court justice nominee in 1981 (46-47). Proliferers protested because of O'Connor's pro-abortion record as an Arizona state legislator. Adding to the unease, O'Connor, the first Supreme Court nominee ever to be asked about abortion during judicial nomination hearings, was coy about *Roe v. Wade* (46-47). O'Connor fully justified the proliferers' wariness with her pro-choice rulings over the years to come.

Proliferers revved up for one political campaign after another, hoping to influence this or that politician, to sway this or that Supreme Court justice,

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to finally end the scourge of abortion against the unborn and their mothers. However, no matter how hard they tried, the elusive conversion of the Republican Party to the pro-life cause moved seemingly further out of reach with each betrayed election promise, each dud on the Supreme Court.

Enter James Bopp, Jr. Ziegler's core argument in the book, one she makes with extensive reliance on Bopp's personal archives, is that, in trying to change campaign finance laws so that proliferators could overrun the GOP instead of trying to control it from the outside, Bopp set the stage for the party's collapse (xviii).

Bopp did succeed in eliminating campaign finance laws that capped donations and restricted how and when cash could be spent, but Ziegler sees his victory as pyrrhic. What Bopp's successes engendered, Ziegler argues, was first the Tea Party (163-167) and finally the populist uprising that manifested in the presidency of Donald John Trump (194-196).

It is in the details marshaled in support of this thesis that *Dollars for Life* really shines. Over the course of six chapters, Ziegler traces the turbulent history of the post-*Roe* Republican Party, showing how pro-life idealists and realists hammered out uneasy compromises—and often engaged in open internecine warfare—over the political strategies that all hoped would one day end abortion in America.

In Chapter One, “The Fall of Personhood,” Ziegler provides a window into often-overlooked pre-*Roe* pro-life work, such as the efforts of Fordham law professor Robert Byrn (1931-2017) in New York City and Dennis J. Horan (1932-1988) and Horan's “brother-in-law, Dr. Bart Heffernan [(1925-1990)],” in Illinois. Byrn and Heffernan (the latter with Horan's help) tried to have themselves appointed legal guardians for unborn children in Queens and the State of Illinois, respectively. “The purpose of the guardianship is to allow the unborn children to assert their constitutional rights in court,” Ziegler quotes Byrn as saying in a 1971 article in the *New York Times* (13). Although a Queens judge agreed and “blocked abortions in the city [of Queens in January 1971], reasoning that the fetus was ‘a living human being,’” higher courts overruled and then affirmed the reversal (13). That was not the only setback for pre-*Roe* proliferators. Courts in Pennsylvania, “Washington, DC, Wisconsin, Georgia, Illinois, Florida, and New Jersey all struck down state laws prohibiting most abortions” between 1969 and 1972 (13-14). In the Supreme Court, 1971's *United States v. Vuitch* and 1972's *Eisenstadt v. Baird* also presaged the coming cataclysm of *Roe* and *Doe* (14).

In response to those two 1973 Supreme Court rulings legalizing abortion nationwide, both pro-life and pro-choice groups “hoped to deliver a [follow-up] knockout blow,” the former by designating unborn children as persons,

the latter by having abortion restrictions at the state level dismantled (15). It was around this time that James Bopp, under the tutelage of “conservative giant” M. Stanton Evans (1934-2015), joined the pro-life cause. Bopp also (and also under Stanton’s sway) started to attack campaign finance rules. But at the time, the two prongs were unrelated. The target of campaign finance maneuvering was President Gerald Ford (1913-2006), whom Bopp wanted to oust in favor of Ronald Reagan (20-21) in the 1976 Republican primary. Reagan of course came up short that year, but the Supreme Court indirectly helped Bopp and others like him by deciding in *Buckley v. Valeo* in 1976 that some of the 1971 Federal Election Campaign Act’s restrictions on campaign spending were unconstitutional (21, 27, 30-34).

This allowed Bopp and others wider leeway to raise money and skirt the Republican establishment. According to Ziegler, although Bopp did not yet realize it, *Buckley* had set the stage for Bopp’s much later drive to demolish campaign finance restrictions of all kinds (21). Bopp would pursue this end as a way to hold the GOP accountable, mainly on abortion, and in so doing his two purposes—campaign finance and the right to life—were joined. But Bopp’s success, Ziegler argues, broke up the GOP. Impassioned single-issue proliferers—and anyone, really—could pour money into political campaigns, which eventually overcame the GOP establishment’s ability to maintain a centering hold on the right-leaning American electorate.

Ziegler thus sees the GOP establishment as a kind of brake on the American Right, a role that she tacitly seems to support. She writes penetratingly, for example, of Patrick Buchanan, the insurgent presidential candidate in 1992 and 1996 whose spitfire campaigns pushed George H. W. Bush (1924-2018) and Bob Dole, respectively, to the right in the Republican primaries (82, 105). Buchanan was quashed both times from within the GOP. Ziegler, it seems, sees this as an important filtering function that kept the GOP from becoming a one-issue party crusading to end abortion in America (108). *Dollars for Life* is on the whole a fair, clean reading of history, but the argumentative posture of the book is unmistakably partial to allowing establishment Republicans to fence out those, like Buchanan, whose views on abortion many in pro-choice circles (and Ziegler’s legal-academia world is nothing if not one of those) would surely find extreme, even appalling.

In Chapter Two, “Controlling the Court,” Ziegler shows how pro-life groups gradually adjusted to the new post-*Roe* landscape and settled in, as did abortion advocates, for the long haul. Some proliferers wanted a “personhood amendment” (Human Life Amendment (HLA)) that would effectively undercut *Roe*, while others thought “public education,” such as the

“slideshow” that John (1925-2015) and Barbara Willke (1923-2013) had shown across America depicting the graphic reality of aborted children, would eventually have their effect on public opinion and from there eventually put pressure on the courts (22-23). Ziegler recounts Barbara Keating’s (1938-2021) 1974 run for New York State Senate on the Conservative Party ticket, during which she used her campaign to educate the public on abortion (25-26). The Willkes ran a similar public-awareness playbook in working to unseat popular (pro-choice) Ohio senator John Glenn (1921-2016) (26). In 1976, a Democrat named Ellen McCormack (1926-2011), “one of Barbara Keating’s colleagues in a New York pro-life group, tried to copy Keating’s strategy at the national level” by “seek[ing] the Democratic nomination for president. The point was not to win, but, like Keating before her, to ‘bring to as many as 100 million people visual information about the life of the unborn child and the reality of abortion’” (34).

But . . . why *not* win? The 1976 presidential election, which Gerald Ford lost to Jimmy Carter, was a turning point in proliferers’ coming to see that they could exert real influence on the halls of power (35). During the 1976 campaign, proliferers had courted both Ford and Carter. Although both candidates were noncommittal on abortion, proliferers, including the converted Reagan, were able to get Ford to select the pro-life, HLA-supporting Kansas senator Bob Dole (1923-2021) as his running mate as a sop to gain needed pro-life votes. The 1976 election also galvanized pro-life Democrats, “awaken[ing them] to ‘the abortion philosophy that was creeping into their party leadership’” (36).

However, some began to realize that to really change the political landscape would require enormous sums of money. Reagan Republicans like David Keene, “the southern regional director for Reagan’s [1976] campaign,” wanted to change campaign finance rules so that outsider challengers could raise enough in donations to unseat establishment incumbents (37). Campaign rules were sufficiently stringent and byzantine to restrict much of the money that might otherwise be used to fund candidates and their campaigns directly (37). “The National Conservative PAC, a group founded in 1975 by activists John Terry Dolan [(1950-1986)], Roger Stone, and Charles Black,” argues Ziegler, was among the new breed of “issue-based conservative PACs” that “soon built a fearsome reputation” for moving establishment edifices (often with the help of “direct-mail guru[s]” such as Richard Viguerie) toward purer ideological bases (38, 40). The Heritage Foundation and Reverend Jerry Falwell’s (1933-2007) Moral Majority also joined the outsider push to get the GOP to act more like its voters believed (41).

At the same time, Bopp, along with lawyers from Americans United for Life (AUL), began to see the Supreme Court—the very one that had handed

down *Roe*—as a potentially fruitful target for activism (39-40). A pro-life political strategy seemed to be coming into view.

But then came what Ziegler calls “the anti-abortion civil war,” a split over how far to push the political process, and how patient to be over ending abortion in America. A *Human Life Review* article was one of the sparks that set off the conflagration. In Ziegler’s words:

Stephen Galebach, a young attorney at the Christian Legal Society, published an article in the *Human Life Review* [(Winter, 1981)] arguing that Congress already had the authority to pass a federal statute recognizing fetal personhood and functionally banning abortion. [. . .] His proposal caught the attention of Jesse Helms [(1921-2008)], who introduced what he called the Human Life Bill in January 1981. The bill declared that unborn children were legal, rights-holding persons from the moment of conception. (45)

However, “some abortion opponents did not think Galebach’s bill went far enough. A later Congress could just repeal a statute, whereas a constitutional amendment would last” (46). One person who thought this way was Judie Brown, a member of the National Right to Life Committee (NRLC). Brown had come to entertain doubts about the NRLC, as she “opposed contraception and sex education” and found her “colleagues’ silence” on those things to be “cowardly” (46). Brown, Ziegler writes, “wondered if the GOP was telling the pro-life movement what to do” (46).

On the other hand, “pragmatists like Bopp and Willke thought Brown had it backward: abortion opponents needed a dose of practical advice, not more idealism” (46). For one thing, the Supreme Court “did not allow Congress to define new rights,” which is just what Helms had done in invoking the Fourteenth Amendment’s due process language as the constitutional authority Congress needed to pass his Human Life Bill (46). Abolitionists like Brown ran headlong into legal tangles and political realities like these, but compromise on the dismembering of children seemed to many a betrayal of their cause.

Sen. Orrin Hatch (1934-2022) of Utah attempted just such a compromise with a proposed constitutional amendment in October 1981, but it had the effect, Ziegler writes, of “touch[ing] off a war inside the anti-abortion movement and even with the NRLC, where it was denounced by roughly half the board” (48-49). Judie Brown, who by then had left to co-found the American Life League (ALL), opposed the Hatch proposal, even though the NRLC (despite internal dissent) eventually endorsed it (49). It is difficult to argue with Brown’s position given her convictions, as the Hatch proposal would have “allow[ed] states to criminalize abortion” but carried no requirement that “anyone do anything” (49). As Ziegler quotes Brown, “very few who have fought these many years want to support an amendment to the Constitution

which ‘regulates the killing’ and which gives legislatures and the Congress the ‘right to choose’ to regulate or not” (49). Ziegler sums up Brown’s thinking on political strategizing thusly: “She thought that by relying on the GOP, proliferers had forfeited the ability to make any real demands on politicians” (49). Many others, Ziegler writes, agreed.

Meanwhile, however, James Bopp was still chipping away at campaign finance laws. Reagan’s landslide 1984 re-election helped salve the wounds of the “anti-abortion civil war,” but Bopp was thinking much longer term. He had “filed a separate suit against the FEC [Federal Election Commission]” in connection with what would wind up as the 1986 Supreme Court case *Federal Election Commission v. Massachusetts Citizens for Life* (54-55). At issue was whether a “special edition of [the Massachusetts Citizens for Life] newsletter,” which “urg[ed] readers to ‘vote pro-life’” and which “detailed the views on abortion of roughly four hundred candidates running for federal office,” constituted a violation of federal election law (54). The Supreme Court ruled in favor of Massachusetts Citizens for Life and other issues-centered groups, on the grounds that they “raise[] money on the strength of their ideas” and, unlike corporations, “d[o] not exist to amass wealth or make a profit for shareholders” (56). The door was thus ajar for more groups to spend more money influencing elections, and for more attempts by Bopp and like-minded attorneys and political strategists to “mount a much larger and far more controversial effort to dismantle the rules governing money in politics” (57).

Chapter Three, “The Price of a Nominee,” focuses on Ronald Reagan’s failed nomination of Robert Bork (1927-2012) to the Supreme Court in 1987, his follow-up choice of the more moderate Anthony Kennedy, and the increasing importance, in the eyes of many proliferers, of electing Republicans to the presidency in the hopes that they would appoint pro-life justices to the Supreme Court and lower benches (61-69). That such a strategy could pay off seemed, if not abundantly clear, at least a bit less murky with the 1989 Supreme Court case *Webster v. Reproductive Health Services*. The *Webster* Court, Ziegler argues, largely upheld much of the Missouri statute that was at issue:

. . . a preamble stating that life begins at conception, a prohibition on the use of public money or facilities for abortion, and a measure related to fetal viability, the point at which survival is possible outside the womb. *Roe* had held that the state’s interest in protecting fetal life did not become compelling until viability. Prior to that point, under *Roe*, states could not ban abortion. Missouri had created a presumption of fetal viability at twenty weeks. But *Roe* concluded that viability did not occur until the twenty-fourth week[. . .] *Webster* suggested that the very concept of viability—and *Roe*’s trimester framework—were incoherent. Anthony Kennedy and Antonin Scalia

([1936-2016]), the Court's newest members, expressed profound doubt about *Roe's* validity. *Webster* sent a clear message: many on the Court believed *Roe* was fundamentally unsound. (70)

This was hopeful news for proliferers, but a gathering nightmare for the GOP. Politically, Republicans squirmed, abortion was an Election Day albatross. Polls suggested that the American voting public saw proliferers as anti-woman and anti-democratic process, hardly cheerful results for GOP insiders (71). Establishment Republicans like Mary Matalin and Lee Atwater (1951-1991) fretted openly about the GOP's prospects were it tied too closely to the pro-life movement (71). "The idea that the Court might overrule *Roe* frightened the [George H.W.] Bush administration," Ziegler writes of the run-up to the 1992 presidential election (81). In April of 1990, "Ann [Elizabeth Wesche] Stone, a conservative fundraiser [and ex-wife of Roger Stone], founded Republicans for Choice" (77).

However, that fall "Gary Bauer and a group of like-minded activists met in DC's Washington Square Hotel to form a competitor to Republicans for Choice. [. . .] Vowing 'to keep the Republican Party principled on the fundamental issues of life', the meeting attendees planned for a group that was pro-life, single-issue, and Republican. [. . .] 'The Republican Party is the only vehicle through which conservatives can govern America,'" they wrote (78). "The new organization, christened the Republican National Coalition for Life (RNC-Life), planned to exploit gaps in campaign finance rules" (78). This long-game mentality helped proliferers stick with the GOP through tough days ahead, including 1992's *Planned Parenthood of Southeastern Pennsylvania v. Casey*, a disaster for proliferers in which three Republican-appointed justices ("David Souter, Anthony Kennedy, and Sandra Day O'Connor") joined the majority. James Bopp doubled down on opening the floodgates and pouring even more money into elections to get Republicans into office (84, 86). The logic was the same as ever, namely that the GOP establishment was squelching grassroots efforts to get true believers into positions of power, and that the GOP's stronghold on fundraising allowed it to continue doing so ad infinitum. The only angle of attack was to level the lance at the GOP's massive money bag. "Building influence was no simple thing, but if abortion foes spent more on elections, and if the pro-life movement helped the GOP raise as much money as party leaders wished, that would be a good start" (86). With the conflicts and the strategies thus in place, the rest of *Dollars for Life* flows along the lines of Ziegler's main argument about campaign finance and how it relates to various turns and players in the pro-life movement.

In Chapters Four, "The Big-Money Party," and Five, "Corporate Free Speech,"

Ziegler explains how some in the GOP, including even campaign finance reform stalwart John McCain (1936-2018), wanted to shift the party away from life issues toward more economic concerns. To be sure, abortion abolitionists like conservative legend Phyllis Schlafly (1924-2016) continued to question the Bopp approach of demolishing campaign finance limits. But with the 1992 presidential campaign of an aggressively pro-choice Arkansas governor named Bill Clinton, both pro-life and life-lukewarm Republicans found more than enough grist for the fundraising mill (91-92). Based in large part on voter dismay over Clinton's vision for America, Georgia Congressman Newt Gingrich moved the big-money-in-politics needle even deeper into the cha-ching zone in the run-up to the 1994 midterms, while a grotesque procedure known as partial-birth abortion (a term for which Ziegler registers her dislike) convinced many non-prolifers that the fight against abortion was something to be taken seriously (95, 101-102).

The GOP establishment ballooned as interest in abortion, partial-birth and otherwise, kept pace. But neither side was able to effect a lasting rapprochement. The lackluster 1996 presidential run of the decidedly uncharismatic Bob Dole, and Dole's eventual shellacking at the hands of a seemingly unstoppable Clinton, soured even more prolifers on the marriage of convenience with the Republicans. "At Life Forum meetings in 1997," Ziegler writes, "Paul Weyrich [(1942-2008)] complained that GOP leaders had downplayed, defunded, and marginalized anti-abortion goals while taking money and credit for casting token votes on the right to life" (110). "I must now say," Ziegler quotes Weyrich as proclaiming at the October 1997 Life Forum meeting, "that it was a mistake to facilitate the marriage of the pro-life movement and the Republican Party" (110).

Nevertheless, James Bopp kept plugging away at campaign finance rules. In 1997, Bopp "co-founded the James Madison Center for Free Speech," whose board was stacked with GOP establishment panjandrums like Kentucky senator Mitch McConnell and Michigan fatcat donor Betsy DeVos (111-112). Armed with funding from "the John William Pope Foundation, the Mercer Family Foundation, the Lynde and Harry Bradley Foundation, and the Dick and Betsy DeVos Family Foundation," the James Madison Center for Free Speech honed the strategy that would eventually put paid to campaign finance reform: emphasizing that political donations fell under the rubric of free speech (112-113).

When Bopp took up the cause of Wisconsin Right to Life, a pro-life group that wanted to "run ads opposing [Wisconsin senator] Russ Feingold's threat to filibuster some of [President George W.] Bush's judicial nominees," the gate to corporate campaign monies cracked open a little more (139). The Supreme

Court's ruling on the resulting case, *Federal Election Commission v. Wisconsin Right to Life* (2007), cracked it open further. Finally, in 2010, the Supreme Court ruled in *Citizens United v. Federal Election Commission* that the government's attempts to ban political discourse and its funding, simply due to some speakers' being legal persons and not human beings, were clear violations of the First Amendment, "classic examples of censorship" (159-160). A follow-up Supreme Court case, 2010's *SpeechNow.org v. Federal Election Commission*, went even further in countenancing super PACs (161). Ed Meese, who had been Ronald Reagan's attorney general during Reagan's second term in the White House, submitted an amicus brief in *Citizens United* "on behalf of the Center for Constitutional Jurisprudence, an arm of the conservative Claremont Institute, argu[ing] that the Constitution's framers would not blink an eye at the concentration of vast sums of wealth in the contemporary United States—or the vast sums spent on election ads" (158).

In many ways, then, the Supreme Court in *Citizens United* merely recognized a movement that had been underway for decades. It wasn't so much that Republicans had gotten on board with campaign finance reform as that proliferators had upped the campaign finance ante so high that establishment types had no choice but to try to beat them at their own game. Both sides knew, of course, that what looked on the outside like teamwork looked from the inside like jockeying for primacy. Proliferators often held their noses when voting for Republicans, but George W. Bush's eventual nomination of John Roberts to the Supreme Court was, on my reading, the death knell for the long-troubled GOP-proliferator romance.

To be sure, Bush also appointed Samuel Alito, the "Federalist Society darling," in Ziegler's words (referencing the legal advocacy group that has long worked to provide politicians with a vetted pool of potential judicial appointments from which to select) (143). Alito, we now know, would go on to write the majority opinion in *Dobbs v. Jackson Women's Health Organization*, the signal 2022 Supreme Court ruling that at long last overturned *Roe*. But between Bush and *Dobbs*, as Ziegler records, Americans witnessed the rise of the Tea Party, a hasty phalanx of fiscal and social conservatives opposed in a thousand different ways to the administration of the radically pro-abortion Barack Obama (163).

It is in Chapter Five, "The Rise of Trump," that Ziegler explicates what, in her view, all that pent-up voter dissatisfaction and unregulated cash wrought. Super PACs, Ziegler writes, helped fund the Tea Party's dramatic appearance on the American political scene and also helped keep it there (164-167). More than money, though, it was exasperation with Republicans (as well as

with Democrats) that hustled American politics off into the populist rough. “Republicans had proclaimed theirs to be the party of life since 1980,” Ziegler writes, “and yet abortion remained legal. It seemed that any popular, successful candidate would inevitably prioritize his own agenda (and reelection) over promises about abortion. The Tea Party, however, was a kind of proof of concept that under certain circumstances, conservative, issue-based movements could control candidates rather than depend on them. The question was what control required” (167). As for Bopp, he “saw the Tea Party’s victory as the start of a roadmap for reshaping the GOP” (171). It was that and more.

Up to this point in the book, Ziegler has largely played the field fairly, where the ball lies. Her history of money, politics, and pro-life advocacy is important and accurate. Unfortunately, in her conclusion she allows herself some rather unhinged theorizing, arguing for example that it was Trump’s having “fanned the flames” of unrest in the summer of 2020 (was it not rioters who were doing that?) and his resulting unpopularity (coupled with the fallout from the coronavirus and his two impeachments) that prompted him to seek out “his pro-life supporters” (198-199). I think it would be more accurate to say that the Washington establishment (now very awkwardly allied against the very kind of politician both Republicans and Democrats had always sought to keep at the back of the big tent) did everything in its power to take back control of the political machinery.

But while Ziegler’s personal predilections soak through the page a bit here and there in Chapter Five, her account of Bopp’s involvement with Trump’s challenge to the results of the 2020 election is straightforward, as is her statement that Trump appointed the three judges—Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett—who would tip the scales and bring *Roe* crashing down some eighteen months after Trump had left the White House (199-202). Many proliferators see those three justices, and that one dead Supreme Court case from 1973, as more than worth the price of admission for the entire span of Trump’s season on the political stage.

Ziegler’s reflection on Bopp’s lifework is, I fear, right on the money (no pun intended). “Bopp,” Ziegler says, “felt [. . .] gutted by what he saw happening to conservatives” in the wake of the 2020 election.

He thought Trump supporters had been forced “into a ghetto” by the corporate world and the mainstream media. Twitter and Facebook had removed Trump from their platforms, and Amazon Web Services had stopped hosting Parler, a conservative-alternative to Twitter, after users continued to threaten election-related violence. Major corporate donors suspended contributions to politicians who had objected to the election certification. If Bopp’s critics saw him as a man who peddled lies to conservative voters, Bopp accused Democrats of making conservatives feel that they

were no longer safe or welcome in America. As he saw it, the country was courting another civil war. (203)

The perhaps uncharitable phrase “hoist with one’s own petard” comes to mind. That conservatives and proliferers in America are now at the mercy of woke capitalists and tech lords, in addition to politicians, is ironic and deeply depressing.

Ziegler surely does not go that far, but her book is nevertheless a lament about how American politics has fractured. She acknowledges, in *Dollars for Life* and elsewhere, that the dis-uniting of America is not solely about abortion, or about campaign finance reform, or about Donald Trump. Indeed, *Dollars for Life* is about how the history of political upheaval in America is a tangle made up of many more than a handful of different strands. But by spotlighting campaign finance and proliferers, Ziegler is making a pointed suggestion that these, above others, have undone the fabric of our republic. Perhaps she is right. Perhaps the trade-off for overturning *Roe* was the unraveling of our political order, such as it was.

And yet, while Ziegler’s argumentative thrust is welcome, and while her detailed research is a boon for anyone interested in politics or abortion, regardless of where he or she stands on the issues, I cannot help but feel that the framing of *Dollars for Life* falls short. Proliferers, after all, have long been aware that our ranks are disordered and our alliances are at best tactical. A two-part series in *Human Life Review* in the Spring 2007 and Winter 2008 issues (volumes XXXIII and XXXIV, respectively) by James Hitchcock is a perfect example of how well proliferers know that we are a contentious bunch, and that even those on our “side” very often act in ways that we do not understand or agree with. This is not news to anyone who has been paying attention. Abortion is, for proliferers, a horrific offense against innocent human beings, against all that is decent and good, against God Himself for many of us. On the argumentative scoping which Ziegler employs, dollars for life was a bad bargain, a rotten deal. But take a step back from the political and take in, as best one can, the sweep of the human, the spiritual, the endless assault by evil upon good, and all those dollars for life, every last one of them, insofar as they saved human lives, were worth whatever other consequences might have followed.

NOTES

1. <https://www.lifenews.com/2020/07/27/remembering-pro-life-doctor-mildred-jefferson-first-black-woman-to-graduate-from-harvard-med/>
2. https://fordhamlawreview.org/wp-content/uploads/2017/04/Byrn-Memorial_May.pdf
<http://88480785.weebly.com/uploads/2/5/5/8/25589473/amicuscuriaebrief5.pdf>
<https://epublications.marquette.edu/cgi/viewcontent.cgi?article=1786&context=lnq>
3. <https://www.theamericanconservative.com/nevertheless-pro-life-democrat-ellen-mccormack-persisted/>
4. <https://humanlifereview.com/wp-content/uploads/2015/11/1981winter.pdf>. According to the introduction in the same HLR issue, Galebach claimed he got the idea from “Professor George W. Carey of Georgetown” (2).
5. https://www.youtube.com/watch?v=Lr_DCOOUfzQ



Evelyn Waugh's Displaced Persons

Edward Short

“Throughout the early Middle Ages the monks were regarded by their lay contemporaries as the intercessors for the rest of society, divided against those who gave it livelihood by toil and those who defended it by arms. The monasteries therefore were not endowed solely as shrines of adoration or homes of charity, but as houses of public prayer; and when, in the perfected, self-conscious feudal state labour-service and military service were imposed and assessed as necessary functions of different classes, the monks were regarded as executing an equally indispensable social service of intercession.”

—Dom David Knowles, *The Monastic Order in England: From the Times of St. Dunstan to the Fourth Lateran Council 940-1216* (1940; second edition, 1963)

“My God, when I have dedicated something I have written to any human person, I am taking away something which does not belong to me, and giving it away to one who is not competent to receive it. What I have written does not belong to me. If I have written the truth, then it is ‘God’s truth’: it would be true if every human mind denied it, or if there were no human minds in existence to recognize it. . . . If I have written well, that is not because Hobbs, Nobbs, Noakes and Stokes unite in praising it, but because it contains that interior excellence which is some strange refraction of your own perfect beauty, and of that excellence of which you alone are the judge. If it proves useful to others, that is because you have seen fit to make use of it as a weak tool, to achieve something in them of that supernatural end which is their destiny, and your secret.”

—Ronald Knox, preface to an unfinished book of apologetics, quoted in Evelyn Waugh, *The Life of Right Reverend Ronald Knox* (1959)

I

In his crowning masterpiece, *Sword of Honour* (1965), Evelyn Waugh describes an encounter between his Catholic hero Guy Crouchback and his father Gervase, which reinforces a major theme of the trilogy. In the scene, Guy, on leave from the Halberdiers during World War II and reunited with his father, says in the wake of Italy’s surrender:

“What a mistake the Lateran Treaty was. It seemed masterly at the time—how long? Fifteen years ago? What are fifteen years in the history of Rome? How much better it would have been if the Popes had sat it out and then emerged saying: ‘What was all

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that? *Risorgimento*? Garibaldi? Cavour? The House of Savoy? Mussolini? Just some hooligans from out of town causing a disturbance. Come to think of it, wasn't there once a poor little boy whom they called King of Rome?' That's what the Pope ought to be saying today."

Mr. Crouchback regarded his son sadly. "My dear boy," he said, "you're really making the most terrible nonsense, you know. That isn't at all what the Church is like. It isn't what she's *for*."

This realization on the part of the elder Crouchback that the Church cannot conduct herself as though she were merely a political entity is pivotal to the book. Indeed, the real theme of *Sword of Honour* is the Church and the World. How do these two seemingly irreconcilable things coexist? Before I delve into this lively matter, I should say something briefly of the treaty that inspired Guy's contempt.

The Lateran Treaty (1929), struck between the Kingdom of Italy under King Victor Emmanuel III of Italy and the Holy See under Pope Pius XI, settled the hitherto unresolved Roman Question by recognizing the Vatican City as an independent state under the sovereignty of the Holy See. The Italian government also agreed to compensate the Roman Catholic Church for the loss of the Papal States under Pope Pius IX. For the historian Paul Corner of the University of Siena, the treaty "was an example of the fact that Mussolini's formula, 'Everything in the State, nothing outside the State, nothing against the State,' was capable of exceptions when necessary and when political advantage was to be gained," though the advantage to Mussolini was not unalloyed. "Certainly, the agreement consolidated his position and confirmed his independence from the [Fascist] party, but it did also mean a concession; like the monarchy, the Church remained an autonomous centre of power in respect to the Fascist structure and as such put a limit to any genuinely totalitarian pretensions."

For Cardinal Bourne, the Archbishop of Westminster between the years 1903 and 1935, the treaty was welcome. As he told his English countrymen in his Easter Sunday homily:

One thing only is necessary for sovereignty—namely, to be absolutely *sui juris*—not to be the subject of another. This sovereignty may be rooted in a purely spiritual function . . . But Peter and his successors, as mortal men, must have a foothold for their feet, a place in which to dwell, a territory in which to exercise the necessary and essential function of their purely spiritual charge and sovereignty.

In *Sword of Honour*, Gervase Crouchback writes his son a pivotal letter in which he defends the treaty. "When you spoke of the Lateran Treaty," he writes, "did you consider how many souls may have been reconciled and have

died at peace as the result of it? How many children may have been brought up in the faith who might have lived in ignorance? Quantitative judgments don't apply. If only one soul was saved, that is full compensation for any amount of loss of 'face.'"

Of course, the ignominious pact into which Pope Francis and his friends in the Vatican have entered with the red Chinese offers the Church no such assurances, nor does it secure her any autonomy; but Gervase's insistence that one soul saved is full compensation for any loss of diplomatic face resonates deeply with his son and becomes the thematic means by which Waugh unifies his work.

II

Gervase's letter is also a clear echo of what John Henry Newman had written in one of his first Catholic compositions, *Anglican Difficulties* (1850), in which he had occasion to remind his readers of the Church's true charge in the fallen world.

My dear brethren, do not think I am declaiming in the air or translating the pages of some old worm-eaten homily; as I have already said, I bear my own testimony to what has been brought home to me most closely and vividly as a matter of fact since I have been a Catholic; viz., that that mighty world-wide Church, like her Divine Author, regards, consults for, labours for the individual soul; she looks at the souls for whom Christ died, and who are made over to her; and her one object, for which everything is sacrificed—appearances, reputation, worldly triumph—is to acquit herself well of this most awful responsibility. Her one duty is to bring forward the elect to salvation, and to make them as many as she can to take offences out of their path, to warn them of sin, to rescue them from evil, to convert them, to teach them, to feed them, to protect them, and to perfect them. Oh, most tender loving Mother, ill-judged by the world, which thinks she is, like itself, always minding the main chance; on the contrary, it is her keen view of things spiritual, and her love for the soul, which hampers her in her negotiations and her measures, on this hard cold earth, which is her place of sojourning.

When Gervase dies, Guy, in pensive attendance at the requiem Mass, takes stock of the counsel he had received from his father over the years and realizes that he is at a crossroads. The besetting sin of spiritual sloth about which his father had warned him requires his attention as never before, and Waugh describes him thus discerning his way forward:

In the recesses of Guy's conscience there lay the belief that somewhere, somehow, something would be required of him; that he must be attentive to the summons when it came. They also served who only stood and waited. He saw himself as one of the labourers in the parable who sat in the marketplace waiting to be hired and were not called into the vineyard until late in the day. They had their reward on an equality with the men who had toiled since dawn. One day he would get the chance to do some

small service which only he could perform, for which he had been created. Even he must have his function in the divine plan. He did not expect a heroic destiny. Quantitative judgments did not apply. All that mattered was to recognise the chance when it offered. Perhaps his father was at that moment clearing the way for him. “Show me what to do and help me to do it,” he prayed.

This, too, echoes Newman, who wrote in one of his most cherished prayers:

God has created me to do Him some definite service. He has committed some work to me which He has not committed to another. I have my mission. . . . I am a link in a chain, a bond of connection between persons. He has not created me for naught. I shall do good; I shall do His work. I shall be an angel of peace, a preacher of truth in my own place, while not intending it if I do but keep His commandments. Therefore, I will trust Him, whatever I am, I can never be thrown away. If I am in sickness, my sickness may serve Him, in perplexity, my perplexity may serve Him. If I am in sorrow, my sorrow may serve Him. He does nothing in vain. He knows what He is about. He may take away my friends. He may throw me among strangers. He may make me feel desolate, make my spirits sink, hide my future from me. Still, He knows what He is about.

III

Since *Sword of Honour*, like *Brideshead Revisited* (1945) and *Helena* (1950), is a novel about the workings of Providence in the fallen world, Guy comes to realize his “definite service” in rather an anfractuosity. And to capture this anfractuosity, Waugh deploys one of his best female characters, Virginia, a prodigal, promiscuous, ingenuous creature. Civilly divorced from Guy at the book’s outset, Virginia marries and divorces a man named Troy, has an affair with a man named Trimmer, and then finds herself not only broke and alone but saddled with an unwanted pregnancy. The passages in the book describing Virginia desperately searching wartime London for an abortionist exhibit not only his shrewd understanding of character but his even shrewder appreciation of the dignity of human fallenness—even at its most absurd.

The last prospective abortionist she visits has actually closed shop, the War Office having requisitioned his talents for voodoo for the war effort. Instead of performing abortions, he now casts spells on Herr von Ribbentrop, Hitler’s ambassador to Britain. When Virginia meets the man whom she wishes to kill her child, he receives her with a memorable salutation.

“Good morning. Come in. How are you? You have the scorpions?”

“No,” said Virginia, “no scorpions this morning.”

Readers who know their Bible will see echoes in this of Luke 10:19: “Behold, I give unto you power to tread on serpents and scorpions, and over all the power of the enemy: and nothing shall by any means hurt you.” But

parents of children who know their Bible will also be reminded of Luke 11:12-14: “Now suppose one of you fathers is asked by his son for a fish; he will not give him a snake instead of a fish, will he? Or if he is asked for an egg, he will not give him a scorpion, will he? If you then, being evil, know how to give good gifts to your children, how much more will your heavenly Father give the Holy Spirit to those who ask Him?” In having Dr. Akonanga of 14 Blight Street, W2, off the Edgware Road, ask after scorpions, Waugh reminds his readers in one word of what the true relationship between God and his children should be. In giving the doctor’s office this definite address, Waugh makes a vital allusion to Graham Greene’s short story “A Little Place Off the Edgware Road” (1939), in which his friend speaks of “the squalid darkening street,” which was “only one of the innumerable tunnels connecting grave to grave where the imperishable bodies lay.” Abortion, in other words, cannot abort God’s immortal work.

Of course, Waugh presents the scene to portray the sinner in Virginia, but he does so with striking compassion. The sinner in Virginia actually has a tragic dignity. Once the misunderstanding about the parcel of scorpions is sorted out, Virginia introduces herself. “‘I’ve come as a private patient,’ she said. ‘You’ve treated lots of women. Women like myself,’ she explained with her high incorrigible candour, ‘who want to get rid of babies.’” Virginia may be a sinner; she may be unaware of the love that God the Father bears for her and her baby; but she is not a canting sinner. She does not follow the infelicitous Marie Stopes and prate of birth control. She does not prate of reproductive rights, like our own sinners. She calls a spade a spade. She has come to the doctor to get rid of her unwanted child.

When Virginia despairs of finding an abortionist, she looks up her former husband, having heard that he is likely to come into a considerable fortune now that his father is dead. Guy is staying with his Uncle Peregrine after a training injury with a parachute and welcomes the society of his lively former wife. Peregrine, an eccentric bachelor, whose exacting Catholicism puts one in mind of Bridey’s faith in *Brideshead Revisited*, is the perfect foil for Virginia, though, as Waugh shows, for all their differences, they share an unworldly childlikeness. Indeed, when Peregrine takes Virginia out for dinner, their conversation nicely reveals their characters’ improbable similarity.

“Peregrine, have you never been to bed with a woman?”

“Yes,” said Uncle Peregrine smugly, “twice. It is not a thing I normally talk about.”

“Do tell.”

“Once when I was twenty and once when I was forty-five. I didn’t particularly enjoy it.”

“Tell me about them.”

“It was the same woman.”

Virginia’s spontaneous laughter had seldom been heard in recent years; it had once been one of her chief charms. She sat back in her chair and gave full, free tongue; clear, unrestrained, entirely joyous, without a shadow of ridicule, her mirth rang through the quiet little restaurant. Sympathetic and envious faces were turned towards her. She stretched across the tablecloth and caught his hand, held it convulsively, unable to speak, laughed until she was breathless and mute, still gripping his bony fingers. And Uncle Peregrine smirked. He had never before struck success. He had in his time been at parties where others had laughed in this way. He had never had any share in it. He did not know quite what it was that had won this prize, but he was highly gratified.

“Oh, Peregrine,” said Virginia at last with radiant sincerity, “I love you.”

As their conversation continues, it transpires that the promiscuous Virginia and the celibate Peregrine have something else in common. They are both, in their different ways, keenly aware of the sorrows of sex, of how desire and disorder can go hand-in-hand. When Peregrine describes the attitude towards sex that he has encountered among the denizens of Bellamy’s, his club, he could be describing the sordid liaisons to which Virginia has succumbed before and after leaving Guy.

“I know most men go in for love affairs,” he said. “Some of them can’t help it. They can’t get on at all without women, but there are plenty of others—I daresay you haven’t come across them much—who don’t really care about that sort of thing, but they don’t know any reason why they shouldn’t, so they spend half their lives going after women they don’t really want. I can tell you something you probably don’t know. There are men who have been great womanizers in their time and when they get to my age and don’t want it any more and in fact can’t do it, instead of being glad of a rest, what do they do but take all kinds of medicines to make them *want* to go on? I’ve heard fellows in my club talking about it.”

Peregrine also reveals his recognition of Virginia’s peculiar plight in taking up with the ramshackle Trimmer when he says to his dinner guest: “You only have to look at the ghastly fellows who are a success with women to realise that there isn’t much point in it.” Virginia is described by Waugh as listening distractedly to her interlocutor, only making “a little pagoda of the empty oyster-shells on her plate.” Yet when she breaks her silence, it is to share with Peregrine how she and he are bound together by other preoccupations. “Without raising her eyes she said: ‘I’m rather thinking of becoming a Catholic.’” Peregrine receives this startling revelation with a revelation of his own.

“Oh,” he said. “Why?”

“Don’t you think it would be a good thing?”

“It depends on your reasons.”

“Isn’t it always a good thing?”

The waiter reproachfully rearranged the oyster-shells on Virginia’s plate before removing it.

“Well, isn’t it?” she pressed. “Come on. Tell. Why are you so shocked suddenly? I’ve heard an awful lot one way and another about the Catholic Church being the Church of sinners.”

“Not from me,” said Uncle Peregrine.

The waiter brought them their turbot.

“Of course, if you’d sooner not discuss it . . .”

“I’m not really competent to,” said the Privy Chamberlain, the Knight of Devotion and Grace of the Sovereign Order of St. John of Jerusalem. “Personally I find it very difficult to regard converts as Catholics.”

One might be inclined to see this as simply another comic twist of Peregrine’s recusant Catholicism, but Waugh actually means it as an expression of the man’s humility, his appreciation of the demands of conversion. “Uncle Peregrine hesitated between his acceptance in theory of the operation of divine grace and his distant but quite detailed observation of the men and women he had known, and relapsed to his former ‘I’m really not competent to say.’” The devout Catholic in Peregrine is cast in an even more interesting light when he admits to Virginia that he had thought that she was coming to his flat not to see her estranged husband but him, an admission which appeals richly to her sense of the ridiculous, though Waugh could not present his portrait of these two unlikely sinners with more winning tenderness.

“Well,” said Uncle Peregrine, “that alters everything.” He looked at her with eyes of woe. “It was Guy you’ve been coming to see all these last days?”

“Of course. What did you think? . . . Oh, Peregrine, did you think I had Designs on *you*?”

“The thought had crossed my mind.”

“You thought perhaps I might provide your third—.” She used a word, then unprintable, which despite its timeless obscenity did not make Uncle Peregrine wince. He even found it attractive on her lips. She was full of good humour and mischief now, on the verge of another access of laughter.

“That was rather the idea.”

Here one can see Waugh’s Jamesian flare for scene making—“Dramatise it, dramatise it!” being the American novelist’s constant mantra. Yet James

rarely managed dialogue of this beguiling alchemy.

“But surely that would have been Wrong?”

“Very Wrong indeed. I did not seriously entertain it. But it recurred often . . . You could have moved into the room Guy is in now. . .”

Virginia’s laughter came again, most endearing of her charms.

“Darling Peregrine. And you wouldn’t have needed any of those expensive treatments your chums in Bellamy’s recommend?”

“In your case,” said Uncle Peregrine with his cavalier grace, “I am practically sure not.”

When Virginia shares her “Designs” with Guy, the two are forced to speak of the love that their fraught relations have betrayed. “I don’t love any more,” says the desolate Guy, to which Virginia retorts, pleadingly: “Not me?”

“Oh, no, Virginia, not you. You must have realised that.”

“It is not easy to realise when lots of people have been so keen, not so long ago. What about you, Guy, that evening in Claridge’s?”

“That wasn’t love,” said Guy. “Believe it or not, it was the Halberdiers.”

“Yes. I think I know what you mean.”

The justness of their agreeing on this last point is borne out by Waugh’s describing wartime London earlier in the book as a place where “every doorway held an embraced couple.” For no less a critic and no less a Londoner than V.S. Pritchett, “large portions of the last war were exactly as [Waugh] describes them.” Pritchett is also astute in realizing that if “Crouchback’s bad wife would once have been seen [by the novelist] as a vile body; she is now discerned as a displaced person.” One of the great achievements of Waugh’s masterpiece is to show how all of its characters are displaced persons, though their home is not this or that English or European place but the country St. Raphael describes in the prayer that meant so much to Flannery O’Connor.

*Raphael, lead us toward those we are waiting for,
those who are waiting for us:
Raphael, Angel of happy meeting,
lead us by the hand toward those we are looking for.
May all our movements be guided by your Light and transfigured with your joy.*

*Angel, guide of Tobias, lay the request we now address to you
at the feet of Him on whose unveiled Face you are privileged to gaze.
Lonely and tired, crushed by the separations and sorrows of life,
we feel the need of calling you and of pleading for the protection of your wings,*

*so that we may not be as strangers in the province of joy,
all ignorant of the concerns of our country.
Remember the weak, you who are strong,
you whose home lies beyond the region of thunder,
in a land that is always peaceful, always serene and bright
with the resplendent glory of God.*

Of course, the “region of thunder” has a special significance for the inef-fable Apthorpe, but that is another story.

In showing Guy accepting Virginia’s offer of re-marriage, even with Trimmer’s child in her womb, indeed, precisely because of the illegitimate child, Waugh exhibits the fruits of the conversion that Peregrine finds so improbable, though, brilliantly, the novelist presents this turning to God from the standpoint of Guy’s highly conventional friend, Kerstie—from the stand-point, that is to say, of Vanity Fair.

“You poor bloody fool,” said Kerstie, anger and pity and something near love in her voice, “you’re being *chivalrous*—about *Virginia*. Can’t you understand men aren’t chivalrous anymore and I don’t believe they ever were. Do you really see Virginia as a damsel in distress?”

“She’s in distress.”

“She’s tough.”

“Perhaps when they *are* hurt, the tough suffer more than the tender.”

“Oh, come off it, Guy. You’re forty years old. Can’t you see how ridiculous you will look playing the knight-errant? Ian thinks you are insane, literally. Can you tell me any sane reason for doing this thing?”

Here, the Catholic Guy is at a disadvantage. He knows that the unbelieving Kerstie will not enter into why he is doing what he has decided to do, knight-errantry, in the sense in which she understands the term, being something rather different from love—self-surrendering love. Yet, he perseveres.

“Of course Virginia is tough. She would have survived somehow. I shan’t be changing her by what I’m doing. I know all that. But you see there’s another”—he was going to say “soul”; then realized that this word would mean little to Kerstie for all her granite propriety—“there’s another life to consider. What sort of life do you think her child would have, born unwanted in 1944?”

“It’s no business of yours.”

“It was made my business by being offered.”

“My dear Guy, the world is full of unwanted children. Half the population of Europe are homeless—refugees and prisoners. What is one child more or less in all the misery?”

“I can’t do anything about all those others. This is just one case where I can help. And only I, really. I was Virginia’s last resort. So I couldn’t do anything else. Don’t you *see*?”

“Of course I don’t. Ian [Kerstie’s husband] was quite right. You’re insane.”

That Kerstie is married to Ian Kilbannock, the fatuous journalist attached to the Halberdiers, lends her worldly view of matters an extra absurdity. For Kerstie and Ian, to love selflessly is insane. They might have been the people St. Paul had in mind when he told the Corinthians that the preaching of the cross is only foolishness to them that perish. Still, Kerstie’s spiritual philistinism nicely offsets Guy’s newfound *caritas*. “It was no good trying to explain, Guy thought. Had someone said: ‘All differences are theological differences’? He turned once more to his father’s letter: *Quantitative judgments don’t apply. If only one soul was saved, that is full compensation for any amount of loss of ‘face.’*”

Anne Pasternak Slater’s comments apropos Guy’s decision to take Virginia back are spot on. She certainly recognizes that in the eyes of the Church Guy and Virginia have never been unmarried—despite Troy and Trimmer. One of the very best of our literary critics, she understands the deep Catholic core of the book—a core which baffled Waugh’s contemporary critics, including Kingsley Amis, Philip Toynbee, Frank Kermode, and Gore Vidal, all of whom simply found the book “reactionary,” “snobbish,” and “hollow.” In her study of Waugh, Pasternak Slater notes how the novelist introduces a character named Mr. Goodall, a connoisseur of the recusant aristocracy, to show how a distant relative of Guy unwittingly made an illegitimate child his heir. As far as Goodall is concerned, in such circumstances, in God’s eyes, the child is the true heir. Guy, however, is sceptical, asking whether God’s Providence would ever stoop to concern itself with “the perpetuation of the English Catholic aristocracy.” Goodall insists that it does concern itself with such things—“And with sparrows too, we are taught.” And here Pasternak Slater makes a vital point.

Now, in Waugh’s final volume, this resolution is set the right way up. Guy knowingly fathers Trimmer’s bastard son, and takes him into the household of his faith, a family of inestimably greater value than the aristocracy. Moral order is established and conventional validations of legitimacy and inherited class rejected. This, incidentally, is another answer to those who accuse Waugh of snobbery.

Trimmer, after all, we have to remember, begins his protean career as a hairdresser on Cunard ships. Moreover, the accuracy of Pasternak Slater’s point is borne out by the description of Gervase Crouchback that Waugh provides to his readers at the book’s opening.

There was nothing of the old dandy about him, nothing crusted, nothing crotchety. He was not at all what is called a “character.” He was an innocent, affable old man who had somehow preserved his good humour—much more than that, a mysterious and tranquil joy—throughout a life which to all outward observation had been overloaded with misfortune. He had like many another been born in full sunlight and lived to see night fall. He had an ancient name which was now little regarded and threatened with extinction. Only God and Guy knew the massive and singular quality of Mr. Crouchback’s family pride.

The elder Crouchback is one of the book’s best characters, a good man whose goodness Waugh manages to capture in a few choice, deft, luminous strokes. Ian Ker, in what is the very best essay ever written about the novelist, “Evelyn Waugh: The Priest as Craftsman” (2003), notes how:

When Mr. Crouchback dies, it seems entirely appropriate that his solicitor should observe that, although none of Mr. Crouchback’s furniture is “of any value,” nevertheless “it was all well made.” A man who has done the job of being a Catholic, of doing Catholic things, so perfectly would naturally also have well-crafted furniture.

The American author Gore Vidal, on the other hand, speaking for many of those outside the Catholic pale, found Waugh’s Catholic art unconvincing. “Satirists seldom end well,” he wrote in his review of the trilogy in the *New York Times*.

The rage that fills them and makes possible their irritable art is apt to turn on themselves. Dean Swift’s madness is instructive. Waugh’s own experiences, recorded in his extraordinary novel “The Ordeal of Gilbert Pinfold” (1956), are in that dark tradition. For Waugh’s art, the difficulties inevitably increase as he turns from present horrors to his private vision of the good life. His religious and social preferences are his own business, but when he tries to make a serious case for them in his work, he is on shaky ground. Even the prose—so precise in its malice when he is on the attack—grows solemn and hollow when he tries to celebrate goodness and love and right action. One might say of him, to paraphrase James on Meredith, that he does the best things worst.

“Shaky ground”? The ground on which Waugh founded his Catholic art is man’s inalienable failure, his radical need for God’s grace and redemption. There is no more solid ground than that. Of course, for any critic blind to the “mysterious and tranquil joy” that animates the faithful Gervase, and, by extension, Waugh’s art, Vidal’s strictures will always seem plausible. Unprejudiced readers will judge otherwise. As for satirists not ending well, Waugh died on Easter Sunday after Easter Sunday Mass surrounded by his family, a spry, devout, accomplished man. Only a fool would regard such an end as bad.

IV

Virginia's conversion is another instructive riposte to Peregrine's comical scrupulosity. "In Westminster Cathedral," Waugh writes, ". . . Virginia made her first confession. She told everything; fully, accurately, calmly, without extenuation or elaboration. The recital of half a lifetime's mischief took less than five minutes. 'Thank God for your good humble confession,' the priest said. She was shriven. The same words were said to her as were said to Guy. The same grace was offered. Little Trimmer stirred as she knelt at the side-altar and pronounced the required penance; then she returned to her needlework." It is precisely the forthcoming naturalness of Virginia's unburdening of her sins that puts Peregrine's scruples in their necessary light. We can ponder the mystery of absolution all we like—or we can simply go to confession. Virginia chooses the latter. "That evening she said to Uncle Peregrine, as she had said before: 'Why do people make such a *fuss*? It's all so easy. But it is rather satisfactory to feel I shall never again have anything to confess as long as I live.'" Of course, in a new penitent, imagining that one confession will suffice for the conversion of the natural man might be a piece of understandable deludedness, but for Waugh, and for his readers, Virginia's peace of mind is edifying. It even impresses Peregrine. "Uncle Peregrine made no comment," Waugh notes. "He did not credit himself with any peculiar gift of discernment of spirits. Most things which most people did or said puzzled him, if he gave them any thought. He preferred to leave such problems in higher hands."

In describing Virginia's experience as a catechumen, Waugh offers his readers a portrait of conversion that should encourage even the most zealous of sinners to repent of their sins. Here, we have no Rex Mottram attempting to rig what ought to be the surrender, the unconditional surrender of conversion, but only the ingenuousness of assent.

Presently she said: "I've finished my lessons, you know."

"Lessons?"

"Instructions. Canon Weld says he's ready to receive me any time now."

"I suppose he knows best," said Uncle Peregrine dubiously.

"It's all so easy," said Virginia. "I can't think what those novelists make such a fuss over—about people 'losing their faith.' The whole thing is clear as daylight to me. I wonder why no one ever told me before. I mean it's all quite obvious really, isn't it, when you come to think of it?"

"It is to me," said Uncle Peregrine.

“I want you to be my godfather, please. And that doesn’t mean a present—at least not anything expensive.” She plied her needle assiduously, showing her pretty hands. “It’s really you who have brought me into the Church, you know.”

“I? Good heavens, how?”

“Just by being such a dear,” said Virginia.

Here, the operation of providence in the world, which Peregrine found so inscrutable in his earlier encounter with Virginia, becomes manifest. And that Waugh manages to pull this off with two characters who would not be out of place in his earlier Mayfair comedies is a mark of his late consummate artistry.

V

Most readers revel in *Sword of Honour* because of its high comedy. Apthorpe, Ritchie-Hook, and Ludovic are comic characters of a Falstaffian richness. Yet the comedy inherent in these farcical figures is unredeemed until we meet with Virginia’s divine comedy. This is a comedy, as I have tried to show, with its own peculiar hilarity, but it is also a comedy suffused with grave purpose. It certainly gives Waugh the opportunity to end his trilogy on a note of profound hope—the hope of conversion in a world riddled with despair. And Virginia’s decision to have, not abort her child, is at the heart of that conversion.

After deciding to accept Trimmer’s child as his heir, Guy seeks to help a few displaced Jews whom he has befriended. He loves his neighbor as he loves himself. The same desire to follow God’s commandments that had converted him from a tribal to a true Catholic now enables him to look beyond the desolations of the smart set.

Accordingly, when Guy meets with one of his Jewish friends for the last time before she is taken away for her almost certain murder, the two descend on the nature of war, which turns out to be rather similar to the nature of original sin. While Guy tries to assure Mme. Kanyi that someone who has been pursuing her will make no trouble for her, she demurs, and in her demurrals, in a few offhand, simple utterances, she conjures up centuries of Jewish persecution. She also drives home what St. Jerome deplored as the treacherousness of the human heart. Guy may be able to leave the débâcle of Crete behind him, but Mme. Kanyi very likely will not. “You are leaving,” she says. “There was a time when I thought that all I needed for happiness was to leave. Our people feel that. They must move away from evil. Some hope to find homes in Palestine. Most look no farther than Italy—just to cross the water, like crossing the Red Sea.” For Mme. Kanyi and her Jewish

friends, fleeing evil is never easy, and this gives her an insight into the nature of evil hitherto unvouchsafed to Guy. “Is there any place that is free from evil,” she asks.

“It is too simple to say that only the Nazis wanted war. These Communists wanted it too. It was the only way in which they could come to power. Many of my people wanted it, to be revenged on the Germans, to hasten the creation of the national state. It seems to me there was a will to war, a death wish, everywhere. Even good men thought their private honour would be satisfied by war. They could assert their manhood by killing and being killed. They would accept hardships in recompense for having been selfish and lazy. Danger justified privilege. I knew Italians—not very many perhaps—who felt this. Were there none in England?”

“God forgive me,” said Guy. “I was one of them.”

Faced with the aboriginal calamity of Guy’s fallenness, one is grateful for Waugh’s last joke, replete as it is with his Catholic sense of grace, indeed, his Catholic sense of hope. At the novel’s end, Arthur Box-Bender, Guy’s brother-in-law, who has always thought the Catholic faith nonsense, has been having trouble with his son. What is wrong with the son?

Divorce? Debt? No, something odder than that. He’d gone into a monastery.

In summing up the novel, Frank Kermode argued that it only showed how “the whole matter of Catholic England and its hereditary defenders” was a “myth,” to which Waugh clung to give some order to what he regarded as an otherwise disastrous world. Despite the novelist’s best efforts, *Sword of Honour* only proved that the “force” of the myth was “diminishing.” After all, at the book’s end, “Priests are corrupt, England dishonoured; and the heir of Broome is sinking into despair until moved to virtuous action by the plight of displaced persons . . . whom he could not save.” Failure, in other words, in Kermode’s jejune reading, discredits Christian hope. Waugh, of course, knew otherwise. Yes, he conceded in the preface to the trilogy that he had written “an obituary for the Roman Catholic Church in England;” he rightly loathed the liturgical depredations of Vatican II. Yet at the same time the very fact that he has the son of Box-Bender enter the monastery at the end of the book affirms his recognition of the truth of something Newman had occasion to say in his “Sermon on the Liturgy” (1830): “Hope is the patient subdued tranquil cheerful thoughtful waiting for Christ.”

BOOKNOTES

TWO PATIENTS: MY CONVERSION FROM ABORTION TO LIFE-AFFIRMING MEDICINE

Dr. John Bruchalski with Elise Daniel
(Ignatius Press, 2022, paperback, 185 pp., \$17.95)

Reviewed by Maria McFadden Maffucci

Dr. John Bruchalski is indeed a blessed man. In his recent memoir *Two Patients: My Conversion from Abortion to Life-Affirming Medicine* he tells us there were *two* times in his life when God made His presence known with a divine message meant just for him. Still, the doctor suffered greatly when he realized *why* he'd needed two visitations: The first, which occurred at the shrine of our Lady of Guadalupe in Mexico City, had not been enough to convince him that what he was doing as an obstetrician—delivering *and* aborting babies—was not God's will.

Raised in a loving, Catholic family in New Jersey, Bruchalski knew from an early age that he wanted to be a doctor. After graduating from the South Alabama College of Medicine in 1986, he began an externship in rural Virginia, which solidified his decision to go into obstetrics and his desire to serve the poor—something, he says, instilled in him by the Jesuit model of the Catholic undergraduate school he attended.

So the following year, when a friend asked him to join a mission trip to help a priest in Mexico City build a water-purifying system for his parishioners, Bruchalski was all in. During the five-day stay, he and his companions visited the shrine of Our Lady of Guadalupe—located on Tepeyac Hill. At best a lukewarm Catholic, he was fascinated by the historical significance of the tilma—a hand-woven mantle miraculously imprinted with an image of Our Lady—but figured it was a “Catholic myth,” the tilma a “fraud.”

And yet on joining the throngs of tourists and pilgrims on the moving walkway in front of the shrine, he was “unable to absorb what I was seeing before my eyes: an ancient relic, somehow youthful in its luster, yet nearly 400 years old, with colors so crisp they challenged every preconceived notion” he had brought with him. He moved past the shrine several times. Feeling confused, he sought a quiet seat in a pew, putting his head in his hands. And then, from out of nowhere, a voice asked, “Why are you hurting me?”

Stunned, his heart racing, Bruchalski looked around to see if anyone else

had heard it. Seeing there was no reaction, he calmed himself down, eventually dismissing the experience. “It must have been the heat,” he told himself, “or the *cerveza* I had at lunch. Either way, my faith life was lousy, and I knew it. I couldn’t possibly have heard a voice from God.”

During his next career step, a residency in Norfolk, Virginia, Bruchalski continued to terminate unwanted pregnancies, even assisting at partial-birth abortions of babies with disabilities. At times he was “tempted to mourn the innocent lives lost,” but would reassure himself that he was “eliminating suffering,” which was “merciful,” and “what I have to learn to do to be a good doctor.” With time, “my heart became like steel, hard and unyielding.” The voice he’d heard in Mexico City “became a distant memory,” and “I pressed on with more abortions, linked arm in arm with the medical status quo.”

In 1989, however, something happened that shook him to his core. A woman who was experiencing pregnancy complications decided she wanted an abortion. Bruchalski, relying on the woman’s estimation of how far along she was in the pregnancy, proceeded to abort only to discover on delivery that the baby, still alive, weighed over the legal limit for abortion in Virginia. In a panic, he paged neonatal intensive care and moved the baby to a warmer. The neonatologist on call rushed in with her team, and when she had prepped the baby to be transferred to the NICU, she pulled Bruchalski aside:

“Stop giving me tumors John.”

“What?”

“Stop treating these babies like they’re tumors. You’re better than that. You’re a *good* physician.

“Did you hear me, John? The mother shouldn’t be your only concern in these delivery rooms. You have two patients, not just one.”

Her words hit him in the gut, made his head spin. Somehow, he knew he would never be the same, but he wasn’t sure why. In a discussion the next day, the neonatologist again urged him to consider both patients; she also asked if he’d ever gone to Medjugorje, a place he’d never heard of. In a strange coincidence soon after, his mother asked him to go along with her on a winter break trip to—Medjugorje, the village in Bosnia Herzegovina where, in 1981, six children claimed to have been visited by the Virgin Mary.

While the authenticity of these visions is still under study by the Vatican, millions of people have since travelled to Medjugorje, many of whom insist they received visions and miracles. As does the good doctor. But I won’t give it away—you’ve got to read it yourself, just as Bruchalski describes it. “I don’t know for sure why God chose to speak to me in such a strange and

unbelievable way,” he relates, “but maybe he had to. My heart was so hard and my soul so entrenched in sin that I needed a radical encounter.”

Bruchalski came back from Medjugorje a changed man. Determined to be a doctor who “heals instead of hurts,” he joined a pro-life practice. Then, because he was called to serve the poor, in 1994 he and his wife Carolyn, a nurse, opened the Tepeyac Center, a “pro-life faith-based obstetrics and gynecology practice for all women—insured, underinsured, and uninsured.” From its shaky, underfunded beginning, Tepeyac OB-GYN, located in Fairfax, Virginia, has grown and expanded; in 2000 Bruchalski founded Divine Mercy Care, a non-profit to support the center and advance pro-life health care.

Two Patients is an inspiring book for believers; after Medjugorje, Bruchalski immersed himself in Catholic ethics and practice and was transformed, he says, “like a dead man brought back to life.” But it offers much for a secular audience as well. Because Bruchalski first performed abortions with a sincere belief that he was helping women, he deeply understands both sides of the issue. He doesn’t demonize or caricature those with whom he has come to disagree.

While our culture seems to thrive on anger and spite for those on the “other” side, *Two Patients* is an invitation to the unconvinced to consider whether abortion can ever be the best answer for *both* mother and child. And in Dr. John Bruchalski’s story, told with humility and compassion, we see how it is always possible for even those entrenched in the abortion culture to embrace the truth about life and become a witness for others.

—*Maria McFadden Maffucci is the Editor in Chief of the Human Life Review.*

FROM THE HLR WEBSITE

“BENEDICT XVI, 95, WHO DEFENDED DOCTRINE, DIES.”
—*THE NEW YORK TIMES*, JANUARY 1, 2023

William Murchison

And so it goes: the gaze of society deflected, as usual, by the modern establishment’s failure—or refusal—to acknowledge what should be called and reckoned with as religious truth. As the *Human Life Review*’s Jim McFadden used to sigh, verbally, in signing off from yet another commentary on the march of secularism, Oremus.

Which petition, meaning “Let us pray,” seems all the more relevant to assessments of Pope Benedict’s stewardship of the Catholic Church. This is because Benedict’s restoration of a Latin option for Mass celebration seemed to progressives or secularists just one more instance of dogged devotion to dogma for its own sake, comparable to his embrace of the all-male priesthood and “traditional” (oh, fearsome word!) understandings of marriage. The guy just didn’t get what was going on in the modern world! He wouldn’t relax the grip of Old Times and Ancient Ways! Probably watched John Wayne movies late at night and cheered every cavalry charge!

Well, hooley! And kindly pardon any understatement which that dismissal confers. The death of a very great theologian, an exceedingly generous Christian spirit, a very, very courageous, compassionate, and, yes, far-sighted leader of an ancient institution battered by the excesses of his time—that death affords the chance of laying on a little perspective to the obituaries. For instance, the judgment as relayed by the *Times* of a South African public health campaigner that Benedict’s disapproval of condom use to prevent AIDS showed that “religious dogma is more important to him than the lives of Africans.”

Bow-wow—the “dogma” word again: showing its ferocious teeth; governing all dispositions of faith in the church. Or at any rate until words such as “dogma” and “doctrine” undergo CT scans for scientific viewing of any realities they supposedly conceal.

A doctrine is intended, with all the possible missteps any human formulation necessarily entails, to present religious truth. Truth (whose content Pontius Pilate inquired concerning) is a word with which modern intellectuals like to play, as in their constant attempts to establish how variant meanings and new “understandings” crop up constantly in the real world and require modification of old viewpoints. We’re not to be harnessed tightly, the reasoning goes, to beliefs that have worn out their welcome: the beliefs

to which Benedict XVI, as widely misunderstood today, constantly taught; notions, ideas dripping with cobwebs, dried and brittle to the touch.

In reality, the doctrines on which Benedict insisted are pulsing with life: reflections of the mind of God the Father Almighty, Maker of Heaven and Earth, which is rather tall authority if you think about it. Upon the embrace of authentic Truth, as the Church, not just Benedict, told the story, depended nothing less than the salvation of souls; whereas the rejection of Truth exposed the inventive and negligent to the lake of fire. Unless, to be sure, TV and modern university education have in concert shown the non-existence of such fantasies as fiery water. As of Judgment itself.

Wearily, Benedict went about the often thankless task of asserting that Christianity had important things to say: profoundly worth the saying and the hearing. He knew they did, never mind the indifference, or worse, he so often encountered.

Pope Benedict XVI and the modern world were seemingly a poor fit. On the other hand, the modern world's need of such a leader and thinker was, and remains, profound—bottomless, even an Anglican such as myself might say. He came, he saw, he witnessed. What more could His Maker have asked?

“So he crossed over,” as Bunyan—that robust old Protestant—wrote, “and all the trumpets sounded for him on the other side.”

—*William Murchison, a former syndicated columnist, is a senior editor of the Human Life Review.*

BLACK SWAN IN THE PRO-LIFE PERSONALITY

Joe Bissonnette

I have organized dozens of pro-life groups, first as an undergraduate, then throughout my career as a high school teacher. And for thirty-plus years, I have been surprised by the number of decent, moral, conscientious students who, though vaguely sympathetic, wouldn't venture to become actively pro-life. I have also been surprised by the types of students who joined pro-life groups—for the longest time, I misunderstood what motivated them.

There is a widely held misunderstanding concerning the foundational traits of proliferers. We are often caricatured as repressed and nerdy. It is generally thought that we rate high on conventionality and conformity. And it is true that most of us would strongly align with Edmund Burke's famous description of society as “a partnership between those who are living, those who are dead, and those who are to be born.” Many proliferers themselves think they are motivated by a spirit of regard for accrued wisdom and an abiding social contract. And most would agree with the popular perception of proliferers as

peaceable conservatives. But I've come to believe this is not really the case.

My thinking, rooted in virtue theory, used to run like this: Abortion is clearly the greatest evil of our time. To overcome the greatest evil requires the greatest virtue. Virtue is a scaffold, and the greatest (or higher) virtues are built on a foundation of lesser (or lower) virtues. Those who exhibit the lesser virtues—the well-balanced, orderly, conscientious, diligent, and goal-oriented—will naturally be the ones most likely to possess the greatest virtues.

For the longest time, I expected the best and most well-rounded students to become proliferers. They would be more likely to see through deceptions, I thought, and therefore would want to speak up and do something about the injustice of abortion, even at great personal cost.

But proliferers, I have found, are often not the most well-rounded and accomplished individuals. And for most of us, it is not conservatism that impels us to become involved in pro-life work. But “conservative” is a convenient tag for reductionist binary thinkers looking for an easy way to contrast us with “deconstructionists”—the intellectual vandals (and their followers) who have been attacking all that is good and true since World War II.

Generally speaking, conservatives are well-adjusted and peaceable quietists. Proliferers are not well-adjusted, peaceable quietists. We are radical, looking to the root of things; we are extremist, willing to follow the thread of undeniable truths even as it leads us far from the accepted views of the herd. And though we may not label it as such, we are likely to subscribe to some variation of what might be called the Black Swan view of history.

Black Swan theory was presented by options-trader-turned-academic Nassim Nicholas Taleb in his 2007 bestselling book *The Black Swan: The Impact of the Highly Improbable* as a way to explain the significance of transformative outlier events.

High-profile, rare events, such as the discovery of antibiotics (a positive Black Swan) and the 2008 financial crisis (a negative one), are unpredictable, according to Taleb, but have such transformative consequences (e.g., in science, finance, technology) that people are moved retrospectively to find explanations that might account for their seeming randomness.

According to conventional historical theories, the pro-abortion-rights position is all but inevitable. Secularization, radical autonomy, and a weird combination of consumerist optimism and existential gloom all intertwine with abortion rights. It would seem that to be a proliferer is to fight the inevitability of the tides.

But proliferers aren't stoic defeatists, laboring on simply because it's the honorable thing to do. Fundamentally, we are NOT Hegelians or Marxists,

believing in historical inevitability. And it's not even an intellectual thing so much as an intuitive and spiritual thing. To illustrate the futility of conventional historical models, which are based upon patterns from the past, Taleb uses the example of the turkey and the butcher. For 364 days of the year, the life of a turkey is calm, peaceable, and predictable. Then, on T minus 2 (2 days before Thanksgiving), it is catastrophic.

Turkeys are famously small-brained, stupid birds. Like turkeys, it is natural for us to expect that things will continue to be as they have been. And as a society, day-to-day operations have to be governed by common-sense realism rooted in the assumption that the future will unwind much like the past. But proliferators have a stronger intuitive-spiritual sense for outlier possibilities, for things that are beyond the conventional imaginative horizon. We know that some big gamechanger is coming. Someday.

—*Joe Bissonette is a religion teacher. He grew up reading his dad's copies of the Human Life Review.*



APPENDIX A

[*Jonah McKeown is a staff writer and podcast producer for Catholic News Agency. This article originally appeared on CNA's website (www.catholicnewsagency.com) on Jan 20, 2023, and is reprinted with permission.*]

Jonathan Roumie: Pro-life advocacy the “worthiest and noblest cause possible”

Jonah McKeown

Addressing thousands of people assembled on the National Mall in Washington, D.C., a man who became famous for playing Jesus Christ on television gave credit to the real Jesus for leading him to speak out publicly, for the first time, about his pro-life views.

“This guy made me do it,” Jonathan Roumie told the crowd at the 2023 March for Life, pointing at the sky. “And I’m a better man for it.”

Roumie, a devout Catholic widely recognized for playing the role of Jesus on the popular TV series “The Chosen,” approached the podium Jan. 20 to roaring cheers from the crowd. He was the top-billed of the dozen or so speakers who addressed the attendees immediately before the 50th annual march got underway.

“God is real, and he is completely in love with each and every one of you,” Roumie told tens of thousands of marchers, many of whom clutched homemade banners and signs bearing pro-life slogans.

“History has been made. Life has triumphed in an extraordinary way,” he said, “and the light of world, who is Jesus Christ, the author of life, his light has burned so very brightly within each and every one of you, irrespective of your specific beliefs, compelling you forward for one reason or another to stand together today to fight for the worthiest and noblest cause possible—which is to allow the unborn the right to enter into the world, and defeat those earthly forces who seek to destroy the very evidence of them.”

Friday’s demonstration was the first national March for Life to be held since the overturning of *Roe v. Wade* last June, a Supreme Court decision that did away with nearly 50 years of precedent allowing abortion nationwide. The theme of this year’s March for Life is “Next Steps: Marching into a Post-*Roe* America,” which emphasizes the need to continue to work toward legislation, both at the federal level and the state level, that will protect the most vulnerable.

Roumie spoke primarily about the spiritual battle that is taking place in U.S. society over abortion and cautioned the crowd—especially young people—to take their faith seriously in the face of resistance, including from popular culture and the media. Satan, he said, “wants us to believe that abortion is not harmful,” and those who are not grounded in a solid faith in God are “ripe for corruption.”

“Just as God is real, Satan is also real . . . he pushes you to doubt, when you know

in your heart the right thing to do,” Roumie warned.

While Roumie grew up Catholic, he has spoken openly about the deeper conversion he experienced around four and a half years ago, when he began to grow in his faith. Roumie said Friday that “dwelling in the realm of spirit” has changed him “from the inside out.” Practicing one’s faith, you “begin to see the truth manifest itself in all areas of your life,” and you “can’t unsee what you’ve seen.”

As Christians, Roumie said, “we know how the story ends. God won.” He encouraged those listening to emulate Jesus by seeking to love and pray for their enemies and those who disagree with them. In concert with prayer, Roumie said those present have the ability to affect a pro-life culture and “reveal God’s truth” by using their “financial, spiritual, and temporal” resources.

“We are beautifully flawed, but not alone,” he encouraged. “God is love, and true love gives way to life, not death.”

Roumie’s fellow speakers at the 2023 March for Life addressed the march’s theme, “Next Steps.” They spoke to the attendees about the importance of building a culture, both legislatively and in each person’s personal life, of support for women and babies.

Tony Dungy, a professional football coach, father of 11, NFL analyst, adoptive dad, *New York Times* bestselling author, and Pro Football Hall of Famer, took the stage to speak about the recent health scare of NFL player Damar Hamlin, and the public outpouring of prayers that took place when it appeared that Hamlin’s life was hanging in the balance.

Unborn babies are not as visible and well-known as famous athletes, Dungy said, but “those lives are still important to God, in God’s eyes.”

Saving their lives is “not the end of the story,” though—mothers and babies need our help, he said. Dungy’s wife, Lauren, took the stage and spoke about their adoption experience alongside the couple’s now 21-year-old daughter.

“We are talking about lives,” Lauren Dungy said. “We need to pray for every woman who is in this situation . . . we have to pray that we have enough adoptive families to pray for these precious lives.”

Summer Smith, a student at Liberty University, spoke about the importance of supporting women in need, especially at crisis pregnancy centers.

“For me, being pro-life is personal,” she said, relaying the story of how she found out that one of her own siblings was aborted.

“Speak up about abortion in your family, your friend group, and on your campus. And speak up with love,” Smith said. “Our faith must be well-reasoned and well-informed.”

Several lawmakers spoke as well. State Rep. Trenee McGee (D-Connecticut), a leading pro-life Democrat, took the stage to decry what she called the “systemically racist abortion industry” and passionately encouraged the crowd to advocate for policies that “not only protect life, but sustain life.”

“Pro-life for the whole life, baby,” she proclaimed, to loud applause.

Rep. Steve Scalise (R-Louisiana), a member of the House Pro-Life Caucus, urged those gathered to vote to support pro-life candidates and lawmakers.

“We ought to continue to march. You know how much is at stake,” Scalise said.

Another member of Congress, Rep. Chris Smith (R-New Jersey), said he attended the first March for Life in 1974.

“This rally stirs us all to prayer and hard work, and inspires us to do more and more and more in defense of life,” Smith said.

Smith also decried the continued instances of violence and intimidation against pro-life entities that have taken place since the *Dobbs* decision, and said they have heard merely “crickets” from the Justice Department in terms of arrests and prosecutions of the many documented crimes against pro-lifers.

Smith said the legality of abortion throughout pregnancy, as many states still allow, is a “barbaric” outlier on the world stage. He encouraged all those in attendance to continue to pray and advocate for an end to abortion.

“The injustice of abortion need not be forever, and because of you, it won’t be. God bless you,” Smith concluded.

The speeches even included one from the daughter of a canonized saint, St. Gianna Beretta Molla. Molla, a doctor, became ill while pregnant with her fourth child and was encouraged to abort the baby in an attempt to save her own life. Molla chose life and passed away a few days after giving birth. In 1962, she died at 39 years old.

“I would not be here with all of you, if I had not been loved so much!” the saint’s daughter, Gianna Emanuela Molla, who is also a medical doctor, told the crowd.

“The gift of life is truly the greatest, the most precious, and the most sacred gift we always owed to honor, respect, and defend!”

Sister Mary Casey O’Connor, a member of the Sisters of Life, spoke with her twin sister, Casey Gunning, who has Down syndrome.

“I came from all the way from Colorado to announce to America and to the whole world that life is good and that life is a gift!” Casey Gunning said, drawing loud cheers from the crowd.

“Your child will be a blessing to you and to the world,” she said, referring to parents with children who have Down syndrome.

*Sr. Mary Casey
O’Connor, S.V,
and her twin
sister who has
down syndrome,
Casey Gunning,
spoke at the
March for
Life Rally.
Screenshot
EWTN
YouTube.*



APPENDIX B

[The following is an excerpt from the late Pope Benedict XVI's General Audience from December 28, 2005. On this Feast of the Holy Innocents, he reflects on the second part of Psalm 139, "The Wonder of My Being" (verses 13-24). © Copyright 2005—Libreria Editrice Vaticana.]

1. God turns his loving gaze upon the human being, whose full and complete beginning is reflected upon. He is still an "unformed substance" in his mother's womb: the Hebrew term used has been understood by several biblical experts as referring to an "embryo", described in that term as a small, oval, curled-up reality, but on which God has already turned his benevolent and loving eyes (cf. v. 16).

2. To describe the divine action within the maternal womb, the Psalmist has recourse to classical biblical images, comparing the productive cavity of the mother to the "depths of the earth", that is, the constant vitality of great mother earth (cf. v. 15).

First of all, there is the symbol of the potter and of the sculptor who "fashions" and moulds his artistic creation, his masterpiece, just as it is said about the creation of man in the Book of Genesis: "the Lord God formed man out of the clay of the ground" (Gn 2: 7).

Then there is a "textile" symbol that evokes the delicacy of the skin, the flesh, the nerves, "threaded" onto the bony skeleton. Job also recalled forcefully these and other images to exalt that masterpiece which the human being is, despite being battered and bruised by suffering: "Your hands have formed me and fashioned me . . . Remember that you fashioned me from clay . . . ! Did you not pour me out as milk and thicken me like cheese? With skin and flesh you clothed me, with bones and sinews knit me together" (Jb 10: 8-11).

3. The idea in our Psalm that God already sees the entire future of that embryo, still an "unformed substance", is extremely powerful. The days which that creature will live and fill with deeds throughout his earthly existence are already written in the Lord's book of life.

Thus, once again the transcendent greatness of divine knowledge emerges, embracing not only humanity's past and present but also the span, still hidden, of the future. However, the greatness of this little unborn human creature, formed by God's hands and surrounded by his love, also appears: a biblical tribute to the human being from the first moment of his existence.



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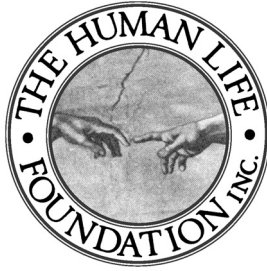
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A pregnancy center—what is it, and what do we do? We’re the very first contact. We’re the frontline. We’re just a voice sometimes. And the voice we train for months, just to learn how to say, “Hello, may I help you?” We know that the woman on the other end of the line is nervous, she’s scared. She has probably just done a pregnancy test, maybe two. And every fiber of her being knows that nothing will ever be the same in her life. She hasn’t decided yet if she’s going to tell her boyfriend, her mother, the people around her. She’s lost. At our end, at the end of the pregnancy center, we know there’s a life, the life of a child, at stake, and also the life of the mother—her spiritual life. We know that. And we also know that it’s going to take everything we’ve got to save them both.

—Anne Manice, 19th Annual Great Defender of Life Dinner