

the HUMAN LIFE REVIEW

◆ 50TH ANNIVERSARY ISSUE ◆

VOLUME L Nos. 3&4 ◆ SUMMER/FALL 2024

FEATURING

WILLIAM F. BUCKLEY JR. ◆ ELLEN WILSON FIELDING

WILLIAM MURCHISON ◆ ALEXANDRA DESANCTIS

KATRINA FURTH ◆ FAITH ABBOTT ◆ JOSEPHINE M. TYNE

DONALD DEMARCO ◆ NAT HENTOFF ◆ EDWARD MECHMANN

BLAKE SCHAPER ◆ EDWARD SHORT ◆ DAVID QUINN

JAMES L. BUCKLEY ◆ MARIA MCFADDEN MAFFUCCI

◆ ALSO IN THIS ISSUE ◆

Voices of the Rescue Movement

Mary Meehan ◆ John Hinshaw ◆ Lauren Handy

Joan Andrews Bell ◆ Will Goodman ◆ John Cardinal O'Connor

ABOUT THIS ISSUE . . .

. . . Our special 50th Anniversary issue weaves together powerful new essays, expert research, and archival gems, and includes a special section in honor of those peaceful protestors now serving prison time, victims of an unjust Department of Justice.

These pages resonate with both triumph and terrible loss. We rejoice that the *Human Life Review* has outlived its primary enemy, *Roe v. Wade*, and that the pro-life movement has grown immensely in size and diversity. Yet we grieve the unimaginable body count. We cry out in frustration that fifty years of *Roe* have so damaged the culture that once-accepted principles of morality are considered archaic. Put simply, the value of a human life now largely depends on the wishes or agenda of the individuals and institutions who exercise power. We are drifting on dangerous seas without the anchor of the Judeo-Christian morality that once—as new contributor (and homeschooled teenager) Blake Schaper reminds us—reformed an ancient culture where child sacrifice was the norm (“Casting Them Away: The Forgotten Rebellion against Abortion in the Early Christian Church” p. 87). Nevertheless, we are called to persevere and to hope, even if we have to go back to square one. As longtime contributor Donald DeMarco assures us:

Life is to be shared. Abortion set itself against this sharing of life. Therefore, it represents a moral problem that cannot be ignored. Words can enlighten. Love can accept. We live by a hope that is not discouraged by difficulty. Each human life is of infinite importance. How much good each of us can accomplish in our brief hour is known only to God. But we find joy and meaning as we never cease striving.

We are pleased to welcome two more new contributors to the *Review*: Josephine Tyne, with “Us Too: The Untold Struggle of Post-Abortive Women” (p. 51); and Katrina Furth, “Marveling at the Creator: Human Heart and Brain Development” (p. 35), both presenting fascinating new science that further illuminates the truth about fetal life and the consequences of its destruction. The important book reviewed on p. 115, *Pity for Evil: Suffrage, Abortion and Women’s Empowerment in Reconstruction America* by Monica Klem and Madeleine McDonald (sisters whose parents raised them with the *Human Life Review*!), is available from Encounter Books. Bravo to the ingenious humorist Nick Downes and the cartoon he created for our anniversary (p. 34). And special thanks and prayers go to those courageous voices from prison: Joan Andrews Bell, Will Goodman, Lauren Handy, and John Hinshaw.

My heartfelt thanks to all who have made the *Review* possible these five decades! Our dedicated staff, brilliant contributors and editors, generous donors, and faithful readers. And fond remembrances of all who have gone on to their rewards, including our founders, my parents J.P. and Faith McFadden, and my dear brother Robert, a pro-life lobbyist who died at just 34 years old—you may read his story and inspiring words in our archives, “Why My Brother Won” (Spring 1995).

In 1974, my father wrote his first introduction to this journal on his trusty old Royal typewriter; today, we have a vibrant website (www.humanlifereview.com) and hope soon, with your support, to add podcasts and audio files of our archives, which provide, in one place, a historical record of the pro-life movement told by the greatest-ever defenders of life. The *Human Life Review* will go on, keeping up with the times—yet insisting on the changeless truths we have proclaimed from the beginning.

MARIA MCFADDEN MAFFUCCI
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50th Anniversary Issue

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PREFACE

“**Y**ou have raised the ethical question,” wrote William Buckley to J.P. McFadden in 1980, “whether we have sublimated privacy into the license to take life. I cannot imagine that anyone is engaged in a sustained endeavor of moral introspection more important than yours; nor conceive of anyone who might have done it better.”

Buckley’s “Letter from a Friend” (page 10) was occasioned by the *Human Life Review*’s fifth anniversary. This special double issue, packed with timely new articles as well as archival standouts (including co-founder Faith Abbott McFadden’s inimitable “Ghosts on the Great Lawn”), celebrates fifty years of continuous publishing.

Our longtime senior editors Ellen Wilson Fielding, William Murchison, and Mary Meehan are also here; Ellen and Bill follow Buckley’s letter with keen prescriptions for addressing the *moral* mayhem of the *Roe* era, which the *Dobbs* decision has clearly intensified. Mary has hung up her investigative hat, but her signature 1986 report, “On the Road with the Rescue Movement,” brings history and context to a special section focused on peaceful pro-life protestors currently serving long prison sentences for engaging in Martin Luther King-style civil disobedience.

Jim McFadden was felled by cancer the day after he sent the Fall 1998 issue to the printer. But his plucky voice animates nearly 100 introductions he wrote for the *Review*, which he hoped would outlive him. In his daughter Maria Maffucci’s capable hands it has—in fact Maria has been editor (since 2020 editor in chief) longer than Jim was. For this anniversary edition, instead of nutshell descriptions of featured articles—an impossible task given the amount of material we have gathered here—I chose to tap some of Jim and Maria’s earlier introductions for perspective on both the *Review*’s founding and its progress through the past five decades.

As you will see, the quotes that make up the following *retro*-duction not only do that but also aptly describe the job we are doing today. The vision Jim had of a journal that would vigorously uphold the West’s eroding sanctity of human life ethic and the formula he devised for implementing it (“run any piece—new, old, already printed elsewhere—we thought we *ought* to publish”) are as apparent in this issue as they were in the first one, and have earned the *Review* unqualified respect and loyal readership.

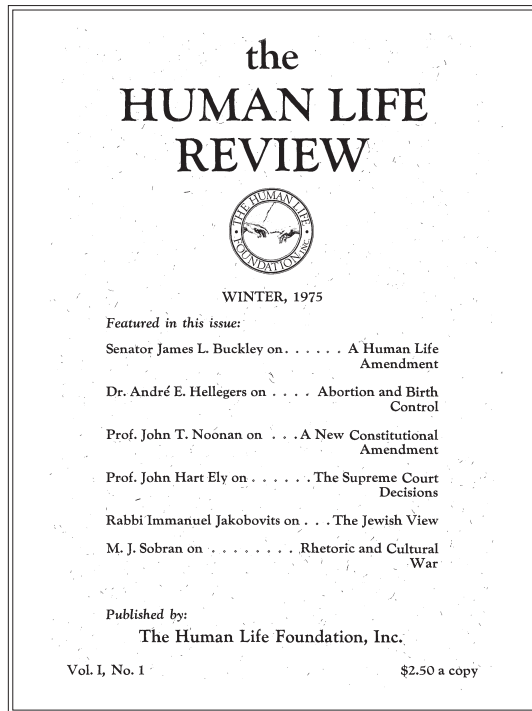
Yet over the years, as the once-startling 1973 abortion ruling gave rise to a “respectable” status quo, and a couple of generations grew up under its sway, a “nagging” question has confronted the editors: Are we fighting a lost cause? Malcolm Muggeridge, the esteemed British journalist and one-time *Review* editor at large, believed the only causes worth fighting for were the lost ones. “That wry paradox,” Jim wrote in 1995, “is not dismaying . . . you can’t lose a lost cause, whereas defeat can be turned into victory.”

So while our culture is determined to keep abortion in its toolbox, callously trading duty for self-interest and truth for self-delusion, the *Review*’s “counter-revolutionaries,” as Jim dubbed us, stubbornly—even stoically—continue to defend life with reasoned argument and civil discourse. The “endeavor of moral introspection” which he undertook and Maria sustains has produced a 50-year-old archive that indeed attests to a broad societal “license to take life”: the embryo in the petri dish, the baby in the womb, the disabled who cannot speak or reason, the elderly and/or sick, pressured into seeking a quick exit from a life grown burdensome either to themselves or, perhaps more often, to others.

This tangible, enduring record is the *Review*’s *raison d’être*. People will one day come to their senses about abortion and euthanasia, just as they did two centuries ago about slavery. Fifty, one hundred years from now, they will be astonished by the perversion our culture now salutes in the name of “choice” and “human rights.” And repulsed by it. And they will see that while those who championed wanton killing prevailed for decades, at the same time there were other voices—passionate, eloquent, persistent—who called out the madness, in the public square and in the pages of the *Human Life Review*.

ANNE CONLON
EDITOR

RETRO-DUCTION



“In our nation, certainly, the rule has been that even the most unpopular court decisions are, in due course, accepted. (The great exception was *Dred Scott*.) The proximate reason why is, we’d say, that Americans have granted their judges *moral* as well as legal suasion: what is legal is, somehow, *right*. Certainly there are those who argue that in our times Justice is no longer considered to be in the nature of things, but rather what the law *says* it is, so far have we fallen from that Judeo-Christian consensus that once permeated the *mores* of our Western civilization. Thus the unborn child has no God-given inalienable right to life unless a High Court recognizes it.

But we are not scholars. We are journalists who believe that the unborn deserve the positive Justice now denied them. And so we took thought as to how we might help restore such Justice.

The problem was indeed that the Court’s 1973 *fiat* was in fact a *legislative* one, usurping the powers of both the Congress and the several states to frame and pass the laws under which we must live. True, *Roe v. Wade* was only one in a still-growing series of such Court usurpations, but it is surely the most egregious, not only in its once-unthinkable result—more than 15 million unborn innocents slaughtered legally—but also in its effrontery: at one stroke,

Roe overturned the anti-abortion laws of every state in the Union.

What was to be done? The question echoes the title of Lenin's famous revolutionary gospel. And so did—a joke of history, surely—our answer. One day in early 1974, we were talking to the philosopher James Burnham, a valued friend and mentor, and a man whose insights into the 'modern' mentality remain unsurpassed in our experience. He said *inter alia* (conversations with Burnham were limited to *everything*) that Lenin in his struggle for power had always sided with the faction that had 'the theoretical journal'—*ideas* would win the revolution.

Obvious truths can suddenly surprise: we were *counter*-revolutionaries: no nation aborts its own future unless it has lost faith in that future; the abortion plague grew out of the revolutionary collapse of confidence America (indeed, the Western world) suffered in the 1960s; it would not be reversed until, once again, we conceived our children in hope of a better future. Ideas can win counter-revolutions as well.

That, dear reader, was the genesis of this journal. We suffered no illusions: victory was surely impossible. But what cause is better than a *lost* one? And Who knows—history too can surprise. When in 1955 Wm. F. Buckley Jr. began publishing his now-famous *National Review*, social conservatives were a tiny, demoralised remnant. Thirty years later it is interesting to recall that Ronald Reagan was a charter subscriber.

There were additional inspirations. Good writing can win battles, great writing whole wars. In the Abortion War, who would command the best 'vendors of words'? Our bet was: *our* side. What writer proud of his gift would befoul his reputation by supporting the killing of unborn babies, much less use his art to advocate it? . . .

And so we went to work. Naively: professional journalists we may have been, but we were amateurs *in re* abortion. Would we find the 'good copy' we needed? This fear caused a decision that, in retrospect, may well have been our best: we decided to run any piece—new, old, already printed elsewhere—we thought we *ought* to publish. So we cast our net wide and (O we of little faith!) were soon inundated with a huge catch of good stuff. Our problem was (and remains) to choose the best.

The first issue (Winter, 1975) duly appeared the following January. The lead article—proposing a Constitutional Amendment to reverse the Court—was by James L. Buckley, then senator from New York, who deserves a special place in our history: almost single-handedly, he began the determined anti-abortion battle in the U.S. Congress . . .

It is hard to explain what this, our 41st issue, means to *us*. Not surprisingly, we had originally wondered if there would be a *second* issue: as we say, there

was no certain audience, nor any chance of ‘success’ in commercial terms. All would depend on whether that first issue gained us the support we needed to carry on what was, by any standard, a major publishing venture. It did.

Over the years, our review has not only grown greatly in readership but also, we’d say, in stature. And while we have never strayed from our original focus on the horror of abortion, we have extended our purview to matters related and—some might say—unrelated (but then what issue is unrelated to human life?). For instance, religion. From the beginning of the present controversy, the charge has been made that those who oppose abortion do so only for religious reasons. No, not *only*: any atheist might well admit that the unborn offspring of human beings are also human beings. But it is true that most religions—certainly the Judeo-Christian religions—teach the sanctity of human life. So it is not surprising that religious people, believing that the unborn are fellow humans, should be involved in the battle, as they were in the battle against slavery, which also reduced to the fundamental question: Who is human?”

J.P. McFadden, Introduction, Winter 1985

“This issue begins our twenty-first year of publication. We certainly had no expectation of celebrating a 20th Anniversary when we began in that now-distant January of 1975. Our intention then was simply to put out the best stuff we could find on the abortion controversy, which had only become a national issue with the Supreme Court’s *Roe v. Wade* decision; we hoped for reversal of the Court’s *fiat*, which seemed to us an untenable one that could not long stand.

In the event, *Roe* has indeed remained standing, with only slight (and largely ineffectual) amendment, as precisely what it was 22 years ago—the world’s most ‘liberal’ abortion legislation, sanctioning the killing of preborn human beings throughout the full nine months of pregnancy.

The question naturally arises: Why go on publishing a journal that has so manifestly failed its original intent? We admit that there are times when we don’t have a very good answer to that nagging question—when all that seems to sustain our resolve is what the late Malcolm Muggeridge, that great journalistic warrior, told us in the early days: the only cause worth fighting is a lost cause. In fact, that wry paradox is not dismaying but rather invigorating—you can’t lose a lost cause, whereas defeat can be turned into victory. Who actually believed that what Ronald Reagan aptly called ‘the Evil Empire’ would suddenly collapse under the weight of its own inhumane contradictions? We’d say only the present Pope, and perhaps Mr. Reagan himself (we note that, in 1983, he contributed an article to this journal—a rare thing for a sitting president to do).

But there were other reasons to persevere. For instance, it became early

and painfully obvious that most anti-abortion journalism would be ephemeral: the ‘Major Media’ were and remain monolithically pro-abortion, providing us the opportunity to make a unique contribution—a ‘permanent record’ of the Abortion War, preserving the evidence that the battles have by no means been one-sided indeed, that the ‘vanquished’ have had all the best of the arguments!

Too bold a claim? We don’t think so.”

J.P. McFadden, Introduction, Winter 1995

“This issue is the first of our 25th year of publishing. It is also the first issue of the *Review* launched without our Founder, Editor, and my father, James P. McFadden, who died October 17, 1998, after a long and courageous battle with cancer. We have made this a special commemorative issue, in honor of my father, whose conviction it was 25 years ago (only two years after the *Roe v. Wade* decision) that the anti-abortion movement needed an intellectual journal. Since its inception, the *Human Life Review* has been the only publication of its kind: a quarterly collection of serious and often scholarly articles arguing for the protection of human life. Originally conceived as primarily an anti-abortion magazine, the *Review*’s subject matter has expanded to include larger cultural questions, as well as, by unfortunate necessity, partial-birth abortion, infanticide, assisted suicide and euthanasia, and even human cloning and experimentation. It is now and will continue to be a valuable historical record of life issues in America and abroad.

As I sit to write this Introduction, my first, there is certainly sadness. I wish my father were here to write it, as always, pounding away at his Royal typewriter, passing each completed page of copy out for us to read, proof, and typeset. I do miss him, in ways I don’t have the words to describe. But I also have a great sense of gratitude and pride, and a welcome feeling of purpose: it’s up to those of us who are here to ensure that the important work of J.P.’s beloved Foundation and *Review* will continue, as we are sure it will, into the next century.

There is a lot about my father in this issue . . . It’s fitting, because he was a giant presence in the pro-life movement. But it’s appropriate for another reason as well: the life issues that we have argued about in these pages for so many years are not theoretical, nor divorced from our and our readers’ real lives. Many of our families are affected now by abortion and its ‘progeny,’ including post-abortion syndrome, pressure for pre-natal testing, ‘genetic counseling,’ fertility procedures, et al. And, on the other end of life, who can now escape ‘quality-of-life’ concerns? My own father’s illness caused him to live under conditions that have been used as an argument for euthanasia and assisted suicide. More and more doctors and medical plans are

buying (literally) into a ‘quality-of-life’ ethic. None of us can afford to be ill-informed. And, as you read about my father’s struggle, it is evident that even champions of life can find it difficult to go on in the face of devastating suffering, which is why the conviction that human life is sacred must be deeply rooted. For in reality, trusting that life is God’s to give and take does not rule out the hard cases, but it can sanctify them.”

***Maria McFadden Maffucci, Introduction,
Winter 1999 Human Life Review***

“Things will never be the same without Faith [McFadden, who died August 30, 2011], but I do know she wouldn’t want us to be sad. She would want us all to enjoy this evening, especially the ‘happy few’ who make up our staff and who have worked so hard, despite the difficulties of these past months, to plan this event. I would like to thank Anne Conlon, our managing editor, Rose Flynn DeMaio, our business manager, our tireless volunteer, Pat O’Brien, our dinner journal volunteer, Jane Devanny, and our production manager, my sister Christina, who in the past two years has juggled working and raising twins. Said twins turned two yesterday, and are here tonight, along with my three children, the grandchildren my mother adored. And there are other young people here tonight, from grade schoolers up to graduate school, thanks to our many supporters who sponsored students to come to this event. You, young ones, are the future of the movement, and I hope that what you hear this night will stay with you, and that you will go out and continue to be great defenders of life as well.”

***Maria McFadden Maffucci, Great Defender of Life Dinner Transcript,
Fall 2011 Human Life Review***

“Welcome to the first issue of our 46th year! For just the second time in our history, we welcome a new editor. She is Anne Conlon, who has been our stalwart managing editor since she arrived in our offices in 1995, an escapee from the mad world of Madison Avenue advertising. Mrs. Conlon brings her sharp eye and deft pen to her new position . . .

Christina Angelopoulos is our new managing editor; in truth, she wears many hats and masterfully orchestrates our production as well. She is now joined by our new production assistant, Ida Paz.

As for your servant, my new position as editor in chief will allow me to broaden my reach and ensure the growth of the Human Life Foundation as a whole. As we strive to keep the *Review* consistently outstanding, we are also working to expand and enhance our dynamic website—www.humanlifereview.com; host live events, support pregnancy centers, and invite new

readers and thinkers into our Foundation community . . .

What unites our various subjects is the conviction that human life is sacred and deserving of protection, in life and in law. Because the culture at large, which includes the mainstream medical and legal establishments as well as the media, refuses to state the truth about human life—when it begins, how it is valued, what happens to society when we devalue it—our *Review* is needed more than ever as the source of the finest scholarship, literature, and commentary on what is truly at stake in the battles for life.”

Maria McFadden Maffucci, Winter 2020 Human Life Review

“On May 31, 1973, four months after the Supreme Court gave baby-killing its blessing, James Buckley introduced a Human Life Amendment in the Senate, warning that ‘Such a situation cannot continue indefinitely without doing irreparable damage to the most cherished principles of humanity and to the moral sensibilities of our people. The issue at stake is not only what we do to unborn children, but what we do to ourselves by permitting them to be killed.’ . . .

Now that the Court has returned the ‘authority to regulate abortion . . . to the people and their elected representatives,’ we will see if the damage is repairable. We know we are in for another long hard fight. One that many of us who lived to see *Roe* overturned won’t be around to finish. But we are here for its beginning . . . the *Human Life Review* will continue to be the place where the movement for life does its thinking, providing readers with thoughtful analysis and informed opinion as the campaign to move Americans away from careless abortion acceptance moves to state legislatures and closer to home. And we will continue to do what we’ve done since J.P. McFadden launched this much-needed journal in 1975: keep the record. Because as he said then, ‘No one should be able to say, whatever happens, that they didn’t know what’s actually going on here.’”

***Anne Conlon, Maria McFadden Maffucci,
Summer 2022 Human Life Review***

“*Sir William.*” That’s how my late husband often began memos to Bill Buckley, and scads of memos there were, after Jim McFadden’s cancer took his voice in 1996. Most though began “Dear Bill,” and dear he was to our family—godfather to one of our daughters—and to all of us here. I suppose the *Human Life Foundation* and its *Review* could have happened some other way; maybe the Cold War could have ended without Ronald Reagan and *JP II* (and maybe Reagan could have happened without *WFB* and *National Review*) but it’s reasonable to believe—as we realized again when we got the news about Bill’s death—that without him there wouldn’t be what’s been called “the flagship of the anti-abortion movement.”

—Faith Abbott McFadden, *Winter 2008 Human Life Review*

Letter from a Friend

Wm. F. Buckley Jr.

Dear Jim:

You are aware, although many of your readers may not be, that I have had nothing whatever to do with the *Human Life Review*. Notwithstanding that we are professional colleagues and very old friends, *The Human Life Review* was an idea, journalistic, spiritual, and administrative, entirely your own. You did not consult me about it, ask my approval, or my help. I have never read an issue of it that contains a single article I had seen before. It is yours, and on this anniversary of it, I wish to say these words of reflection which you may or may not wish to pass along.

On a recent “Firing Line” featuring two experienced lawyers, one of them an official of the American Civil Liberties Union, the other a professor at the Yale Law School, we devoted the hour to reflections on the Supreme Court and the old issue of activism *versus* strict constructionism. I ventured the opinion, on which I had elaborated in my book *Four Reforms*, that the Supreme Court has become something of a secular ethical tribunal. Now the reasons for this evolution are both dismaying and reassuring. They are dismaying because the Supreme Court was never anointed to do the ethical thinking for America. It was instituted to ponder deviations between congressional behavior and the letter and guarantees of the Constitution. The Supreme Court, early on under John Marshall, institutionalized its authority to overrule Congress when the Court viewed an act of Congress as transgressing the rules of the Constitutional

William F. Buckley Jr. (1925-2008), one of America’s best-known public intellectuals and author of many books, founded *National Review* magazine in 1955. In 1980, he penned “Letter from a Friend,” saluting J.P. McFadden, the former associate editor of *NR* who founded the *Human Life Review*, on the journal’s fifth anniversary. His letter was first published in the Winter 1980 issue.

compact. Few scholars doubt that *Marbury v. Madison* was indispensable to the survival of the union, even though a civil war was required finally to make the point that the centrality of union overrode the (logically incompatible) primacy of the states (forgive me if I sound like Brzezinski).

But after the Civil War the court continued to grow, exercising powers that went, finally, far beyond the formal authority required to maintain the cohesion of the union. This early period of judicial growth coincided with the period about which, to my knowledge, Irving Kristol spoke the most resonant comment. What he said was that the most important *political* development of the last half of the 19th century was the loss of religious faith in an afterlife. Although religious-minded sociologists (one thinks of the late Will Herberg) continue to be reassuring on the matter of the inchoate commitment of the overwhelming majority of the American people to a religious faith, it is an undeniable development of the past one hundred years that America looked progressively to within itself to prescribe ethical conduct. That, liberated—if that word can be so abused—from any sense of responsibility to providence, we chased after a redemptive faith in secular experience. What we know as liberalism is described by men who deal in large canvasses as a secular eschatology. If final guidance was not to come to us from theologians, then it had to come from other sources. I say it had to come from other sources because (it's the good news) we are dealing with the American culture, which for all its recognized pragmatism has never been at ease with that brand of atomistic individualism that dismisses transcendent values. One of the reasons why philosophical *laissez-faire* failed as the governing philosophy of America is that American idealism could not come to terms with the *Social Statics* of Herbert Spencer, any more than, two generations later, it could come to terms with the arid individualism of Ayn Rand. We had to have something more; an ethically-oriented authority. Congress was manifestly incapable of serving as such. The general familiarity with the awful compromises by which politicians are ruled, in order to succeed in their profession, stripped that body of sufficient moral authority. Walter Lippmann attempted to rescue something called the Public Philosophy, and it is by no means dead, by which I mean that there survives a loose aristocracy of thinkers and moralists who attempt, without subordination to secular authority, to ask themselves what is the nature of the virtuous society. But “the public philosophy” is, nowadays, an unaffiliated cluster of randomly located little enclaves of higher thought, an analogue of those tatterdemalion railroad stops where one goes to flag down the express trains which, irregularly and impatiently, stop, now and then, to pick up vagrant pilgrims, whose importunities distract from the great, hectic vectors of commerce and thought.

Seven years ago, the Supreme Court ruled that the right of abortion was an extension of the right to privacy of the American woman. The Yale professor on “Firing Line” is an unusually experienced man, to be distinguished from the academicians who spend lifetimes removed from the vicissitudes of public policy. Robert Bork, you will recall, was Solicitor General of the United States in the first term of Richard Nixon. When the President decided, for reasons noble or ignoble, to discharge Special Prosecutor Archibald Cox from responsibility for the investigation of Watergate, he instructed his Attorney General Mr. Richardson to execute that dismissal. Mr. Richardson declined to do so, presenting the republic with what the English would call a constitutional crisis. So did his deputy decline. The President reached down to the third official in line, promoting Mr. Bork to acting Attorney General; and Bork dismissed Cox, not out of any acknowledged sympathy with the President’s motives, but out of a respect for the constitutional allocation of powers defined during the impeachment proceedings of the late Andrew Johnson. Now, the willingness of Robert Bork to uphold executive authority notwithstanding that to do so was to act athwart the manifest emotional passions of the day, is not unrelated to what he said on “Firing Line” when the subject under discussion was the authority of the Supreme Court. What he said was that so submissive has the American public become to the moral authority of the Supreme Court that whereas even twenty years ago, when the Court ruled abruptly and with arrogant disregard for precedent and sound historical analyses, that common prayer in the public schools was a violation of the First Amendment to the Constitution, there had been an instantaneous outcry by the American people reflected in denunciations by every sitting governor save one, giving rise to a realistic expectation that the Court would actually be overruled by a constitutional amendment—“Now,” Professor Bork said, “the decision of the Supreme Court on abortion doesn’t have a chance of being overruled.” He was making the point that the failure of the people twenty years ago to contravene the Supreme Court had become institutionalized. Whereas, as recently as in 1960, there was a genuine possibility that the Court might be overruled, now such is the docility of the people that the chances of overruling *Roe v. Wade* are nonexistent. And, he added, this is so notwithstanding that—I quote him—“no reputable constitutional scholar” can defend the reasoning by which the Court undertook to transmute the inchoate right of privacy to include a mother’s sovereign right over the disposition of the unborn child.

I presume to give you this narrative, familiar to you and no doubt to your readers, in order to say something which you would justifiably expect to be pessimistic, but which in fact isn’t so. While it is true that the Supreme

Court exercises *de facto* authority over the ethical thought of the majority of the republic's moral activists, it does so by sheer presumption. That is to say, the authority of the Court over such metaphysical questions as whether the mother's right to privacy is superordinate to the right of the unborn child to life, is a matter of convention born of presumptuous opportunism, not of structured ethical hierarchy. Under the present dispensation, what the Supreme Court ordains is not only what we are supposed to obey, but what we are supposed to believe. You will note that in respect of school prayer, and in respect of such civil rights and derivatives as the busing of schoolchildren, and affirmative action, there is widespread social docility—notwithstanding that intellectual dissent survives, indeed prospers. What you have done, through *The Human Life Review*, is to challenge the Court's thinking not merely on legal and constitutional terms (so brilliantly done by your regular contributor John Noonan). Your publication has raised problems for the Supreme Court every bit as cogent as the problems raised against the Supreme Court's *Dred Scott* decision, though that was back when the Supreme Court's decisions were treated as less than revelatory in authority.

You have, really, focused on the primal question, even as Lincoln did at Cooper Union and in subsequent statements. Lincoln said: Is a man a man—even if he is black? You have brought forth a journal whose pages are open to men and women who believe in revelation, and who do not believe in revelation; who believe in civil authority, but who do not believe that *moral* authority rests in Supreme Court justices, riding rogue waves of ethical opinion agitated by concerns over population, over unwanted children, over disgust with primitive black-market abortion technology—you have raised, in issue after issue, the only finally relevant question: *Is a child a human being even when it is husbanded within the womb?* You have invited analysts of great distinction to address themselves to that central question. By analogy, is the idiot-child, the mongoloid, the comatose-senescent—a human being? Surely the cavalier criterion of a “useful life,” so improvidently proffered by Mr. Justice Blackmun in his majority opinion, is spectral in its implications. You are saying that—and in saying it you have adduced the opinion not only of men of religious conviction, Catholics, Protestants, and Jews, but, in one sense most interesting, men of science—Yes, a fetus is a human being. Your journal stands athwart the comfortable conclusion that a child is entitled to constitutional protection only beginning the minute when it actually emerges from the womb. You, accepting empirical terminology, ask the question: Is the physical emergence of the child from the womb a scientifically conclusive episode transubstantiating mere matter into a human being? Is “birth” the equivalent of the conferring of citizenship? What you have done is to

funnel, through a journal of intellectual and stylistic distinction, the refined thought of scientists and moralists who wonder, gradually, whether the distinction implicit in the Supreme Court's ruling isn't, when you come down to it, every bit as arbitrary as the distinction which a previous Court accepted as sufficient to prolong a distinction between men white and men black, the one being human, the other not?

Where I think you have the singular leverage is that, the Court having accepted the role of moral tribunal, it is paradoxically, open, in a sense never intended, to metaphysical argumentation. Such reasoning as it listens to in commonplace meditations on the nature of equality it could, without violation of its own traditions, extend to the consideration of equality of the right to life. I am saying that the Court's acceptance of comprehensive moral authority over so many questions renders it susceptible, in the sense it would not have been as a court immune to criticism from Robert Bork, or Raoul Berger, or the strict constructionists, to the nature of such arguments as you are advancing. This means that the social instrumentality that has stood most obstinately in your way in the Me Decade, might as suddenly turn in your direction—if the Court can be persuaded at first to meditate the cogency of the arguments, and then to draw on its authority for appropriate modifications of the *Dred Scott* decision of our time. As a constitutionalist you will not welcome a continuation of the Court's usurpations. As a moralist, you will not deny to Caesar the authority to abuse his authority for the purpose of pursuing right thought.

I do not deny that Robert Bork is correct in saying that it is unthinkable that we shall have a Constitutional Amendment overturning *Roe v. Wade*. But you are thinking the unthinkable. Robert Kennedy, in his closing but galvanizing days as a public figure, regularly closed his speeches by quoting Shaw: "Some men see things as they are and ask 'Why?'; I dream of things that never were and ask 'Why not?'" It is not uninteresting that Robert Kennedy, in the tradition of Martin Luther King, encouraged the thinking of the unthinkable. The interesting question arises whether politicians who wish to succeed in their profession will gradually recognize that that which is formally deemed to be unthinkable is what people really are thinking about. You are betting that the restless conscience of the American people will cause them to think, to ask themselves the most critical ethical question with which America is manifestly not at rest. In any event, you have raised the ethical question: whether we have sublimated privacy into the license to take life. I cannot imagine that anyone is engaged in a sustained endeavor of moral introspection more important than yours; nor conceive of anyone who might have done it better. Herewith my congratulations on your fifth anniversary.

The Road Uphill After *Dobbs*

Ellen Wilson Fielding

“Does the road wind up-hill all the way?
Yes, to the very end.”

—Christina Rossetti, “Up-Hill”

Since I first encountered the poem “Up-Hill” in my teens, these lines never fail to come to mind when life hits a rough patch. In the post-*Dobbs*, post-modernist, and increasingly post-Christian world we are inhabiting nowadays, I would recommend it to proliferators who may be feeling, if not demoralized, somewhat disoriented and deflated at the less-than-utopian reality of life after the elimination of *Roe v. Wade*.

For almost 50 years, *Roe* was the national barrier to legal protection of the unborn from abortion, meaning that the removal of *Roe* (and its companion case *Doe*) was the necessary focus of large-scale legal and political action for those defending that preborn life. Those laboring primarily in fields not directly connected with legal and legislative efforts, such as crisis pregnancy support, sidewalk counseling, support for women post-abortion, and pro-life education, were attempting to save lives and promote pro-life values and recovery in an environment made potentially toxic for the unborn (and their mothers) because of *Roe*. But all of us to one degree or another, while attempting to save every possible endangered unborn child in the here and now, looked to the elimination of *Roe* to remove the great stumbling block hindering and circumscribing all our necessarily intermediate efforts.

That stumbling block was removed by Justice Alito and a majority of the Supreme Court in June 2022, though not with the sweeping completeness of our most daring daydreams. It is probably safe to say that the initial euphoria of achieving a goal almost 50 years in the making has by now dissipated considerably as we, like Rossetti’s questioner, wonder why the road ahead to total legal protection of the unborn looks, in most of the country, almost as steep as it ever did.

Of course, that jaundiced impression is not completely accurate either. To begin with, it is not at all true in many of the redder portions of the United

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States. There, unless pro-life efforts are hampered by state supreme court overreach or suicidal legislative battles between compromisers and non-compromisers, *Dobbs* has opened up the opportunity to pass laws restricting many or (in a few cases) most in-state abortions. Yet even in states that currently offer the greatest protections for the unborn, the reality is that the growing percentages of chemical (pill) abortions and the option to dash across state lines to a blue or purple state partially nullify the laws' intended effects.

Nevertheless, after a tumultuous couple of years since the inauguration of the *Dobbs* era, how individual proliferers are feeling likely depends quite a bit on where they are living and what successes or failures they have encountered there. To that extent, abortion has indeed become the local state issue that it was back in the late Sixties and early Seventies, before Harry Blackmun grabbed the opportunity to promulgate an astoundingly broad national right out of the thin air of constitutional "penumbras."

A native New Yorker, at the beginning of the Seventies I was already living in a jurisdiction officially deaf to the "silent scream" of aborted children. Like St. Paul of Tarsus, those of us in and around New York City might have prided ourselves on being "citizens of no mean city," but achieving the title of America's abortion capital was hardly a proud moment. When *Roe* was handed down a few years after New York's legislature had declared open season on embryos and fetuses obstinately inhabiting wombs where they were not wanted, my state was no longer a moral outlier, and proliferers were part of a great national project (however local and individualized our small pieces of the pro-life project might be) to save lives, convert hearts, and recover the national soul.

Over the next 50 years, though tens of millions of unborn lives were lost, many partial but energizing victories punctuated the rising death tolls. Eventually, the dual focus on securing a Supreme Court majority and pushing the envelope on pro-life legislation in the states culminated in *Dobbs*.

But over those same 50 years, American culture was continuing to change along the same trajectory that had prompted legalization of abortion in a handful of states pre-*Roe*. Among the attitudes and assumptions that spread and underwent further radicalization in these decades were those concerning the requirements of personal freedom, the necessity for contraceptive backup in an era of sex without consequences, the decline of marriage and of membership in traditional religions, and the escalating reluctance to impose not just religious beliefs but almost any kind of moral absolutes on others, particularly in the area of sex and marriage.

On the one hand, over the years sonograms and pro-life education on prenatal development have proved fairly successful in countering the lie that

embryos are only “clumps of cells,” and discomfort with the full nine-month unrestricted abortion reality of *Roe* remains high. But on the other hand, when push comes to shove—when someone unexpectedly conceives an unwanted child or when a friend or fellow student or coworker confides that they intend to get an abortion—how many ordinary people (the kind we now need lots of to vote state abortion legislation up or down) manage to oppose those real-life situations with uncomfortably expressed feelings and semi-digested understandings about what (that is, who) is being aborted? Even many people who tilt sufficiently pro-life to say no to aborting their own child resist trying to convince other women not to do so. That feels judgmental, interfering, maybe some kind of micro-aggression. You have your truth, I have mine. Make the best choice for you. Such maxims constitute our current bank of worldly wisdom, as those of earlier generations (“mind the pennies and the dollars will take care of themselves,” “well begun, half done,” “a stitch in time saves nine”) did theirs.

This social tentativeness, combined with our decades-long steeping in a culture of permissive sex, declining beliefs in universal and knowable moral law, and full-throttle abortion on demand, has left us with a moral landscape that would have been largely unrecognizable in 1973. Now, barring an altered Court majority, the right to determine the legality of abortion will remain in the hands of state legislatures (and state courts), but the zeitgeist makes a return to the pre-*Roe* legislative landscape in most states unlikely. Yes, there are states protective of the unborn—some, such as Texas, quite protective. But back in January of 1973 there were still only a small number of states that did *not* severely restrict abortion, and even the most optimistic among us do not expect to see a return to that landscape soon.

Because the Supreme Court hijacked the issue in 1973, when most American jurisdictions were still hostile to legal abortion, we did not have to face the social implications of our abortion body count in quite the same way as nations whose legalization of abortion on demand occurred through democratic means. Yes, campaign ads and political speeches identified the platforms of parties and the agendas of candidates in relation to abortion, but candidates are necessarily for and against a lot of things, and therefore even with exit polls we could argue about what voters were really saying about abortion when they voted for a particular candidate. More promising were survey results over the years showing majority opposition to later abortions and fairly large percentages uncomfortable with some of the motivations for abortion. But until *Dobbs* returned abortion to the states, we couldn’t actually see what these surveyed feelings would look like when applied to the ballot box.

What we see so far is not unrelievedly gloomy, but also falls far short of

what is needed for the United States to be a nation supporting the unborn child's full membership in the human family. Again, part of this reveals the effect of widespread moral relativism: Maybe Citizen A would never choose to have an abortion herself, maybe she hopes her child never will either, maybe she feels a bit sad as she drives past the local abortion clinic each morning on her way to work, maybe she oohs and ahs over her coworker's sonogram picture of her unborn baby. But even if all these things are true, Citizen A still is accustomed to a world where legal abortion has been a fact of life for a very long time, and unless she happens to be a very committed prolifer, instead of someone with pro-life inclinations and feelings, she will at least be startled by the idea that now her state could make all that go away. Her state could close the abortion clinic she passes on the way to work, and that means the pregnant college student at the university down the road might have to do something that looks slightly drastic with her problem pregnancy, like traveling to a blue state or getting hold of an abortion pill, because otherwise it looks like her state is going to make that student have her baby when all the student wanted was child-free sex. Does that really seem fair? For the state to "make" her go through that pregnancy and have a baby when that was the farthest thing from her mind? Won't having that baby "ruin her life"? Shouldn't she have the right to do what it takes to make herself happy?

Long before *Roe*, there were crisis pregnancies and abortions—and all sorts of other harmful behaviors involving sex, marriage, and family, including fornication and infidelity. One difference then is that most people had inherited a fixed rather than a sliding moral scale to measure the morality of an action. The language we nowadays hear others use to explain away acts that were traditionally labeled wrong both reflects and enables the speaker's freedom from long-held moral restrictions. And this freedom took a long time to develop. Like an iceberg, most of its development took place under the surface, during the course of centuries, but it began accelerating in the last century, and the pace has picked up much more in recent decades.

Where this has left us is common knowledge, whether you call it "moral decline" or "moral progress." And therefore, now that it is apparent how far downhill we have traveled over even the last 50 years, we can better understand the uphill climb before us following the reversal of *Roe*.

I live in Maryland, a reliably blue state. A few minutes' drive from me is an abortion clinic that has been operating for two generations, and ten minutes further is a recently opened abortion clinic strategically placed adjacent to a state university. And while sidewalk counselors here and across the country

treasure their precious numbers of “saves,” and though these saves buoy everybody, everyone knows—you all know—that these form a small minority of each day’s clinic clientele. That takes nothing away from the wonder and joy and hopefulness spread by a photo of a now-born baby who almost didn’t make it, but there is no denying that *Dobbs* has not yet ushered us into a Promised Land of protected embryos and fetuses.

So all this brings us back to the bedrock reality that we have more or less known from the beginning: We will need to change minds and hearts—ultimately, huge numbers of minds and hearts, meaning the whole “culture of death” threatening social well-being in its many forms—in order to roll back the large-scale practice of elective abortion in our country. This will be hard, and it is likely to take a very long time. And even if we—or our children or grandchildren—see this happen, in order to keep the culture of death rolled back, we will always need to be promoting and fostering a culture of life. As T. S. Eliot reminds us, “there is no such thing as a Lost Cause because there is no such thing as a Gained Cause”—all are vulnerable to loss again.

Still, there is something steadying and almost comforting about recognizing that where we are as a nation in relation to abortion is more or less where we are in relation to all the other cultural and human life issues. It is all of a piece. So beyond and in addition to legal and legislative gains (or losses) is the need to propose a truthful and attractive alternative vision of society that recovers the understanding of what it is to be a human being created to live in society with other human beings, forming families and rearing children, working to build up and support an entire community, rather than living in a miserly fashion for self—making decisions based only on their effect on oneself, seeking happiness cannibalistically through the sacrifice of the happiness of others. So although the primary victims of abortion are clearly the unborn, and the secondary victims are those undergoing abortion, there is a third much larger class of those victimized by the toxic state of the culture that has spawned the demand for abortion.

In the earliest years following *Roe*, some (perhaps many) proliferers were tempted to concentrate almost exclusively on the threat to unborn life, with much less sympathy for the often young, desperate, and confused women in crisis pregnancies. Partly to blame perhaps was the abruptness of *Roe* and the magnitude of the horror proliferers were suddenly confronted with. Within a very short time the number of abortions per year in this country had soared above a million—a stupefying death rate to absorb in such a small window of time. The brutality of abortion and the staggering body counts overwhelmed the imagination and the emotions, and unfortunately some in the movement were initially tempted to regard the aborting mother with horror too.

This was not only counterproductive but blind to the real desperation, intense pressure, and lack of support many of these women experienced. But even in the earliest days there were also many proliferators whose hearts went out to these women too, and who sought to address their needs—witnessed by the explosion of crisis pregnancy centers in the years immediately following *Roe*. Over time, the movement as a whole came to better understand that, in the graphic words of Frederica Mathewes-Green, these women were often choosing abortion “like an animal with its leg caught in a trap, trying to gnaw off its own leg . . . Abortion is not a sign that women are free, but a sign that they are desperate.”

The pro-life movement also came to recognize the effects of abortion on clinic workers and on abortionists themselves. The conversion of New York abortionist and abortion activist Dr. Bernard Nathanson in the mid-1970s was an early but not unique example; then in 2009 former Texas Planned Parenthood worker Abby Johnson’s turnaround directed more attention to abortion clinic workers. Johnson’s organization *And Then There Were None*, which works to help clinic workers leave their jobs, has publicized the financial pressures that discourage some employees from quitting. I know many proliferators, especially sidewalk counselors, who pray consistently and sincerely for the clinic workers they see regularly, and for the doctors who perform abortions. Seeing each other week in and week out, sidewalk counselors and clinic employees occasionally even develop relationships reminiscent of those that soldiers on opposite sides of a battle can have with one another.

Post-*Dobbs*, it is apparent how very long the road to a truly pro-life culture may be. There are a great many ways to enact a societal death wish, and given the self-loathing that many of our contemporaries exhibit in multiple aspects of our culture, from gender and identity issues to labeling our species a cancer on Planet Earth, those contemporaries seem to be running the gamut of them. Our fellow citizens are not likely to recover from the particular form of death wish that is legal abortion without also being drawn out of other forms of that death wish. Therefore, to protect the unborn from abortion, we must ultimately convert the culture.

That’s a tall order, but not quite impossible. It has happened before, in our own civilization’s distant past. Consider the initial small communities of Christians, living lives different from those around them and subject to periodic gruesome persecutions by the Roman Empire, yet willing to sacrifice themselves for their non-Christian neighbors, to care for them during plagues, to rear their orphans and rescue their abandoned infants, to pray for the well-being of their rulers as Peter and Paul exhorted them to do in epistles we still read today. Of course, it took several centuries to reach a tipping point, and

then many more centuries for the mass of society to marinate in a Christian understanding of men and women as created in the image of God and commanded to love God and neighbor as themselves (and therefore be drawn out of the prison of their own egos). Whether this process would be longer or shorter the second time around is unclear, but that part of it is not really under our control.

So, how positively or negatively should we regard our current situation? As good news or bad news? Well, the “bad” part of it is not exactly news, since we have lived with a toxic culture for decades now. The “good” part of it is that, apart from the necessary but always insufficient pro-life business of electioneering, lobbying, and undertaking court actions, we all still have a role to play, whatever the state we live in. But to play this role, we need to cease regarding the neighbors and fellow citizens and family members who oppose us as the enemy, but more like people in thrall to a particularly nasty spirit of the age. They have been co-opted and are now suffering from a kind of Stockholm syndrome. That doesn’t mean they are volition-less automata or lack responsibility for their choices; it does mean they have wandered a long way down a wrong turn, and (whether or not they yet realize it) they need a better GPS.

Our response to this larger social challenge arises not as the exercise of a designated pro-life part of ourselves, but through living a certain kind of life. As St. Peter told his own small group of Christian supplanters of the overwhelmingly pagan culture, we are to “always be prepared to make a defense to anyone who calls you to account for the hope that is in you, yet do it with gentleness and reverence, and keep your conscience clear . . . For it is better to suffer for doing right, if that should be God’s will, than for doing wrong” (1 Peter 3:15-17).

Not many of us are slated to be very important people, and most of us directly influence only a rather small private sphere (though even those with a larger public role cannot neglect the private sphere of influence with family, friends, neighbors, co-workers). But we can speak truly and non-aggressively when the opportunity arises, and we can be perhaps one among relatively few offering an authentic alternative to the ugly, empty, and depleting way of living, thinking, and feeling that surrounds us.

Christian apologist C. S. Lewis concluded almost a century ago that, where modern morality differs from the traditional Christian variety, particularly in sexual ethics, what is needed is to first convince the unbeliever of the objective reality of the moral law—its universality and knowability—and of the God who established it.

Abortion, precisely because it is such an egregious act of violence against the most innocent of human beings, is to some degree an exception, because it is still possible, though only sometimes successful, to discuss one-on-one the right of an unborn member of the human race to be welcomed into the human community. There are many who see or feel or both see and feel the poignant injustice of cutting off the life of a fellow human before he or she has had the opportunity to love and be loved and pass from youth to adolescence to adulthood.

But when it comes to arguing about legislation or legal protections, both reasons and emotional appeals often fail in the long run with those who do not recognize the objective claims of a universally applicable moral law laid down for us by our Creator. Someone who does not recognize objective morality—ideas of right and wrong that are not merely invented by us and therefore cannot be altered and adjusted to fit the fashions of the time and the particular tastes of individuals—will shrink from “imposing” a ban on abortion or even radical restrictions on it. The same imaginative capacity the believer draws on to identify with the plight of the endangered unborn can just as easily prompt the unbeliever to sympathize with the choice of the aborting mother in a crisis pregnancy. In such circumstances, happiness will appear to be a zero-sum game, available to one or the other, mother or child, but not both, no matter which choice is made. So it becomes easier for someone uncomfortable with the idea of moral absolutes to leave the abortion decision up to the mother, whose unhappiness is already on display rather than concealed by the womb.

In a way, then, it is easier as well as more effective to persuade someone about the whole traditional Christian worldview—where each piece interlocks with the others, and each supports and explains the others—than to try to jimmy a pro-life piece into someone’s very subjective and self-serving world view, where it is unlikely to properly fit and may threaten to jam his machinery.

At least, so it seems to me, after living through 50-plus years of efforts to preserve the unborn in a society in free fall—rather like trying to catch a baby when you are both plummeting to earth without a parachute.

A Makeover in Human Understanding?

William Murchison

They got me, they got me—and dead to rights, I must acknowledge.

I am identified by the management as a *Human Life Review* friend and contributor of goodness-knows-how-many-years' standing: grateful to be standing anywhere at this stage of life, in which the competence of people born in the early 1940s is shall we say under intense scrutiny.

For the benefit of anyone wondering, I am not examining here the career of Joseph Robinette Biden, Jr. Rather, the editors invited me to look sideways and backwards at some of the cultural questions and problems attendant on this country's long, often dispiriting engagement with *Roe v. Wade* and the regime it initiated. My policy is to do whatever the esteemed editors ask me to do, as they get ready to mark half a century of public witness.

I am not here today to spin golden oldies and passionately talk about the cause of Life, which may in several senses be the largest cause of them all. It touches not only on the enlargement of the human race but on the question: To whom are we responsible for the gift of life, and how do we demonstrate that responsibility?

I do not want to maunder all over the premises, making this obvious point and that one. Our readership understands well enough the stakes in the present and long-running, perhaps eternal, contest over the value of human life.

I am minded to take up what seems the current question: Two years after the body politic's ingestion of the *Dobbs* case, what happens now? For which question I have the same number of answers as everyone else: None. Zero.

Nor am I sure that engineerable answers exist, given the perdurability of the question, what's Life in the first place? And who gets to say so?

I was put onto this conundrum by reading recently a letter in the *Wall Street Journal* by the estimable Hadley Arkes of the James Wilson Institute. Arkes, a natural law scholar of great distinction, was criticizing—politely—a *Journal* editorial expressing general satisfaction about the abortion debate on the second anniversary of the overthrow of *Roe v. Wade* via the *Dobbs* decision.

The *Journal* was not out to call strikes or balls in the human life debate. It was enough, the editors reasoned, to note *Dobbs*'s role in "letting democracy work," allowing abortion policy to be "settled by the electorate" at the state

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level: the same point Donald Trump would make a few days later in the first presidential debate. The “reality of American opinion” was its divided nature over abortion, with 69 percent telling Gallup pollsters a year earlier, on the first anniversary of *Dobbs*, that abortion during the first three months of pregnancy ought to be generally legal. Just 55 percent said the same of abortions performed in the second three months. *Dobbs*, said the *Journal*, obliged politicians to “take their positions seriously”: from which obligation *Roe*, as national policy, had formerly shielded them.

Well, as the editorial concluded, “that’s democracy.” Yeah. Assuming—as did the editorial—that the people’s constitutional right to decide the abortion question within their jurisdictional boundaries is THE Question: all we need to talk about, all we need to know.

Down came the court, in *Roe v. Wade*, on the side of there-isn’t-any-such right. We’re through, the justices said in effect, with The People, through their elected representatives, calling the shots on abortion. Those backward old days when states got by with sorting out the question—done; over with. Such was *Roe*’s meaning.

It was a very bad decision, but there we were. The U.S. Supreme Court had defined abortion as supremely a governmental decision. Not a moral decision, touching on the intricacies of the human relationship to the Creator of Life, whom humanity identified as God.

The justices of the *Roe* court, decked as they were in judicial sovereignty—Oyez! Oyez! Oyez!—weren’t about to get into an argument with God over the status and rights of Adam and Eve’s descendants. That wasn’t what the high court was for. All that mattered was what the Constitution meant; what the Constitution meant, the justices, after study and discussion, now were sharing with us. Wasn’t that good enough?

What truly amazed in 1973 was the court’s effrontery in performing dilation and extraction on the American people’s minds, evacuating the right to argue the protection of unborn life as the moral matter it had always been in Christian civilization. But such was the effect. Abortion, courtesy of seven Supreme Court justices, was henceforth a governmental/administrative matter, on a level with the space program; enmeshed in polls, election campaigns, legislation, court decisions; leading us by long vexing detours to that condition the *Wall Street Journal* referred to in its editorial as “letting democracy work.”

The inferiority of the political approach for sorting out abortion policy seems to me a fair inference from Prof. Arkes’s gentlemanly objection to what the *Wall Street Journal* had to say about democracy’s work on the question. And

what the paper *had* to say no doubt, given its role in political-economic journalism. The *Journal's* editorial deftly dodged moral conundrums. Is abortion right? Is it wrong? Prof. Arkes wasn't letting the writers—despite his stated admiration of their understandings in general—off that hook. He wanted to address, and did, the moral emptiness of the *Dobbs* decision—never mind its preferability to *Roe*.

“Fifty years ago,” he wrote, “the lawyers for Texas in *Roe v. Wade* drew on the most updated findings of embryology to point out that nascent life in the human womb has *never been anything* [italics mine] but a human being from its very first moments.” No—notwithstanding the very correct finding by *Roe* critics that a constitutional right to abortion had to be inferred—stitched and woven from whole cloth. That was lawyers talking. The immorality of killing a living (if very, very small and unseen) human being—that wasn't the big deal for the justices: men schooled in the law, rather than the Law and the Prophets, mindful of constitutional procedures, attentive to the functionings of the civil and not the moral order. “Conservatives”—unsurprisingly in such a context—“returned the matter to the political arena without pronouncing on the rightness or wrongness of abortion and taking the first steps to plant a new teaching.”

A recent, eloquent book by Prof. Arkes, *Mere Natural Law: Originalism and the Anchoring Truths of the Constitution* (which I have reviewed for *Human Life Review*) makes these and numerous related points: showing how deep the matter is; involving not (as we are accustomed to thinking) men and women in black robes with grave looks on their faces; involving in various ways the lot of us. Here is the point to which I have come as (I hope) a good servant of *Human Life Review*. There has got to be, in Prof. Arkes's words, “a new teaching.”

Or, what if we eliminate the “a”—making it “new teaching,” period; whole, unpartitioned into compartments of activity and understanding such as humanity as a whole—including the American branch—hasn't thought about in a long time? A makeover of how we understand right and wrong? And how we act on that understanding?

That's going pretty far. A makeover of human understanding? Wonder how we might regard human life questions were we to study them on a level higher, so to speak, than plain old human preference?

The political approach—however high our admiration of “democracy”—gets us just so far and no further. Consider: The *Dobbs* decision licenses friends of unborn life to press legislatively, constitutionally, for unborn life's protection. But with no guarantees of success. You can overthrow any law, overturn any judicial decision (just as politico-legal activity of various sorts

resulted in the overthrow of *Roe*). In early July, even as I write, the state—not the federal—supreme court nullified one law banning dilation and evacuation and another law tightening licensing requirements for abortion clinics. So much for pro-life gains such as *Dobbs* was thought likely to protect. Nevada voters around the same time gained the right to vote this November on a state constitutional amendment that would guarantee an explicit right to abortion. Voters in five other states were set, as of July, to vote yea or nay on similar measures. It's democracy all right. Hurl a question into the political arena and you'll see in due course what the political community—you and me—think about it. Which seems to me a very good reason not to over-expose moral questions to electoral judgment. You may get the answer you don't want.

In that case, what *is* the answer? A king? Sure, provided I'm the king, and I get to tell everyone else what's moral and what's not. Not even Joseph Robinette Biden Jr. pretends to that authority. (As for his views on the right to life, um . . . !)

The adoption of “new teaching,” as mentioned above, with respect to the human role in life—duties, ambitions, fears, hopes, loyalties—will be a long, heavy slog if we ever get around to it, under the new leadership to which we might aspire. New teaching would beget new understandings: not least about purely political hopes and dreams and their ephemerality, their fragility. “O put not your trust in princes,” quoth the Psalmist. Which happens to be the best political advice I have ever read: exceeding Machiavelli's.

Modern humanity's uncertain grasp of moral questions and how they operate in our non-moral lives is in large part the legacy of our devotion to politics: congressional votes, court decisions, rallies, flags, buttons, the clash of Fox News and MSNBC.

We look at the question of human life in its unborn state and wonder, with such time and interest as may be available, how best to handle the matter. We, the human race, have always wondered, providing not only moral answers, but more or less pragmatic ones, easy and quick. Like, say, the guardians in Plato's *Republic* concerning the newly born: “The proper officers will take the offspring of the good parents to the pen or fold, and there they will deposit them with certain nurses who dwell in a separate quarter; but the offspring of the inferior, or of the better when they chance to be deformed, will be put away in some mysterious, unknown place, as they should be.”

Which is what we want, right?—the straightforward stuff; quick; easy; with a sense of civic outcomes; and above all, practical. What works, works. What gets votes is good.

The defense of unborn life in 21st-century America gets in the way of the practical and quick. You get to thinking, at a sub-practical level, about the origins and responsibilities of life. As does Prof. Arkes. “A human being from its very first moments.” This “thing” is no upset stomach. It lives. And, accordingly, becomes a moral question—a matter of right and wrong, good and evil.

Moral questions rarely find a warm welcome in today’s public affairs. They invite sharp disagreement and dispute. They set voters against one another, often amid shouting and accusations—unpleasantness you really don’t want to negotiate if you’re an office-seeker.

So: In abortion, moral question meets—collides with, really—practical question. *Roe v. Wade* hid the moral question from sight, philosophically at least. There wasn’t any such question for the justices to decide: just the constitutional question as to whether our system of government and its charter allowed women to decide for themselves the outcome of their pregnancies. The rightness or wrongness of abortion didn’t come into it—except in the minds of abortion’s opponents, whose affirmations of life’s beauty kept alive the controversy long after practical-minded judges thought they had resolved the matter.

What practical-minded judges failed to notice was that you don’t resolve moral questions with the apparatuses of power. At a minimum you talk them through. The answer to a moral question must be recognizably moral: never exactly the goal of all the politicking and lawsuits occasioned by *Roe* and such lawsuits and laws as *Dobbs* will in its own time produce.

The practical answer likeliest to please *Roe*’s exponents and fans would have been the end of all opposition to a mother’s right to “control” her own body; the wearing down and collapse of the moral impulse; stillness; exhaustion.

It never happened. It couldn’t; and, by some moral miracle or other, won’t.

Personalism as the Fullest Response to the Flawed Anthropology of the Sexual Revolution and Identity Politics

Alexandra DeSanctis

Two of the most pervasive cultural ills of our time, identity politics and the fallout from the sexual revolution, are best understood if we consider them deeply intertwined. Both of these problems flow from the same disordered font, a flawed anthropology that views the human person as infinitely malleable and, ultimately, discardable. These two phenomena have a symbiotic relationship of sorts, brought about by a society that no longer believes in the dignity and value of the human person. We might call the cultural conditions they've created the problem of "personal dislocation."

Because this shared worldview has diminished our belief in the intrinsic value of persons, a recovery of the personalist view—rooted ultimately in a Christian anthropology—is the fullest and most coherent response to this secular, false anthropology. Defending and articulating the personalistic norm, as St. John Paul II called it, will enable us not only to reject the sexual revolution and identity politics but also to take the essential step of replacing their anthropology, offering a positive conception of who we are, what we are made for, and how we ought to live.

In her book *Primal Screams*, Mary Eberstadt argues that identity politics has become so attractive primarily because of the effects of the sexual revolution. It's a cry for help from people who have lost their sense of belonging. "Decades into the unintended and potent experiment of the sexual revolution," she writes, "a great many human beings now live as if we are not the intensely communal creatures that we always have been. . . . To study the timeline is to see that identity politics has grown in tandem with the spread of the Sexual Revolution," she goes on. "In post-revolutionary societies, the old ways of knowing who I am and what I am for . . . are growing weaker for many people and no longer exist at all for some."

Eberstadt makes the case, in short, that identity politics appeals to the modern mind because the familial dissolution brought about by the sexual

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revolution, paired with the simultaneous loosening of religious bonds, has weakened our sense of belonging to something meaningful and larger than ourselves. We can take her insight a bit further if we consider it in conjunction with Carl Trueman’s book *The Rise and Triumph of the Modern Self*, in which he writes: “The changes we have witnessed in the content and significance of sexual codes since the 1960s are symptomatic of deeper changes in how we think of the purpose of life, the meaning of happiness, and what actually constitutes people’s sense of who they are and what they are for.”

Drawing on the work of Charles Taylor, Trueman argues that modern changes in how we conceptualize what it means to be a “self” have led to, as he puts it, “a prioritization of the individual’s inner psychology—we might even say ‘feelings’ or ‘intuitions’—for our sense of who we are and what the purpose of our lives is.” In the context of gender ideology and transgenderism, he argues, this takes the form of “making [one’s] inner psychological convictions absolutely *decisive* for who they are.” He argues that it’s not just our desires that are decisive for who we are but explicitly our *sexual* desires that determine our identity.

Taken together, Eberstadt’s and Trueman’s arguments suggest that the sexual revolution and identity politics share a flawed vision of the human person, developed over several centuries of shifts in how we understand human psychology and how we behave and organize society as a result. We’re witnessing the natural outcome of men and women—dislocated from stable family relationships and from any grounded sense of what it means to be a human person—beginning to believe they can locate their truest self in their sexual identity. We insist upon total sexual autonomy as a marker of human flourishing because this is the primary means by which we now answer the foundational question of *who we are*.

Our modern over-emphasis on sexual self-expression is really a twisting of the way in which our embodiment and givenness as male or female does help to define who we are in a significant way. Correctly understanding humanity’s sexual dimorphism, our givenness as either male or female, is a crucial part of understanding our nature as human beings. But because we have separated sexuality from any notion of creation in the *imago Dei*, we’re left on our own to create our own meaning. We now have to define everything about our existence, our nature, and our *telos* for ourselves.

If we have no creator and are no longer supposed to view ourselves as in any way dependent, we must create ourselves and depend on no one—and we live in fear that our existence is meaningless unless we can craft a meaningful enough identity for ourselves. The supposed escape from nature and givenness turns out to have set us loose in a great and desolate wilderness,

where we wander as isolated individuals, tasked with the monumental responsibility of discovering who we are and how we ought to live, with no guidepost apart from our all-powerful self.

Being “free to perform life,” as Trueman describes it, actually forces us to engage in the constant, disorienting work of self-discovery and self-creation. Where am I supposed to look to find the “real me,” now that I am unmoored from historical and cultural lodestars—especially when, thanks to the rise of gender ideology, I can no longer trust even the solidity, givenness, and truth of my own body?

What we’re witnessing is something like a meltdown caused by decision fatigue and deep uncertainty. We now need to provide ourselves with all the structure and meaning once provided by the foundation of nature. When belonging in one political subgroup or expressing one sexual identity doesn’t satisfy us, we might be left wondering: “If I’ve truly found who I am and where I belong, why am I still so miserable?” One possible answer arises: “It must be because I have yet to create myself the *right* way. I’ve yet to find my true self.” This feedback loop sends the lost soul careening from pleasure to pleasure, identity to identity, hoping to locate whatever is leaving him incomplete or dissatisfied.

This is precisely why identity politics has become so alluring. It proposes answers to the fundamental questions within every human heart: Who am I? How should I live? How should I treat others, and how do I deserve to be treated? Ideologues have created this totalizing theory to explain who we are and, in particular, why we ought to believe that we matter. It is an anthropology and a value system created for unmoored people, exhausted by the task of providing their own meaning.

Take for instance the way in which identity politics sorts its members into a kind of hierarchy based on their level of victimhood or oppression, where the most oppressed are granted the most power in recompense. This notion of restoring value to the victimized is a rather twisted way of trying to affirm that there’s something valuable about the human person. The one who has been harmed asserts that he is valuable, that he has a corresponding identity, and that he therefore *belongs*. Intersectionality, whereby various oppressed groups band together, might be thought of as something like a makeshift family. This value system makes most sense when you realize it is created for people desperate to believe they matter in a world that tells them their existence is meaningless.

Not only has the sexual revolution’s fallout created fertile ground for identity politics to take root, but it has also created its own set of harms that

likewise stem from denying the value of the person. Here we must consider the intriguing reality that it's no longer just conservatives critiquing the sexual revolution. This growing discontent is well represented by three recent works: *The Case against the Sexual Revolution* by Louise Perry, *Rethinking Sex* by Christine Emba, and *Feminism against Progress* by Mary Harrington. Each of these writers has her own unique argument, but the commonalities of their books are especially suggestive.

Their big-picture observations won't be surprising to conservatives: Casual sex is more enjoyable for men than for women, for example, and putting an end to sexual violence will require more than consent workshops. These women all to varying degrees seem to realize that the sexual revolution bolstered a social scenario that can harm women, and perhaps men too. They seem to share a deep sense of discomfort with the possibility that our current sexual norms are causing us to treat one another as objects rather than as persons, though none of them puts it in quite those terms.

For instance, all three authors strongly critique consent as a moderating principle. They realize that we can consent to things that harm ourselves and others and that society should recognize and care about that reality. And yet, in practice, “Did everyone say yes?” or “Did anyone say no?” are the only moral guideposts we're permitted for discerning whether any given sexual interaction was trifling, unkind, or criminal. Because we don't have a sense of what persons are or how persons deserve to be treated, “nonconsensual” is the only kind of misconduct we're able to identify with any certainty. Yet these authors have a sense that something like “good sex” exists and that it requires a heftier intellectual or moral framework than that offered by the sexual revolution.

While each of these thinkers offers true and helpful insights into constructing a better sexual ethic, none offers a coherent, positive moral vision to counter and replace the deficient view of the person posited by the sexual revolution. They focus on its negative outworkings and its ideological problems, but because they don't offer a solid account of what human persons are, they end up trapped in the realm of problem and solution, identifying harms and constructing ways to mitigate them.

In other words, these authors evidence what it looks like when a culture without a robust moral imagination tries to reinvent a sexual ethic, using only the tools given to it by the sexual revolution. At the root of what went wrong was a detachment of sex from the personalistic norm—or, in Christian terms, from the commandment to love. Here's how St. John Paul II describes this concept in *Love and Responsibility*: “The personalistic norm as a principle

says: “the person is a kind of being such that only love constitutes the proper and fully mature relation to it.” Elsewhere, he puts it this way: “The value of the person is always higher than the value of pleasure and therefore the person cannot be subordinated to pleasure; he cannot serve as a means to the end which is pleasure.”

We need not only to “rewild sex,” then, as Harrington puts it in reference to rejecting oral contraception, but also to “rehumanize” and indeed “re-personalize” sex. Personalism, grounded ultimately in Christian anthropology, is the fullest and most coherent response to what the sexual revolution has done. It not only rejects the sexual revolution’s anthropology but also replaces it with the truth about human persons and offers an accompanying moral vision to guide our conduct.

The best response to both the sexual revolution and the resultant identity politics is a personalist view that rejects and replaces its foundational assumptions: that human existence is ultimately meaningless; that human beings must invent our own identity and meaning; that anything and everything is acceptable in pursuit of pleasure as long as everyone consents; that we can treat each other, and ourselves, as objects if it brings us temporary satisfaction. A contrary view must assert that human beings are persons and not objects, and it must explain what personhood means for how we ought to treat ourselves and one another.

This framing would revolutionize our diagnosis of the sexual revolution’s failures. We would no longer be forced to invent solutions out of subjective metrics such as consent, power dynamics, and anecdotal experience, or to rely on a gut sense of “ickiness” to determine what’s right and what’s wrong. A coherent account of creation, givenness, human nature, and personalism is directly responsive to each harm generated by the sexual revolution’s ideology. The fact of being human persons created male or female means something substantive about what sex is for, what is problematic about gender ideology, what marriage is, what men and women owe to one another, what parents owe to their children, and what communities owe to families. The fact of being human persons—ends in ourselves and not means to an end—informs our understanding of what is destructive about sex outside of marriage or about contraception, of why prostitution and pornography are antithetical to human dignity, of why abortion is a grave evil.

The idea that we were created on purpose, out of love, as creatures with an objective identity and nature, as human persons with dignity, is the most holistic rejection of and replacement for the sexual revolution’s anthropology. The best case against the sexual revolution is ultimately a positive case, one that affirms the goodness of sex as a means of expressing unity and love between

persons, within the context of the exclusive, lifelong, and fruitful commitment between a husband and a wife. This is the fullest response to the frequent complaint that modern sex is all too often an act of objectification or an act of use.

Ultimately, we struggle to see ourselves and others as persons rather than objects because we've lost sight of the fact that we are created in the image and likeness of God. A philosophy of personalism is certainly accessible to the secular mind, but if we can't operate from any objective belief about who we are and what we were made for—what it means to be a human person defined by something or someone other than ourselves—we'll only ever have ourselves as a reference point. Without God, we set ourselves up as the sole creators of our own universe, our meaning, our morality, our purpose, and our identity. Without the notions of creation and givenness, without the knowledge that we were created out of love and for love, all we have is ourselves—and the notion of being a person as an end in oneself rather than an object will remain at least somewhat unintelligible or inaccessible.



Marveling at the Creator:

Human Heart and Brain Development

Katrina Furth

From its inception when sperm and egg fuse to the pinnacle of adulthood, human life develops according to the intricate craftsmanship of a divine Creator. The unfolding of cells into diverse tissues and the orchestration of complex structures into their correct locations underscore the profound complexity of embryonic development. Central to this process is the formation of the brain, a marvel of intricacy and precision. From its earliest stages, the brain exhibits a remarkable capacity for growth and refinement, sculpting neural circuits that underpin cognition and sensation. The experiences of the fetus also shape sensory development, illustrating the intricate interplay between biology and environment. Learning some of the details of cardiac and neurological development can help us better comprehend the unique dignity of each individual.

As we begin growing from a single cell, layers and structures form and fold like a glorious origami. How do the cells all become different types of tissue, assemble into the correct structures, and work together to serve our body and sustain life? Why does the cornea of the eye develop transparently, while the whites of our eyes block incoming light? Why do arteries develop so much thicker than veins, and how does blood flow correctly through the human heart? How do the genetic instructions we are given perform so successfully—lining our stomachs, for example, with mucus so that the digestive enzymes do not leak into our bodies? The mysteries multiply, especially when we turn to the human brain. The infant brain has about 100 billion neurons, each forming thousands of connections with other neurons. The wonder of fetal development points like a spotlight to a gifted Creator in Heaven.

Human life is sacred for two fundamental reasons. First, God set human beings apart from the rest of creation to reflect and bear His image. By fashioning humanity in His own likeness, He imparted within us a mark of the divine that renders us irreplaceable and deserving of utmost dignity and respect. Thus, from the very moment of conception, each individual bears

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God's image. The genetic variation in each person further underscores the uniqueness of every human life, ensuring that no two individuals are, or ever will be, genetically identical.¹ Second, the sacredness of human life stems from God's unconditional love for each person as an individual, exemplified in Jesus' parable of the lost sheep. This divine affection extends even to the preborn, since it is God who winds together our DNA and knits muscles, nerves, and enzymes together in the womb. Therefore, God also loves the child aborted in a quiet hospital room—we are told that He numbers the hairs on her head, and He is equally capable of numbering each heartbeat before the preborn child's violent and untimely death. **Being pro-life is not about having the correct views. It is about acting as the hands and feet of Jesus to find the lost sheep by loving and protecting unseen individuals.**

The Beating Heart

The heart is the first organ to function in the developing human embryo.² By six weeks' gestation, every living human has a beating heart. By 22 days after sperm-egg fusion, the heart rhythmically pumps fluid, and this rhythmic pumping does not stop until death.³ From the sixth week of gestation onwards, the embryonic heart outpaces the mother's heart. While the average adult heart rate ranges from 60 to 100 beats per minute, the embryonic heart beats at approximately 110 beats per minute by the sixth week and increases to around 170 beats per minute by the tenth week gestation.⁴ Consequently, by the end of the sixth gestational week, the heart will already have beaten over **1 million times**, and by birth will have beaten approximately **54 million times**.⁵

The preborn child's heart is crucial for growth. Initially, cells rely on passive diffusion from the placenta for oxygen and nutrients. However, as the embryo grows, the distance increases, requiring the heart to circulate oxygen-rich blood and nutrients.⁶

At six weeks' gestation, the heart emerges as two tubes, which fuse together and fold, forming an s-curve. Already the heart begins to form primitive heart valves to prevent the backflow of blood and help push the blood forward through the rest of the body.⁷ In the seventh week, the two upper sections become the atria, and in the eighth week the larger, stronger ventricles form. The heart reaches its final shape by the tenth week, with two atria, two ventricles, and circulatory blood vessels, although these blood vessels mostly bypass the liver and lungs to help the embryo get oxygenated blood from the umbilical cord to the rest of the body.⁸ Although the six-weeks' gestation heart tube does not look like an adult heart, it performs the same function.

In the doctor's office, recognizing the fetal heartbeat through ultrasound

technology is a pivotal moment. It's not merely "electrical activity in the fetal pole," as some pro-abortion voices would dismiss it. Rather, it's the rhythmic pulsation of life-sustaining blood coursing through the developing embryo. A Doppler ultrasound picks up the movement of blood within the heart. Just as your smartphone captures light to create a selfie, ultrasound harnesses reflected sound waves to paint a vivid picture of the growing life within. The reality of a selfie isn't diminished by being a product of reflected light; likewise, the heartbeat resonating through the embryo is no less real because it results from reflected sound waves.

Developing a Brain

Our abilities to remember, perceive, and decide unfold within the sanctity of the womb, as do our abilities to sense our body in space, hear, smell, see, and feel. In the fifth gestational week, the brain starts forming as the neural tube. From this humble beginning, the top regions of the neural tube expand and delicately fold to create the brain. Chemical signaling guides brain structures to form in their designated places with miraculous precision. By approximately five and a half months into gestation, the brain takes on its adult shape. During the following months, its previously smooth surface becomes intricately contoured, expanding its surface area to accommodate the burgeoning number of neurons.⁹

Neural stem cells play a pivotal role in generating a diverse array of neurons and glial cells, each with a specific function in the orchestration of thought and sensation. Originating deep within the brain, emerging neurons migrate to sculpt the cortex, with the timing of their birth determining their ultimate purpose. Meanwhile, complex chemical messages facilitate communication between neurons, guiding the formation of connections crucial for cognition.¹⁰ Electrical activity has been recorded from an embryo as early as eight weeks' gestation, indicating that neurons are actively connecting.¹¹ As pregnancy progresses, more neural circuits rapidly form, laying the groundwork for more cognitive abilities.

Even before leaving the womb, the preborn child can sleep, taste, smell, move intentionally, learn flavors and songs, and recognize his mother's voice.¹²

But the odyssey of neural development does not end with birth. Rather, it is a lifelong journey of growth and refinement. Like a sculptor refining a masterpiece, the brain undergoes a process of blooming and pruning, shedding redundant connections to sculpt a more efficient neural architecture. For instance, by 28 weeks' gestation, a fetus harbors more neurons than she will ever possess again, as surplus neurons are systematically eliminated.¹³

Likewise, two-year-olds have more synapses than adults; but these extra synapses are often detrimental. Part of the reason that babies lurch haltingly as they learn to walk is that multiple neurons try to control a single muscle, and these neurons do not coordinate their efforts.¹⁴

Developing a Brain That Perceives

Fetal experiences significantly influence sensory development. This is why certain senses like taste, hearing, and touch are more advanced at birth than, for example, vision. For instance, because fetuses can hear their mother's voices, as newborns they can recognize their mother's native language.¹⁵ Additionally, because fetuses can taste flavors from their mother's diet in the amniotic fluid, newborns can identify the mother's breastmilk without ever having tasted it, by associating it with flavors they experienced in their amniotic fluid.¹⁶ In contrast, there is much less opportunity to develop the sense of sight before birth: Limited light penetrates the uterus, so newborns are born legally blind.¹⁷

Each sensory system develops in an intricate and interactive way. Take taste, for example. Nascent taste buds start forming on the tongue around eight weeks' gestation, about a month after a mother might first know she is pregnant. For these taste buds to work, they must connect to a specialized sensory nerve to relay the taste information to the brain. Through an interplay of chemical messages between cells, a taste bud only matures after it has appropriately connected to one of these nerves.¹⁸ The fetus can taste at about four and a half months gestation.¹⁹ Every human has spent about five months of his or her life drinking nothing but amniotic fluid. When a mother eats something, the flavors of the food arrive in the amniotic fluid about 45 minutes later.²⁰ The preborn child will swallow more amniotic fluid if it is sweet and less if it is bitter.²¹ The flavors that a fetus tastes in the womb will even influence her food preferences when she later starts solid foods. For example, mothers who drank carrot juice regularly during the eighth month of pregnancy gave birth to babies who made happier facial expressions while eating carrot-flavored cereal once they started eating solid foods.²²

Fetal Pain Development

Touch and pain systems also develop in an intricate and interactive way. Recent evidence indicates that preborn babies can feel pain as early as 15 weeks' gestation, challenging outdated beliefs.²³ A recent review conducted by two esteemed medical professionals, one of whom identifies as pro-choice, concluded that fetuses may be able to feel pain as early as 12 weeks' gestation.²⁴ In contrast to earlier claims that pain was not possible until the

cortex had formed, these authors conclude, “Nevertheless, we no longer view fetal pain (as a core, immediate, sensation) in a gestational window of 12–24 weeks as impossible based on the neuroscience.”²⁵ Importantly, the review provided evidence that neural connections from the periphery to the brain are functionally complete after 18 weeks’ gestation.²⁶ Though we cannot know if fetal pain is equivalent to adult pain, the available scientific data indicate that such functional sensation is present, along with its moral implications.

The circuits underlying pain sensation start developing early. Touch and pain receptors start forming at seven and a half weeks’ gestation, starting near the mouth and hands. These sensory nerves immediately begin forming connections with the young spinal cord.²⁷ Functionally, the embryo will reflexively move away from a touch at seven and a half weeks.²⁸ Nerve connections linking the pain receptors to the brain’s thalamus and subcortical plate are formed between 12 and 20 weeks gestation.²⁹ The thalamus, which plays a pivotal role in adult pain perception, functions in fetal pain sensation as well.³⁰ Neurotransmitters dedicated to pain, such as substance P and enkephalin, appear at 10 to 12 weeks and 12 to 14 weeks respectively.³¹

Technological advancements, particularly ultrasonographic studies, offer unprecedented insights into fetal responses to pain. The fetus responds to a painful procedure with a stress response that includes an increase in his circulating stress hormones and “vigorous body and breathing movements” by 18 weeks’ gestation.³² Furthermore, ultrasound videos show actions indicating crying out in the womb during an anesthetic injection as early as 23 weeks’ gestation.³³ Finally, the younger a premature baby is, the greater the baby’s brain response to a painful heel lance, suggesting that both fetuses and premature children are more sensitive to pain than full-term newborns and adults.³⁴ Taken together, a number of studies demonstrate that the developing fetus is sensitive to pain inside the womb, and potentially more sensitive to pain than a newborn.

Furthermore, fetal surgeries are now routinely performed, and they incorporate anesthesia and analgesia protocols to alleviate potential fetal suffering. Fetal surgeries may occur as early as 15 weeks’ gestation to correct genetic anomalies or help both twins develop healthfully in twin-to-twin transfusion syndrome.³⁵ Importantly, the medical consensus concludes that from the fifteenth gestational week onward, “the fetus is extremely sensitive to painful stimuli,” making it “necessary to apply adequate analgesia to prevent [fetal] suffering.”³⁶ Expectant mothers undergoing prenatal surgery are informed of the measures taken to ensure fetal comfort and pain management during procedures, underscoring medical recognition of preborn babies as patients deserving of compassionate care.

Developing a Brain That Decides

Every impulse, every choice, every subtle movement stems from the miraculous complexity of the developing brain. At 14 weeks' gestation, pioneering research has uncovered that the fetus demonstrates intentional movements, directing gestures more slowly toward her own eyes, mouth, and even the uterine wall.³⁷ Before this milestone, fetal movements are characterized by erratic, jerky motions. However, at this juncture, the hands deliberately slow down as they approach their target. Notably, in cases where the fetus shares the womb with a twin, certain movements are directed towards the sibling, and these are executed with unexpected gentleness at 14 weeks' gestation as well.³⁸ By 18 weeks, this dexterity becomes even more pronounced, with the fetus exhibiting swifter and more precise gestures towards her own features, particularly when using her dominant hand.³⁹

Better than Belief

No one but God knows the exact moment when a sperm and egg united within the fallopian tube of my friend Noor, creating a new life. Noor was an independent businesswoman with her own dance studio. She loved to dress up and stay out late dancing! Her positive pregnancy test left her feeling upset and confused: Babies are inconvenient. They don't let you go out all night. As her son's heart started beating, Noor fought off waves of nausea. As her son started tasting the amniotic fluid, Noor became more limited in dance instruction. Some people advised Noor to get an abortion. But Noor chose life. Her son was born two days before my daughter in the same hospital. Noor babysat for me frequently, and our children are good friends. I can't imagine a world without her son's laughter. But Noor's very hip lifestyle was permanently altered by raising a child. Her chic apartment became littered with kid toys, wet burp cloths, and unmatched socks, but her life was also enriched in ways she had never imagined. I don't know Noor's views on whether abortion should be legal. But her courageous sacrifices make her one of the most pro-life people I've ever met.

Being pro-life is not about having the correct views. It is about acting as the hands and feet of Jesus to love the least, the lost, and the lonely. Spending time in awe and wonder at the precision of neurological development in the womb is very important, as it guides us to stand in awe of our Creator and recognize that life is sacred at every stage. But that is not enough. God has called all of us to love the woman who gets to nurture a sacred life in her womb, and support both lives with dignity and value.

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Our next article was written in 1986 by my late mother, Faith Abbott McFadden, a longtime senior editor of the Review. In “Ghosts on the Great Lawn,” she pondered the other side of the population control story: The lives already missing, victims of abortion. Having read in her hometown paper, the New York Daily News, about Central Park’s Great Lawn filling up with a whopping 800,000 people for a free concert by the Philharmonic, Faith couldn’t help imagining that number of aborted babies, which was still only about half the yearly rate for abortions in the U.S. at that time. Referring to the Review’s 1983 landmark article, “Abortion and the Conscience of the Nation” by President Ronald Reagan, she wonders when a national conscience will emerge.

—Maria McFadden Maffucci, Introduction, Fall 2011 Human Life Review

Ghosts on the Great Lawn

Faith Abbott

You know Erma Bombeck, and how funny she can be. Millions read her syndicated newspaper column regularly. But sometimes she’s not funny.

One of her own favorite columns is reprinted from time to time, when she’s on vacation. Thus, last summer, her fans saw again her sober column titled “The Phantom Senior Classes.” It’s about teenagers who die in drunk-driving accidents. Erma imagines a Central High (“somewhere in the Midwest”) which “until this moment” had a senior class of about 200, but this year, she writes, there will be *no* senior class at Central—nor any such classes for the next 45 years, because during that time some 9,000 young drunk-driving victims won’t live to get their diplomas.

In a futuristic flashback, she adds that Central High closed its doors in 2029, because of “decreasing enrollment”—indeed, 44 more Centrals would also close down, because in those 40-some years over 400,000 young people would also be victims of such tragic accidents.

It struck me, because I too had been thinking about phantom children, not at Central High but on the Great Lawn in New York’s Central Park, during the big Fourth of July Liberty Weekend celebration, when President Reagan joined the millions who came to see the refurbished Statue of Liberty’s torch relighted.

The following Monday, the tabloid New York *Daily News*’ front page banner headline roared “IT WAS SOME PARTY”—the historic six-million

Faith Abbott McFadden (1931-2011), a longtime senior editor, co-founded the *Human Life Review* with her husband J.P. McFadden in 1975. “Ghosts on the Great Lawn,” her first article for the *Review* (Fall 1986), was followed over the years by thirty more, including “Remembering ‘Sir Bill,’” her moving reflection on the death of the *Review*’s friend and benefactor, William Buckley.

throng, the story reported, had “one big bash . . . ate 750,000 hot dogs, and drank two million drinks.” There were millions in the subways; the longest lines *ever* waited above; the statistics ran on and on.

And then this: the “Most Well-Mannered Crowd: the 800,000 at the Central Park Concert.”

There have been many concerts in Central Park, including Rock affairs that got out of hand, with drug disasters, muggings, even riots, involving as many as a half-million “youths” of all ages. But this one was to be different. A half-million people were expected, but the police didn’t expect big troubles from a crowd coming to hear the New York Philharmonic. (Who goes out of control when Zubin Mehta conducts, Yo Yo Ma plays his cello, Itzhak Perlman fiddles, and the soloists are Marilyn Horne, Placido Domingo, and Sherrill Milnes?) The 1,700 cops mobilized were there mainly to handle pedestrian traffic in and out of the park. A police captain said: “Zubin Mehta groupies are not generally trouble-makers.”

And it *was* a great night, with the enthusiastic crowd exceeding predictions and reaching the 800,000 the *News* reported. (Have *you* ever seen that many people in one place?)

On the blistering hot afternoon before the concert I had walked across the Great Lawn on the way to higher ground from which I hoped to view the First Ever Annual Great Blimp Race. The Lawn had begun filling up since early morning; from atop the Belvedere Castle (yes, we did see the five blimps, between buildings) I saw whole families with picnic and “survival” apparatus. But I had no idea of what a *capacity* crowd on the Great Lawn would look like, until that night, when I watched the concert live on TV and saw the aerial view from the blimps. And when I read Monday’s *News*, I thought: So that’s what 800,000 looks like.

Numbers have always left me cold: I have No Head for Figures—zeroes and commas play tricks on me: hundreds turn into thousands and vice-versa. From earliest memory (when I told friends about my great-grandmother who died at age 30—actually she was run over by a milk cart at 103) through my first job, when my boss began to look for a *new* job because, he said, he needed to make a “five-figure salary” (which someone later explained meant \$10,000-up) up to the present, my inability to translate figures into what they represent has been a practical disability and a social embarrassment.

So I have had to make a sort of game about numbers. A kind of Sesame Street for adults, where you see the numbers and then envision abstract images. And since adult heads must deal with many more than ten oranges or witches or whatever, there must be an expanded concept: a spatial concept, if hundreds and thousands up to millions are to make any sense.

Time magazine recently had a clever Sesame-Street-type visual aid, for people who can't conceptualize a sea depth of 12,500 feet, at which the remains of the *Titanic* lie: ten Empire State buildings were stacked up atop each other. So if you can visualize how tall the Empire State is, you get the idea of how deep is the ocean over the *Titanic*.

My first numerical-visual aid was 2,000, which was the size of the student body in my high school. When I would hear that some demonstration or celebration had drawn a crowd of something-thousand, I'd remember my high school auditorium as a standard of comparison.

After the *Roe v. Wade* decision in 1973, I began attending the annual March for Life in Washington, and my numbers game expanded: one year there were 35,000 marchers (we stood on a street corner and watched them march by); another year 50,000; one year 70,000. From Capitol Hill one got a conceptual idea of what 70,000 *looked* like. Anything to do with the *million* category was still an abstraction. Until my Great Lawn experience.

A few days after I'd read in the *News* about the 800,000 people at the concert (more than ten times the size of that Washington mob), I received a copy of an ad which had appeared in the *New York Times* on May 26th (we had not seen it earlier because it was in the *Times* "National Edition," which goes outside New York). The ad, sponsored by Doctors for Life, offered Congratulations to the 8th Grade Graduates of 1986 and Condolences to "Your classmates who didn't make it"—the 745,000 souls who would have been 8th grade graduates in 1986 had they not been aborted.

The ad said: "Many of you (3,137,000) were born in 1973—the year abortion was legalized. Over 745,000 of your Class of '86 were aborted in the same year—the Massacre of 1973." Now that the figure 800,000 was indelible in my mind, I could "see" 745,000. And 750,000 hot dogs dispensed that Liberty Weekend? Just about one for each absent member of that class.

And of course these 8th graders would become, in the fall, the first high school freshman class in American history to have been decimated by abortion. I imagined the Great Lawn filled with silent 8th grade graduates, Class of 1986, standing upright, the ghosts of the Class That Wasn't There.

"Where there is no vision, the people perish." Would a vision—a viewing—of the perished help make sense of their sheer numbers, I wondered? Of course there can't be pictures of my ghosts on the Great Lawn, those victims of "the massacre of 1973." I remembered the pictures of the mere 900 victims of the Jonestown Massacre. Who can forget all those full-color magazine photos of the victims of fanaticism and cyanide-laced Kool-Aid, lying there on the ground in Guyana. Horrible, we shuddered. Still, though, that happened

somewhere else, not “close to home.” Not on Central Park’s Great lawn. But we had seen 800,000 people on the Great Lawn, which is almost exactly half the number of babies unborn-in-America every year, so I could visualize them covering two Great Lawns with a capacity crowd of hosts. Probably all of Central Park could be populated by ghosts, at the current rate of snuffing-out.

But 1.6 million is hard to visualize. Break that figure down, though, into the *daily* rate of snuffing-out, and you get about four thousand ghosts created every day. Twice the size of my high school auditorium. Two full assemblies a day, wiped out: vaporized.

The other day, I caught myself saying (as who doesn’t?) “Gee, thanks a million.” And suddenly I wondered how long it would take to say “thanks” a million times. It would take a lot longer to count to 1.6 million: it is more awesomely horrible to know that that many babies are killed each year.

The ad said that only 600,000 had been killed in all our wars. That amazed me, so I looked it up. The total I found was 652,000 deaths in battle, plus another 500,000-plus “other” war deaths. I looked up that famous disaster, the 1918 Flu epidemic. It killed “only” a half million Americans. I’m told that an estimated 18 million unborn babies have died since *Roe v. Wade*, which must make abortion the worst epidemic in history.

Dwelling on this tends to make my Numbers Game work *too* well. Before you know it, you’re thinking: How many each hour, each minute—how many, from here to the subway? *That* sort of thing.

Especially when there are visual aids, from here to the subway. Each summer day in Manhattan one sees large groups of name-tagged little kids erupting from the subway, being maneuvered along 86th Street toward Central Park: happy, fun-time-anticipating kids, two by two. Their day-camp counselors stop them every so often to take yet another head-count and remind the kids to stick with their partners. My mind wanders and I see one single line of kids. Their buddies aren’t there. One out of how many, I wonder, got vaporized in the few years since these day-campers were born? Nobody can do a head-count of those little ghosts.

Not to overdo it, but there’s another big story in town this summer that makes the abortion issue “hit home”—babies falling out of windows.

One can’t imagine New Yorkers saying: “So what?” when they read that yet another child has fallen to its death from an unbarred window. No: we are compassionate. We agonize over needless deaths. The *News* (August 11) headlined: “9th child falls to death,” and the *New York Times*, the same day, told us it was “the 77th time that a child has fallen through a window in the City. Nine of the falls have resulted in deaths, including four within the

last three weeks.”

We think: how *needless*. Why don’t these parents/babysitters learn from the papers about window-bars? We *feel* for the bereaved parents even as we accuse them of negligence (and as we check our *own* window-bars).

Even when we know and can quote the statistics about abortion; even when we see the annual statistics broken down into daily and hourly fatalities, we tend—automatically—to make a distinction between *statistics* and *individual* victims of preventable fatalities, whose names and ages are reported in the papers, with their baby pictures.

What if the media informed us that, this year, 1.6 million babies would fall to their deaths from unguarded windows? At the rate of about 4,000 daily, almost three every minute? We wouldn’t feel just “compassion” but horror. We’d raise hysterical cries about committing national suicide, about what it all meant for the *future*.

The reality is that 1.6 million babies were victims of preventable deaths last year. Is there any difference, ultimately? There is no future for the nine small children with names who have died so far this year from window falls: there is the same no-future for the un-named, unbirth-dated babies who are also victims of needless death. But *these* victims of preventable deaths never make it to the stage where *we* have “feelings” about them. The 4,000 per day aborted babies are statistics of a *different* sort; we don’t read about how they died; we don’t know their names; we can be rhetorical about Unborn Millions, but not about three babies falling out of windows every minute, even though the end result is the same. There are no degrees of death.

Maybe it’s because abortion statistics have all those zeroes. We think of the aborted in terms of zeroes if we think about them at all. It’s easier to deal with “mass murder” than to think about individual victims. To think of the victims as one-at-a-time individuals offends one’s sensibilities. But that is how they died, one at a time, just as the window-victims died. Just as the window-victims had been *born*, one at a time; just as you and I were born, and will die. So the fatalities of legal abortion would have been born one at a time, had they not been “terminated.” Each of the 1.6 million victims unborn in America every year has an identity.

It’s as if the unborn don’t count. They do, however, count up. The next window victim will be the 10th. Somewhere, there has been (or soon will be) abortion victim 18,000,001.

“Where there is no vision, the people perish.” One wonders if even the most ardent pro-abortionists, given a vision of several empty Great Lawns and *knowing* what the empty spaces represented, would say: So what? More

likely they'd say Yes, but . . . most likely, they'd not say anything, because they are too busy with numbers: *theirs*. (Stand up and be counted, all in favor of women's reproductive rights.) Their numbers represent the *born* who are now free of burdensome unwanted babies.

And what was Ellie Smeal's National Organization for Women doing in our nation's capital on July 7th, the day the *Daily News* raved about New York's Freedom Party? Picketing the U.S. Catholic bishops, that's what. About 25 women (*that's* a crowd I have no trouble visualizing) bearing signs about Civil Rights, and also carrying umbrellas, marched outside the bishops' headquarters, chanting: "Let it rain. Let it pour. We know what we're marching for."

Ellie Smeal's supporters had done better last March in Washington: an estimated 80,000 demonstrated for Abortion Rights. On July 7th, they were protesting the bishops' endorsement of an amendment for the so-called Civil Rights Restoration Act now pending in Congress. They want the government to force institutions to support abortion: that's what "civil rights" is all about, of course. Indeed, "We know what we're marching for." *What*, not *who*. So that was how NOW joined in celebrating Liberty Weekend.

NOW cares about *now*. What about the future? Is their Emperor eternally resplendent in new clothes? Don't they know that decimated populations will affect everyone? Even if they (being very cerebral people) don't weep over the unborn, don't they worry about, say, economics? Don't they know that they, and the children they *have* allowed to live, face tremendous financial burdens? That there won't be enough people for jobs, children for schools, soldiers to defend the nation—and who will take care of the NOW Generation in *its* old age?

One might say that they have their backs to the future. Yet it is often these same people, oblivious to the ramifications of a dwindling population, who crusade for "conservation." Who ask: Have you thought about the future? Save our trees! Be good to ozone layers. Save the whales. We must not allow this-or-that animal to become extinct. Conserve, preserve! Save our National Parks. (Save our Great Lawns, so that someday they *can* be empty?)

Erma Bombeck touched on that, too: "The people of this country champion the lives of helpless seals, unborn babies, abandoned dogs and cats, abused children, alcoholics, the elderly and the disease-ridden. When will we weep for the phantom classes at Central High?"

I wish Erma had listed unborn babies next to phantom classes rather than between helpless seals and abandoned animals—I trust Erma would correct this, if she thought about it. After all, what unborn children and her phantom teenagers have in common is that they *all* are "would-have-beens and should-have-beens."

There is no doubt that the concert on the Great Lawn had a strong emotional

impact on everyone there, as well as on television viewers (some of whom, like us, could rush to our windows to see the fireworks, live, at the grande finale). It was a shared experience, a sort of group emotion. But such “emotional experiences” can lead to a heightened perception of reality.

When I read the Doctors for Life ad, and had that spatial-visual concept of how many ghosts there must now be from sea to shining sea, I felt “personally” involved. I felt the reality of how many aren’t, and won’t ever be, there to share in our So Proudly Hailing; to join in the final Ode to Joy, which had everyone standing up. Then everyone sang God Bless America (even Kate Smith would have been impressed). In the land of the free and the home of the brave, these twilight ghosts were unfree to ask God to bless America. For them, freedom’s birthday had come too late.

More from Erma Bombeck’s column: “The halls echoed with school songs that were never sung, valedictorians who never spoke and cheers that were never heard.”

The *News* had also mentioned, in connection with the well-behaved 800,000, that 1,200 plastic bags had been given to the concert-goers, to clean up after themselves; and that they’d left behind only 250 cubic yards of trash. I do not have a concept of cubic yards, but I figured 250 of them must be a mere drop in the sanitation truck bucket. And then I remembered stories I’d read about the disposal of fetuses, in just such trash bags, and I had no wish to conceptualize. I did not want to play my Numbers Game.

A few years ago President Reagan published a book, *Abortion and the Conscience of the Nation*. Conscience has to do with knowing and feeling, it seems to me: a conscience is *formed* by the working-together of the heart and the mind. If there is one point of agreement on both sides of the abortion issue, it is that this is “a battle for hearts and minds.” It has to be fought in the courts, but nothing will ultimately change until hearts and minds do. Whichever gets most involved *first* doesn’t seem to matter all that much, since eventually both must come together. If we are *whole*—and I don’t know anyone who would like to be considered fragmented.

There are dedicated anti-abortion people who *feel* so deeply about the unborn that they use sheer emotional bombardment as a weapon. You know, all those graphic pictures, etc. But people will not see what they don’t want to see. Shock tactics simply turn them off.

Then there are those whose approach is basically cerebral: they know that seeing is not necessarily believing; nevertheless they are convinced that seeing *statistics* will lead to comprehension. (If people only knew the *facts* about unborn babies, they would rise up and say: “This killing has got to stop!”) Which is a bit like saying: if teenagers only *knew* the Facts of Life,

they'd stop getting pregnant—education is the answer. But we know that a whole generation of Sex Ed has produced the highest pregnancy/abortion rate in history.

Abortion and the Conscience of the Nation? It may be that until there is a coming-together of seeing and believing and knowing, in individual consciences, there can't be any formation of a national conscience; and 1.5 or 1.6 million—all those innocent zeroes—will continue to be slaughtered, one at a time, every few seconds, every single year. But their little ghosts will continue to not go away.

The nonsensical nursery rhyme becomes less nonsensical:

*The other day
Upon the stair
I saw a man
Who wasn't there.
He wasn't there again today:
I wish that man
Would go away.*



Faith Abbott McFadden in her home office.

Us Too:

The Untold Struggle of Post-Abortive Women

Josephine M. Tyne

I. Introduction

The loss of a baby in pregnancy, whether from miscarriage or abortion, is grievous. That grief can remain for months or even years, and can fester into significant mental health disorders. In the case of miscarriage, society at large recognizes that because of a mother's grief, mental health harms can develop, become significant, and last for an extended time. When it comes to abortion, however, the prevailing narrative is that there is nothing to grieve, that the mother lost only tissue, and that abortion is good health care. Ideologies notwithstanding, all pregnant women are prone to experience a profound physical and emotional bond with their preborn child, a bond that can create untold joy and closeness with the baby after it is born, or generate lasting grief and mental health harms after pregnancy loss, particularly if the mother has contributed to the loss. Regarding abortion, glaring gaps in mental health reporting and research conceal these harms and perpetuate the deception that abortion is safe. Until the culture embraces the rights of the preborn child, one practical way to discourage abortion is by educating the public about the well-documented but under-appreciated mental health harms of pregnancy loss.

II. Mental Health Disorders and Miscarriage

If we accept the World Health Organization (WHO) as a reliable guide, by 2030 most people in developing countries will suffer a mental health disorder, resulting in a cost to the global economy of about \$6 trillion.¹ Declaring mental illness “a growing public health priority,” WHO advocates addressing its root causes.²

According to WHO, one root cause of mental health disorders is grief from miscarriage, a pregnancy outcome that affects nearly one in four pregnancies each year (about 23 million miscarriages annually).³ Women who

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miscarry have 2.5 times the risk of major depressive disorder⁴ and a significantly higher risk of suicide⁵; one in three women who miscarry experience symptoms of PTSD, and one in four women have symptoms of moderate to severe anxiety.⁶

WHO admits that grief from miscarriage can cause prolonged mental health issues because it involves “the enormous toll” of losing a baby.⁷ When women lack channels to openly grieve and feel societal pressure to simply bounce back after miscarriage, the grief can intensify and become disenfranchised.⁸ Lisa, one of many shattered women who told their miscarriage stories to representatives of WHO, relates:

I felt emotionally and physically broken [after my miscarriage]. I wanted to grieve but I felt I couldn't allow myself the time. . . . The attitude that early pregnancy loss doesn't matter is pushing women into darkness. That doesn't help anyone. We need to talk about our grief—it's the only way to heal.⁹

Testimonies like Lisa's have led WHO to declare, “the unacceptable stigma and shame women face after baby loss must end.”¹⁰

Although grief is a natural response to losing the child a mother has cradled and nurtured, it is not obvious why women would grieve the loss of a baby they never met, such as in miscarriage. One answer is the physiological phenomenon known as microchimerism. Microchimerism involves the movement of cells from one genetically distinct individual to another.¹¹ During pregnancy, fetal cells move between a mother and the preborn child through the placenta and lodge in the mother's organs, including her brain. The brain records the presence of the baby's cells, and this apparently creates a profound psychological bond between the mother and the child that persists after the pregnancy ends.¹² One male child's cells were found in his mother's brain several decades after the pregnancy,¹³ illustrating how long babies' cells can remain in the mother and maintain the psychological bond.

III. Mental Health Disorders and Abortion

Abortion, which according to WHO is more common than miscarriage, terminates almost one-third of all pregnancies and two-thirds of all unintended pregnancies (about 73 million abortions each year).¹⁴ In the case of an aborted pregnancy, as with any pregnancy, microchimerism gives rise to a lasting physical and emotional bond between the mother and the preborn child. The resulting grief from the aborted child's death not only exposes the mother to mental health disorders but is potentially compounded by the guilt of knowing that she contributed to the loss.

The following summaries of clinical studies and research reviews demonstrate

the prevalence of mental health disorders after abortion. This list, which is far from exhaustive, merely highlights some of the more significant publications to illustrate the extent of research on the subject.

A. Harms Revealed by Clinical Research

In 2005, the South Dakota Legislature formed the Task Force to Study Abortion (Task Force) to evaluate proposed amendments to the state's informed consent statutes. The Task Force reviewed testimony from thousands of women who claimed they were physically and emotionally harmed by their abortions. The Task Force corroborated the women's claims and concluded that 1) many women were misled by abortion providers to believe that "nothing but tissue" was being removed, and 2) if they had been told that the procedure would terminate the life of a human being, these women would not have continued with the abortion. As one post-abortive spokeswoman testified, "We are told we lost nothing, nothing of value. The truth is that the loss is massive. Massive and life altering."¹⁵

By 2008, psychologist David Fergusson, a self-proclaimed pro-choice atheist in New Zealand, had studied more than 1200 women for twenty years in an effort to prove that abortion had minimal health risks. What Fergusson found was unexpected: that young post-abortive women experienced more than twice the rate of major depressive disorder, suicidal ideation, anxiety, and substance abuse than women who carried a child to term or who were never pregnant.¹⁶ Although the New Zealand government tried to suppress his findings,¹⁷ Fergusson instead extended his study for another five years and discovered that, "[W]omen who had abortions had rates of mental health problems that were about 30 percent higher than rates of disorder in other women. . . [especially] anxiety disorders and substance use disorders."¹⁸ Fergusson later commented, "[A]bortion is a traumatic life event; that is, it involves loss, it involves grief."

In 2016, Rev. Dr. Donald Sullins, former associate professor of sociology at Catholic University and Senior Research Fellow at the Ruth Institute, reported the results from a 13-year study of a nationally representative cohort of 8005 U.S. women in adolescence/early adulthood, which demonstrated that abortion increased the overall risk of mental health harms by 45 percent.¹⁹

By 2019, epidemiology researcher and assistant professor of medicine in Paris, Dr. Louis Jacob, M.D. Ph.D., had studied data from 57,770 German women and found an increased risk of psychiatric disorders among post-abortive women who had no history of such disorders.²⁰

B. Harms Confirmed in Reviews of Research

In 2011, Dr. Priscilla Coleman, Professor of Human Development and Family Studies at Bowling Green State University, examined the mental health risks of abortion by pooling results from 22 peer-reviewed studies involving more than *three quarters of a million* participants—perhaps the largest quantitative analysis of research on abortion’s harms ever performed. Her analysis revealed that women who experienced an abortion had an 81 percent greater risk of mental health problems and a 55 percent greater risk of suicidal behavior than those who did not abort. Coleman observed that the greatest disparity in risk of harm appeared between post-abortive women and women who carried the pregnancy to term.²¹

Dr. Angela Lanfranchi, a U.S. cancer surgeon, corroborated Coleman’s findings after analyzing more than 650 global peer-reviewed studies on abortion harms from both developed and developing countries; her analysis showed that the increase in mental health disorders, substance abuse, and suicide was “drastic and incontrovertible.”²²

By 2015, Mika Gissler, Swedish epidemiology professor and author of over 800 peer-reviewed articles, had examined suicides in Finland’s national registry over a 25-year period and found that soon after an abortion, post-abortive women were two times more likely, and teenage girls were three times more likely, to succumb to suicide than those who did not abort.²³

In 2018, bioethicist and engineer Dr. David Reardon conducted an exhaustive review of research intending to enable healthcare providers to counsel women impartially about abortion harms before and after their abortions. Reardon determined that there were *no findings of mental health benefits associated with abortion compared to carrying a pregnancy to term*. Reardon also found that studies on all sides of the abortion debate collectively showed a “statistically significant” increase in mental health disorders for post-abortive women, including depression, trauma, and especially substance use; in 50 percent of the cases, women’s negative reactions increased with time.²⁴

C. Harms Compounded by Chemical Abortion

Moreover, harms to a mother from chemical abortion are *four times* more likely to occur than harms from surgical abortion.²⁵ Chemical abortion results from the medications mifepristone and misoprostol taken in sequence to terminate the pregnancy of a developing baby within the first ten weeks.

In 2016 and 2021, the Food and Drug Administration (FDA) removed long-standing safeguards so that consumers could obtain mifepristone without a doctor’s prescription, without in-person doctor visits, and without the original

49-day gestation limits. The FDA also eliminated healthcare providers' obligation to report adverse events other than the mother's death. Removing these restrictions ushered in an unprecedented increase in chemical abortions, which now account for about 63 percent of all abortions in the U.S.²⁶

In 2022, a group of doctors and medical associations opposed the FDA's revisions to mifepristone safeguards in the U.S. District Court. The District Court sided with the plaintiffs and suspended the medication's distribution, noting that the FDA failed to study the psychological after-effects from the pill's use. The District Court expressly acknowledged that many women who take abortion pills, "experience intense psychological trauma and post-traumatic stress from excessive bleeding and seeing the remains of their aborted children."²⁷ The FDA appealed to the Court of Appeals for the Fifth Circuit, which agreed that the original safeguards should be reinstated but partially lifted the District Court's suspension of the pills' distribution.²⁸ The FDA then appealed to the U.S. Supreme Court, which restored full distribution of the pills pending the final outcome of the case. On June 24, 2024, the Supreme Court reversed the Fifth Circuit's decision but did not address the substantive claims regarding the medication's safety because, according to the Court, the plaintiffs lacked standing to challenge the FDA's regulatory actions. Essentially, the Court reasoned that since plaintiffs were pro-life and unlikely to ever prescribe or use mifepristone, they had no "personal stake" in the dispute and thus could not demonstrate that they themselves had suffered or would suffer any injury from the FDA's actions.²⁹ The Court has remanded the case for further proceedings.

D. Harms Stifled by Cultural Stigma

Women who endure mental harms from abortion often find themselves alone. On the one hand, pro-abortion advocates dismiss their grief as unfounded, claiming they lost only tissue. On the other hand, the pro-life message is often muffled or mischaracterized as angry and judgmental by the public media; adding to this, pro-life discourse about abortion can easily trigger a sensitive conscience and bring to the surface a powerful sense of guilt and regret that discourages some post-abortive women from seeking the pro-life resources available to them.

Notwithstanding, it is uniquely in the pro-life movement that post-abortive women will find the support and services they need to heal.

One outreach to post-abortive women is The Justice Foundation, a non-profit legal organization that submitted affidavits from almost 5,000 women who suffered abortion harms in amicus briefs to the U.S. Supreme Court seeking to overturn *Roe v. Wade*. These affidavits provide a glimpse into post-abortive

women's emotional turmoil. For example, Jamie C., who aborted at sixteen, says, "I was very depressed and felt guilty for many years . . . I wish someone had told me about adoption." Heather P. relates, "I was not told of any negative reactions, consequences of abortion. I wore a happy smiling face over the real Heather—[a] post abortion mess. I was hiding the guilt, shame, fear and anger. . . I didn't forgive myself." Jennifer A, a fourteen-year-old rape victim, claims, "I was informed of what an abortion is, but never did I understand the emotional and mental damage of the aftermath." And when Jennifer was asked what she would tell women considering abortion, she replied, "I would say not just no, but Hell no!"³⁰

Another outreach to post-abortive women is the Christian counseling non-profit organization Concepts of Truth, Inc., which has helped post-abortive women and their loved ones find forgiveness and healing through counseling for reproductive loss and sexual trauma and through its international crisis helpline—the hotline has received more than 20,000 calls from grieving women and men. The organization also seeks to raise awareness about abortion's harms through its advocacy at the United Nations.³¹

Additionally, the American Pro-Life Movement website provides videos and other educational resources from a variety of pro-life advocacy groups.³²

IV. Suppression of Mental Health Harms of Abortion

Despite the documented harm from abortion, prominent global voices like those at WHO assert that abortion is simple, safe, and essential health care, that it should be available to all women and girls regardless of gestational age, and that it is the *outlawing* of abortion that causes mental health complications and maternal deaths.³³

Similarly, the U.N.'s Office of the High Commissioner of Human Rights (OHCHR) asserts, "Denial of access to abortion services jeopardizes a person's physical and mental health," "may constitute cruel, degrading, and inhumane treatment," and may even "amount to torture"³⁴ (emphasis added).

Planned Parenthood likewise proclaims:

Both in-clinic and medication abortions are very safe. In fact, abortion is one of the safest medical procedures out there. . . [A]bortion pills are safer than medicines like penicillin, Tylenol, and Viagra. . . You can count on Planned Parenthood for expert, quality sexual and reproductive health care, including abortion. We regularly review new medical research and get updates from groups like . . . the World Health Organization . . .³⁵

Amidst this messaging, the lack of reliable reporting and research of abortion harm keeps the realities relatively unknown.

A. Lack of Standardized Reporting

WHO acknowledges that a major barrier to monitoring and accountability in mental health generally is “the lack of comprehensive, independent and comparable data.”³⁶ In the U.S., there is no national reporting of data for pregnancy harms at all, much less for its mental harms. Only 28 states even report “abortion complications,” and the term often goes undefined.³⁷ In states that do report complications, many physicians claim they were never informed about the reporting requirements and consequently the reporting is sporadic.³⁸ For chemical abortions, which often trigger multiple emergency room visits, the only complication that providers are required to report is death. Meanwhile, an increasing number of women who visit the ER for abortion complications after chemical abortions are treated for what is erroneously coded as “miscarriage.”³⁹

Outside the U.S., most of the reported mental health data comes from public psychiatric hospitals, so data regarding mental health services provided by the most commonly used healthcare providers, which are general hospitals, clinics, and schools, is not reported.⁴⁰ Hospitals that do address mental health complications (from abortion) rarely follow up with patients after discharge,⁴¹ and thus fail to report data regarding the significant numbers of women whose mental health disorders arise later or increase with time.⁴² The underreporting is significant: When U.K. hospitals started tracking complications from abortion after discharge, the reported rate of complications jumped more than 11.9 times.⁴³

B. Lack of Reliable Research

Clinical research on abortion’s mental health harms is also unreliable, prompting Australian researcher David Fergusson, mentioned above, to describe it as “one of the most methodologically flawed and illiterate” areas of research.⁴⁴ As Fergusson observes, researchers can improperly manipulate a research pool to affect the outcome of a study so that it conforms to their biases.⁴⁵ For example, in 2008 the American Psychological Association’s Task Force on Mental Health and Abortion (APA Task Force) was able to conclude that there was “no measurable difference” in mental health outcomes between women who aborted and those who did not⁴⁶—but they only reached this conclusion after they had excluded multiple groups of women from the study who were at a higher risk for mental health harms.⁴⁷

Researchers can also skew results when they shorten the time period of assessments to exclude women who experience delayed harms. Studies show that rates of mental health disorders such as substance misuse, depression, suicidal ideation, and PTSD more than double when post-abortive patients

are tracked for more than a year after pregnancy loss.⁴⁸ Even the chair of the APA Task Force (which was a twelve-month assessment) conceded that after two years, 38 percent of subjects had significantly rising rates of mental harms and decreasing rates of positive reactions.⁴⁹

Unfortunately, even long-term studies may fail to present a realistic picture of persistent harms, because more vulnerable post-abortive women tend to drop out from long-term studies at a higher rate than their more stalwart peers. Such was the case in the celebrated “Turnaway Study,” where only 27 percent of the women in the original pool remained at the end of the three-year assessment. The Turnaway researchers reported that “the overwhelming majority of women” felt that terminating their pregnancy was the right decision.⁵⁰ In reality, the “overwhelming majority” of the women—78 percent—had dropped out; the Turnaway data revealed only that after 3 years, a self-selecting majority of the remaining 27 percent of women believed termination was the right decision for them.⁵¹

Perhaps another development in the suppression of information, particularly regarding chemical abortion, is that a number of peer-reviewed research studies that were formerly published by prestigious journals have been retracted, “at the request of the journal editor.”⁵²

V. Conclusion

Women faced with the decision to abort should understand that, contrary to what they commonly hear, abortion has time and again resulted in PTSD, suicide ideation, substance abuse, chronic depression, and other mental health disorders. Revealing the realities about abortion will empower women to make informed decisions for themselves and their loved ones and encourage fair reporting and transparency in health care.

Grieving post-abortive women who realize that what they eliminated was more than tissue need support from their communities to acknowledge their grief and to heal. Pro-life communities are natural sanctuaries for such women whose grief is not recognized in the wider culture, and these women should be welcomed as natural allies with the pro-life cause.

NOTES

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Philosophy, Osmosis, and Abortion

Donald DeMarco

Philosophy is the active pursuit of truth. It is not a haphazard collection of ideas. Nor is it the uncritical acceptance of someone else's set of ideas. Philosophy presupposes two virtues that are rarely combined in the same person: a modesty, untainted by the ego, which is open to the unvarnished truth of things, and the courage to stand by truth no matter how unpopular it may be. A true philosopher does not croak under the weight of criticism.

Throughout history, opposition to abortion has been largely cultural. People generally accepted that abortion was the killing of a developing human being and therefore disgraceful. Philosophy was not needed to arrive at this commonsense conclusion. As culture maverick Jordan Peterson has stated the matter, simply and forthrightly, "Abortion is clearly wrong." The moral atmosphere in today's culture, however, has shifted dramatically. It is no longer united in its opposition to abortion. In fact, it rails against those who oppose abortion. A sound philosophy, therefore, is now needed more than ever to awaken people to exactly what abortion is and to its adverse effects on both the family and society.

Unfortunately, philosophy has become a joke. To quote Bill Maher, "philosophy is as useful as a bidet in a gorilla cage." Cynics have referred to the philosopher as "a blind man in a dark cellar at midnight looking for a black cat that isn't there." This negative attitude toward philosophy even shows up in cartoons. Mell Lazarus, creator of *Miss Peach*, has one youngster speak of philosophy as "thinking about all the problems facing humanity and how troubled the world is." "That must be a dumb philosophy of life," snaps a classmate. "My philosophy of life is 'Don't Think.'" The noble pursuit of truth has been replaced, by and large, by relativism, in which choices about abortion and birth depend on one's perspective and therefore are neither right nor wrong in themselves. Or if not relativism, then deconstructionism or nihilism, which erase all meaning. In short, philosophy is dismissed as medieval.

If the philosopher is searching for truth, he is also looking for hope. The expression "abortion without apology" implies "abortion without thinking."

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But man is essentially a thinking being, and the embarrassing realization that he is not thinking may inspire his return to thinking in a philosophical manner. If the typical defender of abortion is not thinking, he is, we might say, getting his ideas through osmosis. That could be a rather humiliating revelation.

Osmosis, as anyone who has taken a high school course in biology knows, is the tendency of a fluid, usually water, to pass through a semipermeable membrane into a solution where the solvent concentration is higher, thus equalizing the concentrations of materials on either side of the membrane. The term “osmosis” is a Latinized form of the Greek word *osmos*, meaning “a push.” It also refers to the gradual or unconscious assimilation of ideas.

Education in the truest sense is a conscious assimilation of ideas that conform to reality. It is a process by which objective data pass through the senses and are possessed by the knower. Education is not the same as osmosis, although what passes for education in many instances these days is often the passage of toxic cultural ideas through a weak defense system into a susceptible person, thus forming a mirror image of culture. In other words, the osmotic process in education is akin to extreme socialization or acculturation, in which both the mind and culture have an equal concentration of the same ideas.

When Dostoevsky submitted his manuscript of *Crime and Punishment* to the publisher, he included a note stating that his story was about a university student whose mind was infected by incomplete ideas that float on the wind. The great Russian novelist understood that education is not the same as infection. Raskolnikov, the main character of the book, did not understand his culture because he was possessed by it.

Dostoevsky’s use of the word “incomplete” is a marvelous example of restraint. The ideas of the protagonist were not, in the author’s mind, stupid, nonsensical, or foolish. They were “incomplete.” Although they did have something positive about them, they lacked something more that would give them a certain completeness. For example, one attraction of abortion for some people is that it is a “choice,” which is a valued capacity in the human being. But this idea of choice is woefully incomplete because it ignores that which is chosen, which, as in the case of Raskolnikov, was murder. Abortion is seen as an act of freedom. Yet, freedom of choice is morally incomplete if it is not linked to freedom of fulfillment. The very meaning of freedom of choice is to align that freedom to a higher freedom, freedom of fulfillment. Furthermore, the unborn is not part of the woman’s body. A more complete understanding indicates that it is located in her body but has a destiny of its own. Again, most abortions are sought for convenience, and the virtue of convenience is that it saves time. But that does not take into account the total

loss of time for the unborn child. Finally, a woman does not have a “right” to abort, but only the possibility. But this possibility does not rise to the dignity of a right.

The rhetoric for the abortion advocate is incomplete, like half a loaf. But the abortion advocate’s willingness to remain incomplete indicates a preference for the half-loaf to the full one. If there could ever be a genuine dialogue on the issue of abortion, it would consist of proliferators encouraging abortion advocates to make their thinking complete. It is like saying, “Good, you are on second base, now come home”—surely a more effective approach than saying, “you are completely wrong!” Truth does not make compromises. Being half right is still being wrong. Nonetheless, it is a stepping stone. And, as Confucius has said, “It does not matter how slowly you go, as long as you do not stop.”

Saint Thomas Aquinas understood the osmotic process by which people are infected by incomplete cultural ideas in moral terms: “There is not much sinning because of man’s natural desires. But the stimuli of desire which man’s cunning has devised are something else, and for the sake of these one sins very much.” The Angelic Philosopher is being positive in referring to our nature as essentially good. But if our nature is good, we should use it well. Immersed in culture as we are, we are sitting ducks for the various temptations it provides. A person becomes more inclined to sin through cultural seduction than because of his natural appetites. Aquinas’s statement is sympathetic toward vulnerable human beings and sharply critical of the concentration of bad ideas that circulate within culture.

The distinguished Thomistic philosopher Josef Pieper is in agreement with Saint Thomas. In his classic *The Four Cardinal Virtues*, Pieper states that “Intemperance is enkindled above all by the seductive glamour of the stimuli provided in an artificial civilization, with which the dishonorable team of blind lust and calculated greed surround the province of sexuality.” This is a bombshell of a sentence! Temperance is one of the four cardinal virtues. Lust and greed are two of the seven deadly sins. The combination of intemperance with two deadly sins is explosive. We need strong virtues in order to resist the lure of a synthesis of strong temptations.

St. Thomas uses the term “cunning.” In the modern era, this notion has become greatly enlarged and is now accurately expressed by the phrase that Pieper employs: “artificial civilization.” Technology dominates the cultural landscape, and along with it, pornography, abortion, euthanasia, gender dysphoria, puberty blockers, and harmful drugs, together with various “devices” that hyperstimulate. Our weak “semipermeable membrane” is a poor defense

against the toxic ideas that “push” their way into our hearts and minds.

The daily news informs us of the pandemic of moral horrors, including mass murders, which have left many people both confused and distraught. The attempt to rectify the situation seems futile as the problems increase. The essence of the moral problems that are currently tearing society apart is something that is usually ignored. Furthermore, the application of the usual bromides, especially those of a political nature, is insufficient. One must go to the heart of the dilemma.

On one side of the problem is a seductive culture. Yet, the liberal “freedom from responsibility” mood in society that has helped to bring about this plague of problems remains unattended. Nonetheless, something must be done to begin the detoxification of culture. The first step would be to awaken people to the fact that the great liberal experiment has not only failed but has worsened the situation.

On the other side of the problem is the relatively defenseless person, especially the teenager whose moral defense system has not been adequately developed and is therefore a victim of today’s artificial world. The remedies for this problem are more within reach than the task of transforming culture. Families and small communities must take the initiative and instruct people about the present situation, which demands understanding, discipline, the development of one’s spirituality, and community support. If people are freezing within their house, the solution for them is not to add clothing but to get at the source of the problem—which is the open door that is inviting the cold.

We baptize a bad culture with the word “progress,” but as G. K. Chesterton has reminded us, “progress is a comparative about which we have not settled the superlative.” Where are we going? Although we boast that we are “liberal,” we are not at all happy with what is going on. The Danish poet Piet Hien has remarked that “The noble art of losing face may one day save the human race.” Recognizing that being “liberal” is not liberating requires “losing face.” We must abandon the twin illusions that we are experiencing cultural progress and that liberal politics is a corrective for all our ills. Character, so badly needed, is built not through osmosis but through the combination of learning, discipline, brotherly love, and God’s readily available assistance.

Philosophy has much to say about abortion. But it also sheds light on the climate that seduces people into thinking that abortion is a good. Dostoevsky, Pieper, and Aquinas belong to different centuries. They speak in different languages and write in radically different forms. The more important point is that they all attest to the universality of philosophy. They urge their readers to think realistically and resist the lure of the world. Marshall McLuhan, who directed his philosophical abilities to understanding the media, informs us

that, “When the human spirit feels drawn into the mesh of the man-made images of the electric world, it sacrifices its identity.” Narcissus spent his last days transfixed by his own image mirrored in the pool. By looking at himself, he could see nothing else. Narcissism and abortion are curiously intertwined.

The purpose of philosophy is understanding. This is fundamental in the sense that it serves as the basis for all the positive things that follow. Without a basis, the edifice crumbles. Nonetheless, philosophy is not enough. Added to understanding must be warmth and acceptance. To be pro-life is to be part of a community that is broad enough to encompass everyone. We the living must share our lives with everyone, as much as possible—including, of course, our enemies. Life is to be shared. Abortion sets itself against this sharing of life. Therefore, it represents a moral problem that cannot be ignored. Words can enlighten. Love can accept. We live by a hope that is not discouraged by difficulty. Each human life is of infinite importance. How much good each of us can accomplish in our brief hour is known only to God. But we find joy and meaning as we never cease striving.

Veteran journalist Nat Hentoff, our Great Defender of Life honoree in 2005, is a self-professed atheist who believes as strongly as fervent religious believers do in the inviolability of human life. In the 1980s Hentoff, a nationally known columnist reporting on abuses of free speech and civil rights, announced in his Village Voice column that he was pro-life. “That was—and is—the most controversial position I’ve taken,” he writes in his article here, and he reveals how his position on life has affected his career. . . . Hentoff recalls how his fellow anti-war activist Mary Meehan “shook up both the staff and the readers of The Progressive when she wrote that ‘some of us who went through the antiwar struggles of the 1960s and 1970s are now active in the right-to-life movement. . . . It is out of character for the left to neglect the weak and the helpless.’”

—Maria McFadden Maffucci, Introduction, Summer 2009 Human Life Review

My Controversial Choice to Become Pro-Life

Nat Hentoff

It took me a long time, when I was much younger, to understand a conversation like the one a nine-year-old boy was having recently at the dinner table with his mother, a physician who performs abortions. I heard the story from her husband when he found out I’m a pro-lifer. “What *is* abortion?” the nine-year-old asked. His mother, the physician, tried to explain the procedure simply. “But that’s killing the baby!” the boy exclaimed. She went on to tell him of the different time periods in the fetus’s evolution when there were limits on abortion. “What difference,” her son asked, “is how many months you can do it? That’s *still* killing the baby!”

I didn’t see that an actual baby, a human being, was being killed by abortion for years because just about everyone I knew—my wife, members of the family, the reporters I worked with at the *Village Voice* and other places—were pro-choice. But then—covering cases of failed late-term abortions with a live baby bursting into the room to be hidden away until it died—I began to start examining abortion seriously.

I came across medical textbooks for doctors who cared for pregnant women, and one of them—*The Unborn Patient: Prenatal Diagnosis and Treatment* by Drs. Harrison, Golbus, and Filly—turned me all the way around: “The concept that the fetus is a patient, an individual (with a DNA distinct from everyone else’s), whose maladies are a proper subject for medical treatment . . . is alarmingly modern. Only now are we beginning to consider the fetus seriously—medically, legally, and ethically.”

Nat Hentoff (1925-2017), the longtime *Village Voice* columnist and libertarian contrarian, authored many books including *The War on the Bill of Rights*, *Gathering Resistance*, and *At the Jazz Band Ball*. A fearless champion of the unborn and the vulnerable in a milieu that favors abortion and euthanasia, he was named a Great Defender of Life by the Human Life Foundation in 2005.

I also began to be moved by a nationally known pro-life black preacher who said: “There are those who argue that the [woman’s] right to privacy is of a higher order than the right of life. That was the premise of slavery. You could not protest the existence of slaves on the plantation because that was private [property] and therefore outside of your right to be concerned.” (His name was Jesse Jackson, but that was before he decided to run for president, and changed his position.)

So, in the 1980s, in my weekly column in the *Village Voice*, I openly and clearly declared myself to be pro-life. That was—and still is—the most controversial position I’ve taken. I was already well known around the country as a syndicated columnist (appearing then in the *Washington Post*) reporting on assaults on free speech and civil liberties as well as focusing on education, police abuse, and human-rights violations around the world.

Much of that writing was controversial, but nothing as incendiary as being a pro-lifer. Some of the women editors at the *Voice* stopped speaking to me; and while I had been a frequent lecturer on free speech at colleges and universities, those engagements stopped. The students electing speakers were predominantly liberals and pro-choicers. They didn’t want this pro-life infidel on their campuses.

I was still winning some journalism awards, the most prestigious of which was one from the National Press Foundation in Washington “for lifetime distinguished contributions to journalism.” I’d been told by the head of the foundation that the selection committee’s decision had been unanimous. But as I came into the building to accept the award, a committee member told me there had been a serious and sometimes angry debate about my being chosen.

“Some on the committee didn’t think that my reporting was that good?” I asked. She hesitated. “No, it wasn’t that.” “Oh.” I got the message. “They didn’t think a *pro-lifer* should be honored.” “Yes,” she nodded, “that was it.” A very pro-choice law professor I knew did invite me to debate him at his college, Harvard. When I started, the audience was largely hostile, but soon I sensed that I was making some headway, and my debating partner became irritated. “If you’re so pro-life,” he shouted, “why don’t you go out and kill abortionists?” I looked at him, and said gently, “Because I’m pro-life.” That response seemed to register on some of the students.

During other public debates in various settings, I challenge pro-abortionists to look at photographs in multi-dimensional ultrasound sonograms of infants waiting to be born: their eyes, the moving, outstretched fingers and hands. I have read of women who, on being shown a sonogram of their child, decided not to have an abortion. And I greatly welcomed the news that on May 29, 2009, Nebraska’s *unicameral* legislature unanimously voted for a bill that its supporters called “The

Mother’s Right to See Her Unborn Child Ultrasound Bill.” It is now the law in that state that before an abortion, the mother has to begin to get to know—through a sonogram—the child she is thinking of killing.

And, even more likely to prevent abortions is this breaking development reported on June 30, 2009, on *lifesitenews.com*: “A London art student—Jorge Lopez, a Brazilian student at the Royal College of Art in London—has developed a revolutionary new step in prenatal imagery that allows parents to hold a life-size model of their unborn baby.” Using four-dimensional ultrasound images and MRI scans, plaster models can be built “that can delineate the unique form of each child.” Says inventor Lopez: “It’s amazing to see the faces of the mothers. They can see the full scale of their baby, really understand the size of it.”

And really understand that it *is* a unique human being!

On this basic issue, there was an interesting conversation on the June 18 episode of Jon Stewart’s popular TV program, *The Daily Show*. Stewart is pro-choice, and his guest, former Arkansas governor and presidential candidate Mike Huckabee, is pro-life. Said Huckabee: “To me the issue is so much more than about abortion. It’s about the fundamental issue of whether or not every human life has intrinsic worth and value.” Stewart asked him whether he thought that pro-choicers “don’t believe that every human life has value.” Answered Huckabee: “I don’t truly believe that even people who would consider themselves ‘pro-choice’ actually like abortion [but] they haven’t thought through the implications . . . of their conclusions.” Huckabee then made the crucial point that 93 percent of abortions in America are elective—they are not based on the health of the mother. Therefore, he went on, this trains future generations to believe that “it’s OK to take a human life because that life represents an interference to our lives—either economically or socially.”

Stewart became defensive, saying he had affection for his own children before they were born. “I think,” he said, “it’s very difficult when you look at an ultrasound of your child and you see a heartbeat—you are filled with that wonder and love and all those things.” But Stewart was still not against abortion, explaining: “I just don’t feel personally that it’s a decision I can make for another person.” And that brings us back to what the nine-year-old boy told his mother, who performs abortions: “That’s *still* killing the baby”—whoever decided to abort that human being. To say it’s a decision you can’t make for someone else allows a life to be taken.

Years ago, as a reporter, I came to know Dr. Bernard Nathanson, who, at the time, was a wholesale abortionist, having performed more than 75,000 abortions. Then one day, he looked at the lives he was taking, and stopped. Why did he change his mind? In an interview with the *Washington Times* (reported

on *lifesitenews.com* on June 12), Dr. Nathanson said: “Once we had ultrasound [sonograms] in place, we could study the fetus and see it was a member of our community. If you don’t do that, you’re just a creature of political ideology. In 1970,” Nathanson continued, “there were approximately 1,100 articles on the functioning of the [human] fetus. By 1990, there were 22,000. The data piled up swiftly and *opened a window into the womb.*” (Emphasis added.) And there was a baby—certainly a member of our community!

Eventually, Dr. Nathanson converted to Catholicism, and the late Cardinal John O’Connor of New York presided at the event. I had come to know the Cardinal—first as a reporter, writing what eventually became a book about him, and then as a friend. From our first meeting, I had told him I was an atheist and a pro-lifer. He never tried to convert me; and the day after former abortionist Dr. Bernard Nathanson became a Catholic, the Cardinal called me: “I hope we don’t lose you because you’re the only Jewish atheist civil libertarian pro-lifer we have.” I assured him he would not lose me, as I realized that for this high-level member of the Catholic hierarchy, my becoming a pro-lifer was decidedly not controversial.

However, I continued to be banished elsewhere. When the dean of the graduate school of Antioch College said he would like to establish there a Nat Hentoff Graduate School of Journalism, I was stunned. No institution has ever been named after me. I accepted, but the day before I was to leave to meet the faculty, the dean—clearly embarrassed—called me to tell me that because many in the faculty were strongly opposed to having a dean opposed to abortion, they would resist the appointment. So, even now, no institution has ever been named after me, and that’s just as well. I much prefer to speak for—and be responsible for—only myself.

In debates with pro-abortionists, I frequently quote a writer I greatly admire, Mary Meehan, who often appears in this publication of the Human Life Foundation. Mary was active in the anti-Vietnam-war and civil-rights movements, and wrote an article for *The Progressive* magazine, many of whose readers have similar backgrounds. For years, I was a columnist for *The Progressive* and, as far as I know, I was the only pro-lifer on the staff—and probably among the readers. Mary Meehan shook up both the staff and the readers when she wrote:

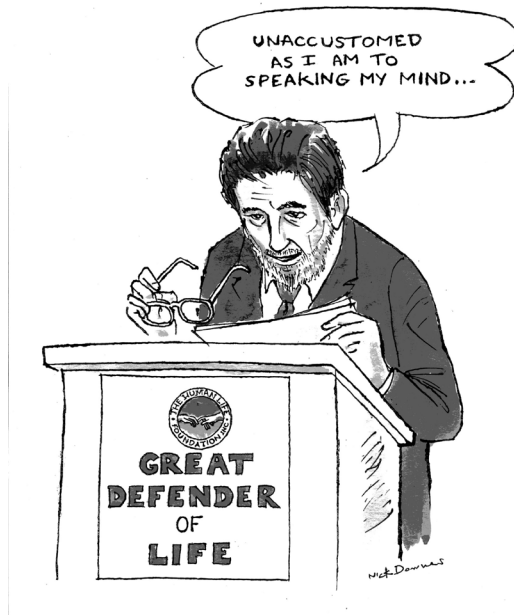
Some of us who went through the antiwar struggles of the 1960s and 1970s are now active in the right-to-life movement. We do not enjoy opposing our old friends on the abortion issue, but we feel that we have no choice. It is out of character for the left to neglect the weak and helpless. The traditional mark of the left has been its protection of the underdog, the weak, and the poor. The unborn child is the most helpless form of humanity, even in more need of protection than the poor tenant farmer or the mental

patient. The basic instinct of the left is to aid those who cannot aid themselves. And that instinct is absolutely sound. It's what keeps the human proposition going.

Whether you're on the left or on the right—or an independent, as I am—it's also vital to keep in mind what Barbara Newman has written in *The American Feminist*, the national magazine of Feminists for Life: “If it is wrong to kill with guns, bombs, or poison, with the electric chair or the noose, it is most tragically wrong to kill with the physician's tools.”

Way back, a German physician and humanist, Dr. Christoph Hufeland, wrote: “If the physician presumes to take into consideration in his work whether a life has value or not, the consequences are boundless, and the physician becomes the most dangerous man in the state.” Once human life is devalued unto death, many of us born people who are sick and in need of costly care—especially as we grow older—can be left to die because our “quality of life” isn't worth keeping us alive.

Having been out of step all these years, I have learned the most fundamental human right is the right to life—for the born, the unborn, the elderly who refuse to give up on life. My daughter, Jessica, recently sent me a button to wear to proclaim the essence of what she and I believe to be Constitutional Americanism: “No, you can't have my rights—I'm still using them.”



Nick Downes' cartoon, which captured Hentoff's essence perfectly, graced the cover of our 2005 Great Defender of Life Dinner program.

The New York State Equal Rights Amendment and Religious Liberty

Edward T. Mechmann

In November 2024, the voters of New York State will determine whether an “Equal Rights Amendment” is added to the state constitution. The stated goal of this amendment is to ban unjust discrimination based on a broad variety of classes and characteristics. Despite this measure’s ostensible good intentions, it creates significant potential threats to religious freedom.

Overview

The ERA would amend Article 1, Section 11 of the constitution to read (new text in *italics*):

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, *ethnicity, national origin, age, disability*, creed, religion, or sex, *including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy*, be subjected to any discrimination in their civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, *pursuant to law*.

If approved, the ERA would inevitably create grave conflicts with the religious beliefs of individuals and institutions.

The ERA’s new protected classes already appear, either explicitly or implicitly, in the various state civil rights and anti-discrimination statutes that apply to private parties (such as employers and public schools), as discussed below. So the scope of those laws would not be significantly changed. This has led some to scoff at those raising the alarm about the threats posed by the ERA by claiming that it would not materially change the current state of the law.

But if the ERA is approved, these categories will be defined in the constitution as “fundamental rights.” This will require courts to treat them with even greater weight than under current statutory law, making it much more difficult for private parties to rely on their religious freedom rights to overcome claims of discrimination.

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More significantly, the ERA would for the first time apply these new categories to state and local government actions. Currently, there is no explicit federal or state constitutional provision banning government discrimination on the grounds of “sexual orientation,” “gender identity,” “gender expression,” or “reproductive autonomy.”

Because it would define these new categories as “fundamental rights,” the ERA would require courts to apply the highest level of review—“strict scrutiny”—to any government actions that make distinctions based on any of the new categories.¹ This is a much higher burden of proof for the government to meet than the “rational basis” burden of proof required for alleged rights that are not specifically enumerated in the constitution.² Defining these categories as “fundamental rights” would also raise the burden of proof on claimants who object to burdens being placed on their religious beliefs by the government based on these new categories.

To understand the potential impact of the ERA on religious liberty, we should give an overview of the concept of conscientious objection and then continue to an examination of current constitutional and statutory protections.

Freedom of Conscience and “Discrimination”

There is a great deal of misunderstanding about why religious organizations and individuals act in ways that lead to accusations of “discrimination.”

Ideological opponents often describe these decisions as “refusal or denial of health service,” or accuse the person of “bigotry.”³ Such pejorative statements fundamentally misunderstand and mischaracterize the basis of these conscientious objections.

Religious objections are not rooted in invidious hatred, prejudice, or animus. They stem from sincerely and deeply held religious and philosophical beliefs. The teachings of the Catholic Church are representative:

- The Church holds that life begins at conception and thus abortion is the unjustifiable killing of an innocent human being, which is absolutely forbidden by God. Any cooperation with abortion would be a grave violation of God’s law.
- The Church holds that men and women are complementary and are made in the image and likeness of God. Denying this fundamental difference or cooperating in any act that would purport to change a person’s sex is thus contrary to God’s will.
- The Church holds that parents are the primary custodians and educators of their children, and that the basic family structure rooted in marriage

is the will of God. Interfering with parental oversight of their children, particularly through government policies that contradict their religious values, violates God's plan for the family.

- Christians are bound to respect lawful authorities, but “are called upon under grave obligation of conscience not to cooperate formally in practices which, even if permitted by civil legislation, are contrary to God's law.”⁴

These beliefs are shared by adherents of many religious traditions. They are also shared by people who come to the same beliefs based on philosophical or ethical reasoning.

Indeed, the right to conscientious objection has deep roots both in religion and in the American legal and political tradition. Henry David Thoreau's famous essay *Resistance to Civil Government* and Martin Luther King's magisterial *Letter from Birmingham Jail* are rightly revered as great statements of American principles. King stated,

... one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that “an unjust law is no law at all.” . . . I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.”⁵

The Supreme Court has also been clear in affirming the right to conscientious objection:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.⁶

The right to conscientious objection is reflected in a multitude of exceptions and exemptions to a wide variety of laws. Relying on these exceptions is thus not illegal “discrimination,” but good-faith reliance on settled legal doctrines and provisions.

Federal Religious Liberty Protections

Protections for religious liberty under the federal Constitution all come from the various rights guaranteed by the First Amendment, which are applied to the states through the Fourteenth Amendment: free exercise of religion, no establishment of religion, free speech, and free association. The rights guaranteed in the federal Constitution are directly enforceable against laws or actions by state governmental officials and agencies, but not against the actions of private parties.⁷

The Supreme Court's Free Exercise Clause jurisprudence is in a state of flux. The generally controlling precedent, *Employment Division v. Smith*,⁸ significantly limited the reach of the Free Exercise Clause. The *Smith* decision has been sharply criticized for years and has been significantly modified and even undermined by the Court's subsequent decisions in *City of Philadelphia v. Fulton* and other cases.⁹

As a result of these two decisions, a neutral and generally applicable law need not contain an exception for religious exercises that are incidentally burdened. The law will be evaluated by courts under a very low "rational basis" test, which will generally result in the government action being held to be permissible.

However, if a law contains any kind of discretionary exemptions, or if it treats religion less favorably than comparable secular activities, then it is not "generally applicable." In addition, the government may not deny generally available government benefits (such as contracts) to organizations merely because they are religious in nature.¹⁰ In these cases of differential treatment based on religion, courts will apply the stringent "strict scrutiny" standard.

Even that higher standard, however, does not guarantee success to a religious objector. Quantitative analyses have found that, especially in contrast to free speech cases, religious claimants have still lost a large majority of cases even when the courts apply strict scrutiny analysis to government-imposed burdens.¹¹ The federal Free Exercise Clause is hardly a "sure thing" for religious liberty.

The Establishment Clause provides stronger protection to religious institutions. The Supreme Court and lower courts have repeatedly upheld a "ministerial exception" to federal anti-discrimination laws.¹² This exception ensures that religious institutions have broad discretion in making decisions about hiring and firing of personnel whose jobs have a religious nature (i.e., they are the equivalent of "ministers"). The Establishment Clause also guarantees that churches enjoy great autonomy in making internal decisions about doctrine, government, and discipline.¹³

The remaining First Amendment rights—free speech and free association—are also strongly protected. These protections have proven extremely useful in defending against actions that intrude upon religious liberty, particularly in cases where the Free Exercise clause cases do not provide much help.¹⁴ Any law that burdens these rights is subject to strict scrutiny by the courts, which generally results in the challenged burden on religion being held unconstitutional.¹⁵

There are also extensive federal statutory protections for religious freedom. Although there is no federal statute providing protection for religious

liberty against the actions of a state government,¹⁶ there are numerous federal laws that offer protection:

- Employment discrimination against individuals based on religious beliefs is banned.¹⁷
- Employers are required to make reasonable accommodations for employee religious beliefs and practices.¹⁸
- Religious organizations are permitted to give employment preference to members of their own faith.¹⁹
- No person may be compelled to perform or assist in an abortion or sterilization if it is contrary to the person's religious beliefs or moral convictions.²⁰
- No state may discriminate against any "health care entity" (i.e., institutions or individuals) that refuses to perform or assist in an abortion.²¹
- No state may discriminate against any "health care entity" that refuses to offer assisted suicide services.²²
- No health plan may discriminate against providers that refuse to provide or refer for abortions.²³

With the important exception of the Title VII provisions, these statutes do not create a private right of action, and they can only be enforced by the federal government.²⁴ This leaves religious organizations and individuals with no choice but to file complaints with federal agencies and hope that they will take enforcement action (and there is an abysmal track record of failing to enforce these laws under Democratic administrations).

These federal protections, however strong or weak they may be, will be essential for protecting religious liberty if the ERA passes. Because of the Supremacy Clause of the federal Constitution, such federal protections would be unaffected by the ERA and would continue to provide independent grounds for defending freedom of conscience.²⁵

State Religious Liberty Protections

New York State constitution jurisprudence is not as well-developed as its federal counterpart, but it does provide some parallel protections for religious freedom.²⁶

Unfortunately, the state constitution's Free Exercise Clause is toothless and offers no real protection to religion. The Court of Appeals has held that when a generally applicable law burdens religion, the aggrieved party must prove that the burden is "unreasonable."²⁷ The court stated that the only way a law would be considered non-neutral, and thus to have strict scrutiny applied, is if it deliberately targets religion for negative treatment.²⁸

This anomalous rule is an even lower standard than "rational basis," and it

presents a virtually insurmountable burden for religious parties. In the eighteen years since the court established that standard, there has not been a single New York court decision finding a violation of the state constitution's Free Exercise Clause.²⁹

Free speech and association, however, are strongly protected under the state constitution. Courts will apply strict scrutiny to any government action that burdens or restricts these rights.³⁰

New York courts have also held that, like the federal constitutional rights discussed above, the provisions of Section 11 and thus of the ERA only apply to "state action." As a result, they can only be directly asserted against the activities of government agencies and not private parties.³¹ The state action doctrine is reflected in the language of the ERA itself, which limits its application to any alleged discrimination "pursuant to law."

The state has enacted numerous implementing laws that authorize private rights of action to assert religious freedom rights:

- Prohibition of employment discrimination if a person refuses to participate in an abortion.³²
- Permission for physicians to refuse to provide medical treatment if it conflicts with their religious beliefs.³³
- Prohibition of employment discrimination based on religious beliefs.³⁴
- Prohibition of discrimination in public education based on religious beliefs.³⁵
- Prohibition of discrimination in public accommodations based on creed.³⁶
- Prohibition of discrimination or harassment in the exercise of civil rights.³⁷
- Permission for hospitals to refuse to admit patients for abortions.³⁸

Many localities have similar civil rights statutes that ban employment and public accommodation discrimination based on religion.³⁹

Constitutional rights can be asserted against state action in a number of ways. For example, an affirmative suit can be brought for declaratory judgment and injunctive relief.⁴⁰ These rights can also be raised defensively against enforcement actions brought by the government or civil suits by private plaintiffs.⁴¹

The ERA itself contains language that may offer additional constitutional protection for religious liberty. The amendment says:

- b. Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed

in this section be interpreted to interfere with, limit, or deny the civil rights of any person based upon any other characteristic identified in this section.

This is an unusual provision and is not found in any of the other state ERAs.⁴² It may be possible to rely on this provision to assert a religious liberty defense against actions based on an alleged violation of one of the other protected categories, since religion is one of the “characteristics identified in this section.”

Threats Posed by the Equal Rights Amendment

Having seen the available protections for religious liberty, we will now look at some potential threats posed by the ERA. In some areas, the ERA would certainly present a direct danger to religious liberty. In other areas, it is unclear if the ERA would have any material effect, since existing state laws already protect the same categories as the ERA.

Government Benefits

The first kind of significant threat would arise where a religious organization or individual seeks some kind of generally available government benefit such as a license or contract, and the government tries to impose a requirement that the recipient participate in an activity that contradicts the recipient’s religious beliefs.

There have been efforts by the state government to deny contracts to organizations that fail to meet the state’s ideological litmus tests.⁴³ These will likely be intensified, thanks to the ERA’s expansion of protected categories to include “sexual orientation,” “gender identity, gender expression,” and “reproductive autonomy.” In fact, the state itself may be targeted for civil right suits by aggrieved parties if it fails to insist that religious organizations incorporate the protected categories in the ERA into their non-discrimination policies.

An example of how this may play out is the recent saga of New Hope Family Services, a Syracuse-based Christian adoption agency. The state Office of Children and Family Services, and later the state Division of Human Rights, threatened to revoke New Hope’s license because they would only place children with a married mother and father. The government alleged that this faith-based policy violated a regulation that banned discrimination on the basis of sexual orientation.⁴⁴

New Hope filed a suit in federal court, alleging a violation of its federal constitutional rights. The case took six years of litigation, involving two separate lawsuits and an appeal to the Second Circuit.⁴⁵ New Hope relied heavily on their First Amendment freedom not to be coerced into speech and

conduct that violated their beliefs. In the end, New Hope finally won permanent injunctions protecting their religious liberty.

However, the state's efforts to force New Hope to comply with its non-discrimination policy would have been substantially stronger under the ERA. With "sexual orientation" defined as a constitutionally protected class, courts would likely have given much greater weight to the state's interest in defending a "fundamental right."

New Hope's ordeal was remarkably similar to the *Fulton* case,⁴⁶ in which a Philadelphia Christian foster care service brought a federal civil rights suit to hold off a state agency's attempt to revoke its license because it would not place children with same-sex couples. In that case, after three years of litigation, the religious agency ultimately prevailed in the Supreme Court.

For another lesson in how this might work, particularly as an example of the hostility of New York courts towards religious liberty, see the recent case of Yeshiva University. The school—which operates according to the strict dictates of Orthodox Judaism—denied recognition to a student group that openly opposes the university's religious beliefs on homosexuality. A complaint was brought based on New York City's public accommodations law, which banned discrimination on the basis of sexual orientation. The state courts gave no weight to the school's religious liberty defenses, ostensibly because its certificate of incorporation failed to state that it was a religious institution.⁴⁷

These cases demonstrate the potential risks for religious organizations and individuals who rely on government benefits.

Mandates

Another danger is posed by mandates that require religious organizations to cooperate with abortion or other morally unacceptable practices like assisted suicide or "gender affirming care."

Already we have seen several such mandates. A contraceptive mandate⁴⁸ and an abortion mandate for private health plans⁴⁹ have been enacted with such narrow religious exemptions that it is virtually impossible to qualify. Both have been upheld against federal and state constitutional challenges.⁵⁰ The state government also already considers there to be a mandate for private insurance coverage of "medically necessary gender-affirming treatment," with no religious exemption.⁵¹

The state has a perverse incentive to deny any exceptions to these kinds of hostile mandates. Such a denial would eliminate any potential argument that the law lacks "general applicability," and thus would leave it subject only to the low "rational basis" standard of review under the federal Free Exercise Clause.⁵² This would also make a law exceptionally difficult to challenge as

“unreasonable” under the state Free Exercise Clause, virtually immunizing the mandate from constitutional challenges.⁵³

An example is the so-called “Boss Bill,” which purports to prohibit employers from discriminating against employees based on the employees’ or dependent’s “reproductive health decisions.”⁵⁴ There is no exemption in the bill for religious employers. The Second Circuit recently rejected a federal Free Exercise challenge by a religious pregnancy center precisely because the bill was “neutral” and “generally applicable.”⁵⁵ The employer’s challenge based on the federal constitutional right to expressive association was remanded for further litigation. If the ERA were to pass, the state’s interest in promoting “reproductive autonomy” would strengthen its defense against this challenge.

Two other recent examples of hostile regulation further illustrate the potential problem. The federal government has proposed regulations under an anti-discrimination provision in the Affordable Care Act⁵⁶ that would, among other things, mandate health care institutions to perform gender transition treatments, with no religious exemption.⁵⁷ One can easily see a similar mandate being imposed by the state government.

There is also a pending state bill to prevent alleged “interference with patient care.”⁵⁸ Its real purpose is to single out and stigmatize religious hospitals that refuse to cooperate in abortion. The bill would forbid a hospital from placing any limitations on “the health care practitioner’s provision of medically accurate and comprehensive information and resources to a patient regarding the patient’s health status.”⁵⁹ Again, there is no religious exemption—indeed, Catholic hospitals are clearly the bill’s main target.

This bill would require Catholic hospitals to provide patients with information on many acts that violate our moral principles, such as abortion, sterilization, euthanasia, assisted reproduction technologies, and gender reassignment surgeries. And if the ERA were to pass, this bill would no longer be just a matter of policy; it could then be argued that it is constitutionally required as a condition of having a license to operate a hospital. Catholic hospitals would not be able to bar staff from informing, advising, and counseling patients about other morally offensive matters.

Public Accommodations

Many religious organizations, such as social services and health care agencies, qualify as “public accommodations” under state law, because they offer services to the general public.⁶⁰

There have been many conflicts between public accommodation laws and religious liberties in New York and across the nation, often centering on the faith-based refusal to participate in or recognize the validity of same-sex

marriages.⁶¹ It has proven extremely difficult to succeed with Free Exercise defenses against public accommodation laws, although asserting the rights to expressive association and free speech has won some success.

New York's public accommodation laws already contain the ERA's protected categories. It is thus unclear how the ERA would affect their application. But by defining the contested categories as "fundamental rights," the ERA would likely strengthen the argument against a faith-based objection.

Employment

The freedom of religious organizations to make employment decisions based on their beliefs has frequently created conflicts with anti-discrimination laws. This has arisen, for example, over questions of gender identity and vocal support for abortion.⁶² The ERA would heighten these conflicts by elevating the listed characteristics to the level of "fundamental rights" that merit enhanced judicial protection.

Some current laws noted above contain specific religious liberty protections. State and federal employment discrimination laws protect individuals from adverse actions based on their religion or moral beliefs⁶³; for example, religious organizations can make employment decisions to advance their religious principles.⁶⁴ Other state laws protect certain individuals who refuse to perform or participate in abortions.⁶⁵ These protections would be unaffected by the ERA.

The Free Exercise Clause of the federal Constitution, under the "ministerial exception," gives church organizations broad discretion over hiring and retaining certain staff.⁶⁶ This significant defense would be unaffected by the ERA, thanks to the Supremacy Clause of the federal Constitution.

Parental Rights

Courts have long recognized a constitutional right of parents to direct and control the education and upbringing of their children, including the parents' right to make decisions based on their religious beliefs. The Supreme Court famously stated that children are not "mere creatures of the state."⁶⁷ New York courts have considered this right to be "fundamental" under the New York State Constitution, so any infringement of this right requires the state to establish an "overriding necessity."⁶⁸ However, states have broad authority to legislate on matters affecting the welfare of children, even to the extent of overriding parents' rights in some cases.⁶⁹

There is an ongoing conflict across the country over parental rights stemming from their religious beliefs. In particular, these conflicts are arising over sexual orientation and gender identity. Courts are reaching different

results in these kinds of cases.⁷⁰ The Supreme Court has agreed to hear one such case and may settle some of the federal constitutional issues.⁷¹ But the ERA's ban on discrimination based on age, gender identity, and reproductive autonomy will certainly exacerbate any such conflict over parental rights in New York.

Minors generally cannot receive medical treatment without parental consent.⁷² However, other provisions in New York permit health providers to offer some services to minors without parental consent.⁷³ Legislation has been proposed to eliminate the need for parental consent for a minor who "comprehends the need for, the nature of, and the reasonably foreseeable risks and benefits" of any medical procedure.⁷⁴ The ERA's ban on discrimination on the basis of age would directly threaten any age restrictions on health care for minors.

The ERA would also create conflicts with parents' faith-based ability to oversee their children's health and education when they attend public schools. The New York State Education Department has issued guidelines recommending that school districts specifically forbid staff from notifying parents if a child is questioning his or her gender identity or wishes to transition, unless the child consents.⁷⁵ The ERA's ban on age and gender identity discrimination would undermine a parental religious liberty challenge to such a policy.⁷⁶

Conclusion

Much of the opposition to the Equal Rights Amendment has correctly focused on its negative effects on parental rights.⁷⁷ These threats would result from the ERA's undermining of important age restrictions and from its definition of "gender identity" as a protected class. Those opposing the ERA have persuasively argued that its long-term effects on these areas are unpredictable and likely to be much more significant than the amendment's proponents intend.

Equally threatening is the ERA's likely long-term impact on religious liberty. The same advocates who have been promoting the ERA have long shown strong hostility to religious freedom, particularly when it allegedly conflicts with abortion and gender ideology. If the ERA is passed by the voters, it will certainly advance advocates' agenda of suppressing religious opposition to their favored causes.

NOTES

1. Strict scrutiny requires that the government prove there is a compelling state interest being pursued in the most narrowly tailored way.
2. *E.g.*, *Myers v. Schneiderman*, 30 N.Y.3d 1 (2017) (rejecting unenumerated right to physician-assisted suicide); *Hernandez v. Robles*, 7 N.Y.3d 338 (2006) (rejecting a right to same-sex marriage).
3. *E.g.*, *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. 617 (2018) (human rights commissioner characterizes a man’s religious faith as “one of the most despicable pieces of rhetoric that people can use to—to use their religion to hurt others”).
4. Pope John Paul II, *Evangelium Vitae (The Gospel of Life)*, par. 74.
5. Rev. Martin Luther King, *Letter from Birmingham Jail* (1963), https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html.
6. *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).
7. This is the so-called “state action” doctrine. *E.g.*, *Shelley v. Kraemer*, 334 U.S. 1 (1948).
8. *Employment Division v. Smith*, 494 U.S. 872 (1990).
9. *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021); *Tandon v. Newsom*, 593 U.S. 61 (2001); *Diocese of Brooklyn v. Cuomo*, 592 U.S. 63 (2020).
10. *Trinity Lutheran v. Comer*, 137 S. Ct. 2012 (2017).
11. *E.g.*, Mark L. Rienzi & Stephanie H. Barclay, *Constitutional Anomalies or As-Applied Challenges? A Defense of Religious Exemptions*, 59 B.C. L. Rev. 1595 (2018).
12. *Our Lady of Guadalupe v. Morrisson-Berru*, 591 U.S. 732 (2020).
13. *E.g.*, *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. 171 (2012).
14. *E.g.*, *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023) (freedom of speech), *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557 (1995) (freedom of expressive association).
15. *E.g.*, *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000) (freedom of association).
16. The Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*, only applies to actions by the federal government. *City of Boerne v. Flores*, 521 U.S. 507 (1997).
17. 42 U.S.C. § 2000e-2(a) (Title VII of the Civil Rights Act).
18. 42 U.S.C. § 2000e(j) (Title VII of the Civil Rights Act).
19. 42 U.S.C. § 2000e-1(a).
20. 42 U.S.C. § 300a-7 (“the Church Amendment”).
21. 42 U.S.C. § 238n (“the Coats-Snowe Amendment”) (“the Weldon Amendment” enacted as part of the appropriations act for the Departments of Labor, HHS, Education, et al.).
22. 42 U.S.C. § 18113.
23. 42 U.S.C. § 18023(b)(2)(A).
24. *Cenzon-Decarlo v. Mount Sinai Hospital*, 626 F.3d 695 (2d Cir. 2010).
25. The Supremacy Clause of the federal Constitution ensures that federal law cannot be overridden by any state laws. U.S. Const., Article 6, paragraph 2. State laws may provide stronger protection for liberty than federal law, but they cannot provide less protection.
26. The current New York constitution does not contain an equivalent to the federal provision banning the establishment of religion. The original state constitution adopted in 1777 explicitly abrogated any law establishing an official state church. N.Y. Const., Article XXXV (1777).
27. *Diocese of Albany v. Vullo*, 2024 WL 2278222 (N.Y. Court of Appeals 2024), *Catholic Charities v. Serio*, 7 N.Y.3d 510 (2006). The *Diocese of Albany* decision is expected to be appealed to the Supreme Court on federal constitutional grounds.
28. *Catholic Charities*, 7 N.Y.3d at 522.
29. Several federal courts have found a state constitutional violation in conjunction with parallel federal constitutional claims. *E.g.*, *Clark v. City of New York*, 560 F. Supp. 3d 732 (S.D.N.Y. 2021).
30. *E.g.*, *O’Neill v. Oakgrove Construction, Inc.*, 71 N.Y.2d 521 (1988) (free speech).
31. *See, e.g.*, *Dorsey v. Stuyvesant Town Corp.*, 299 N.Y. 512 (1949). Courts have consistently held that the activities of private parties that merely provide social services or education under state contracts do not qualify as “state action.” *E.g.*, *Under 21 v. City of New York*, 65 N.Y.2d 344, 361 (1985).
32. Civil Rights Law § 79-i(1).
33. Education Law § 6527(4)(c).
34. Executive Law § 296(1)(a).
35. Education Law § 313, Executive Law § 296(4).
36. Civil Rights Law § 40.
37. Civil Rights Law § 40-c.

38. 10 NYCRR 405.9(10).
39. *E.g.*, Administrative Code of City of N.Y. § 8-107(1)(a).
40. Civil Practice Law and Rules § 3001 (declaratory judgment to resolve disputed rights) and § 6001 (injunctive relief).
41. *Cf. DeVillier v. Texas*, 601 U.S. 285, 291 (2024) (constitutional provisions that are not self-executing can be asserted as defenses against causes of action arising under other laws).
42. Twenty-seven states currently have some form of ERA in their constitution. The Brennan Center, *State-Level Equal Rights Amendment*, <https://www.brennancenter.org/our-work/research-reports/state-level-equal-rights-amendments> (last updated Dec. 9, 2022).
43. *E.g.*, 9 N.Y.C.R.R. 8.177 (2018). (denying state contracts to organizations that failed to include sexual orientation and gender identity in anti-discrimination and anti-harassment policies).
44. 18 N.Y.C.R.R. § 421.3(d).
45. *New Hope Fam. Servs., Inc. v. James*, 2022 WL 4494277 (N.D.N.Y. 2022); *New Hope Fam. Servs., Inc. v. Poole*, 626 F. Supp. 3d 575 (N.D.N.Y. 2022); *New Hope Fam. Servs., Inc. v. Poole*, 966 F.3d 145 (2d Cir. 2020).
46. *Fulton*, *supra*.
47. *Yeshiva Univ. v. YU Pride All.*, 211 A.D.3d 562 (1st Dept.), *stay denied* 143 S.Ct. 1 (2022).
48. Insurance Law § 3221(l)(16)(E).
49. Insurance Law § 3221(k)(22).
50. *Catholic Charities*, *supra* and *Diocese of Albany*, *supra*.
51. New York State Department of Financial Services, *Health Coverage Information for Transgender New Yorkers*, https://www.dfs.ny.gov/consumers/health_insurance/transgender_healthcare.
52. *Smith*, *supra*.
53. *Catholic Charities*, *supra*.
54. Labor Law § 203-e.
55. *Slattery v. Hochul*, 61 F.4th 278 (2nd Cir. 2023).
56. 42 U.S.C. § 18116.
57. 87 Fed. Reg. 47824 (August 4, 2022).
58. A.5297/S.6616 (2022).
59. *Id.*, § 1(a).
60. Civil Rights Law § 40, Executive Law §§ 292(9) and 296(2).
61. *E.g.*, *303 Creative LLC v. Elenis*, *supra* (wedding website designer may decline to provide services for same-sex wedding); *Yeshiva Univ.*, *supra* (university may not deny recognition to gay student group); *Gifford v. McCarthy*, 137 A.D.3d 30 (3rd Dept. 2016) (wedding venue may not deny services to same-sex couple); *State v. Arlene's Flowers, Inc.*, 193 Wash. 2d 469 (2019) (florist may not deny wedding services to same-sex couple).
62. *E.g.*, *Bostock v. Clayton County*, 590 U.S. 644 (2020) (finding that sexual orientation and gender identity discrimination are equivalent to sex discrimination under Title VII of the Civil Rights Act).
63. 42 U.S.C. § 2000e-2(a) (Title VII of the Civil Rights Act); Executive Law § 296(1)(a).
64. Executive Law § 296(11).
65. Civil Rights Law § 79-i(1).
66. *E.g.*, *Our Lady of Guadalupe School*, *supra*.
67. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Myers v. Nebraska*, 262 U.S. 390 (1923).
68. *Matter of Marie B.*, 62 N.Y.2d 352 (1984); *Alfonso v. Fernandez*, 195 A.D.2d 46 (2nd Dept., 1993).
69. *E.g.*, *Parham v. J. R.*, 442 U.S. 584 (1979) (parents' right to involuntarily commit a minor to psychiatric hospital is subject to due process review).
70. *Compare L. W. by & through Williams v. Skrmetti*, 73 F.4th 408 (6th Cir. 2023) (rejecting parents' rights argument against law banning "gender affirming care" for minors because there is no constitutional right to new or experimental drug treatments for minors) and *Brandt by & through Brandt v. Rutledge*, 47 F.4th 661 (8th Cir. 2022) (a law banning such treatments violates the Equal Protection Clause because it treats minors differently based on sex).
71. *United States v. Skrmetti*, 2024 WL 3089532 (June 24, 2024).
72. Public Health Law § 2504.
73. New York's "Reproductive Health Act," Public Health Law § 2599-AA, guarantees the right to contraception and abortion to "every individual." Social Services Law § 350(1)(e) requires that contraception be made available without parental consent to "eligible persons of childbearing age,

including children who can be considered sexually active.”

74. S. 8352/A.6761 (2024).

75. The State Education Department, *Excerpts from Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices* (July 2023), <https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>.

76. A parent has filed a federal constitutional religious liberty challenge to such a policy in one school district. *Vitsaxaki v. Skaneateles Central School District*, 24-cv-00155 (N.D.N.Y.). Apropos of the discussion above about the weakness of the state constitution’s Free Exercise Clause, this lawsuit does not even bother to cite it.

77. *E.g.*, Donald P. Berens, Jr., *New York’s Equal Rights Amendment: A Revolutionary Camel*, *The Human Life Review* (June 10, 2024), <https://humanlifereview.com/new-york-states-equal-rights-amendment-a-revolutionary-camel/>.



Edward Mechmann (left) receives his 2018 Great Defender of Life award, along with fellow awardee David Quinn (p. 94).

Casting Them Away:

The Forgotten Rebellion against Abortion in the Early Christian Church

Blake Schaper

Ever since Christianity was born from the blood of Jesus Christ, it has preached the revolutionary view that each human being is given value by God and deserves respect and protection. From the beginning, this revolutionary view has motivated men and women of faith to enter into a rebellion of love: upholding the rights of the poor, the dignity of minorities, and the value of those with disabilities. Today, we as believers fight this battle for the inherent value of life on a more fundamental front. We fight for the protection of the unborn so that they may live to serve Christ. However, our battle is by no means a new one. In fact, Christians at the dawn of Christianity waged a largely unsung war against a certain heinous Roman practice, and this struggle forever changed the way our societies treated our born and unborn.

I am currently in high school, studying ancient Greek texts. Recently, while translating the early Christian writing of the Epistle to Diognetus, I was surprised to learn of this forgotten Christian crusade on behalf of the lives of infants. The unknown author writes to Diognetus about the “unusual” habits and behaviors of the early believers. In doing so, he seeks to show Diognetus that Christians are no ordinary people, but a group enlightened by the Spirit of Truth to oppose the immoral ways of the world. The unknown writer singles out a certain practice with regards to infants that shines a light on a righteous rebellion largely forgotten by people today. “They [Christians] marry and have children as everybody else, but they do not throw away their begotten.” This word ριπτομαι, which I have translated as “throw away,” bears a deeper, more sinister meaning than “throw away”; ριπτομαι is the term used for the Greco-Roman practice of abandoning infants to nature.

In the ancient world, tens of thousands of undesirable newborns were left in public places, in forests, or even in garbage dumps. Everywhere from the city of Ashkelon in Israel to the colonies in Britain, archeologists have discovered piles of baby bodies, evidence of this heinous Roman practice.

Blake Schaper is a homeschool student in high school with a love for math, philosophy, law, foreign languages, and political science. Adopted at birth, Blake hopes to be a voice for the unborn and to use his God-given gifts to help end abortion worldwide. Blake loves reading, participating in speech and debate, having deep discussions, and playing board games with his family.

Ancient “civilized” society saw this practice of abandoning helpless infants as perfectly legal and morally acceptable. The Twelve Tables, the basis of the Roman legal system, states that “A notably deformed child shall be killed immediately,” and that “To a father . . . shall be given over a son the power of life and death.” Babies with defects were almost always cast away, and even children who were perfectly healthy could be disposed of, if they were seen as an economic liability. The Romans hardened their hearts to these little ones and came to see child abandonment as a virtue to protect the lives of healthy, grown Roman citizens.

By the time Christianity began to emerge, the practice of child abandonment was systematic and epidemic. However, the beliefs of the early Christians led them to act in ways contrary to those of the Roman world around them. As Christian history author Sandra Sweeny Silver notes, “The Christian idea that each individual person has worth because they were created by God was foreign to the lies of pagan society where the State, the tribe, the collective was the only value they knew.” The early Christians took their faith very seriously and were ready to oppose any sinful practice of the world if it meant following Christ closer. When confronted with the practice of child abandonment, the early believers were determined to fight against it and eventually end it once and for all. The silent rebellion of the early church began.

When I was around eleven years old, our family went to Rome, and there we visited the Catacombs of St. Callixtus—the burial place of a half million early Christians, including many martyrs. The tunnels were dingy and eerie, reminding me of death. But a few small graves told a different story—a story of Christians fighting for life. In worn letters these graves stated that buried here is an adopted infant. The early Christians found these unwanted undesirables, took them under their protection and raised them up in the love of Christ. If the infants unfortunately passed away, the Christians gave them a proper burial.

As the love of Christ spurred them on, many early Christians took stronger action. Believers began to call out these immoral Roman practices in the church. As the *Didache*, an early church catechism, stated, “Do not murder a child in abortion nor kill the begotten.” Finally, when Christians reached political prominence, they put restrictions on child abandonment. In 318, Augustine acknowledged the inherent value of children by restraining child abandonment, and finally in 374 this heinous practice was abandoned outright.

This abandonment of children was the common ancient version of abortion, the fruit of the belief that some human life does not have value and can be promptly ended if the child is deemed unworthy to live. This was not a practice confined to the Romans but was a worldwide genocide of innocent

children deemed morally acceptable, and at times honorable. However, the early Christians, following the same trajectory of Jewish moral teaching that led the prophets to inveigh against child sacrifice to pagan gods, knew better, and their actions were a silent rebellion that in the end killed this corrupt practice.

Today we are engaged in a similar war against a desensitized society's murder of children. We are facing an epidemic bent on silencing those who have no voice. However, recalling the early church's silent rebellion, we can find hope. We can take comfort in knowing that our ancestors fought the same battle and gain insight from the saints of the past on how to win the world through the love of Christ. If we persevere, we too will be victorious.

John Smeaton and the Truth of the Sanctity of Life

Edward Short

On this festive occasion of the 50th anniversary of the *Human Life Review*, it is right and just that we send up thankful prayers to all the proliferers here in America and abroad who have helped to sustain a movement dedicated not just to unborn life but to what St. John Paul II hailed in *Evangelium Vitae* as the “civilization of truth and love, in the praise and glory of God, the Creator and lover of life.” Let us therefore thank the late great James P. McFadden, the founder of the *Human Life Review*, who had the prescience to know that the fight against abortion would be a long, long fight, for which his review would act as both battle cry and billet. Let us thank Maria McFadden Maffucci, the editor-in-chief, and Anne Conlon, the editor of the *Human Life Review*. These are the old campaigners who through havoc and hazard have kept alive the fire of our fight. We should particularly thank those unbiddable proliferers who are now behind bars for witnessing to the “civilization of truth and love” in a country whose governors have become as tyrannical as they are barbarous. Let us speak their names as we would speak the names of a sacred litany, for theirs is a self-sacrificing witness that unites us all to the communion of saints: Lauren Handy, Jonathan Darnel, Jay Smith, John Hinchshaw, William Goodman, Joan Bell, Paulette Harlow, Jean Marshall, Heather Idoni, Herb Geraghty. Let us commemorate the vital converts to our cause: Dr. Bernard Nathanson (1926-2011), the abortion doctor of many years in New York and the architect of the American pro-abortion lobby, who became one of the most ardent and heroic of proliferers; and the great English defender of life Aleck Bourne (1886-1974), who, despite initially agitating for the legalization of abortion, went on to become a founding member of the Society for the Protection of Unborn Children.

I thought of Bourne the other day when I was on the telephone with my good friend John Smeaton, another proliferer eminently worthy of celebration, who for many years led the Society for the Protection of Unborn Children and now heads up the Voice of the Family, which is keeping the pro-life cause alive not just in the United Kingdom but Europe as well. I first met

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John at a book signing for my *Culture and Abortion* (2013) at the Oxford and Cambridge Club in Pall Mall. After giving a brief speech thanking those who had been kind enough to attend, I huddled with my publisher Tom Longford of Gracewing, who turned to me and said, in a gleeful stage whisper, that we had hit the jackpot: “*John Smeaton bought 30 copies of the book!*”

Here was the beginning of a beautiful friendship, and John and I have remained compadres ever since. On one of his forays to New York, John and his lovely wife Josephine joined me for dinner at Antonucci, my culinary home away from home, and there we had a most impassioned pro-life chin-wag. What I have always admired about John is that he was born to champion the unborn. He is the reverse of the summer soldier. He goes the long haul. One could never imagine him saying with Falstaff: “Would I were in an alehouse in London! I would give all my fame for a pot of ale and safety.” No, John has given all his fame for the battle for life, for the salvation of souls. His commitment to the cause of life is as stalwart as that of another legendary prolifer, Father Richard John Neuhaus, whose rousing words remain the marching orders of proliferers around the world: “Whether, in this great contest between the culture of life and the culture of death, we were recruited many years ago or whether we were recruited only yesterday, we have been recruited for the duration.” Fifty years is a fair duration.

When I think of John, I think of someone who both knows the pro-life mission inside out and has spent his entire adult life defending and advancing it in the most practical and faithful ways possible. “The aim of the pro-life movement and the reason for its existence,” he recently declared, “are to oppose and to defeat the idea, which dominates virtually the entire world, that there is such a thing as a life not worthy to be lived; and to create a society in which God’s law, ‘Thou shalt not kill’ is not only written into national and international law, it is also upheld and energetically defended by our fellow-citizens.” John also realizes that in prosecuting the pro-life cause, we are necessarily sworn to oppose a wide range of related evils, including contraception, in vitro fertilization, euthanasia, and sex education, that undermines parents as the primary educators of their children, “all of which,” John recognizes, “serve to undermine the inviolability and value of human life.”

That John does all he does for the Voice of the Family in solidarity with our heroic jailed proliferers is clear from another answer he gave in a recent interview. “The pro-life movement,” he reminded his readers, “is a counter-revolutionary movement and, in order to achieve its aim, its members must be prepared to become not only saints—which everyone is called to be—but martyrs, which opponents of abortion and evils related to abortion are called to be. And even without being martyred, we must joyfully embrace a spirit

of sacrifice in order to work towards our goal.”

When United States District Judge Colleen Kollar-Kotelly sentenced 76-year-old Joan Bell to over two years incarceration for protesting the infanticide of a notorious abortionist in Washington, DC, and the condemned lady left the courtroom praying aloud the *Magnificat*, the world was given an unforgettable example of precisely the joy John has in mind. This is the true “special relationship” between America and Great Britain. It is not merely a relationship between politicians. When someone once asked Cardinal Newman what he thought of politics, he would only answer that “to touch politics is to touch pitch.” No, the special relationship is not between politicians: It is between proliferers—though we do have a few politicians who put their pro-life convictions before their political interests. And John is one of the most laudable proponents of this special pro-life relationship.

John is also crystal clear about two major changes that have taken place in the pro-life movement in the United Kingdom. Fifty years ago, the Society for the Protection of Unborn Children had cordial relations with the medical profession; Sir John Peel, the president of the Royal College of Obstetricians, assured the proliferers of the society that “it would be extremely interested in sending a representative” to serve on one of their committees. Now that cordiality has vanished. The medical profession in the UK, as in America, is in lockstep with a political establishment hell-bent on treating abortion, as the former president of the Royal College told the *Daily Mail* in 2017, as no different from such routine procedures as removing a bunion. Bans on health professionals’ right to conscientious objection to connivance in abortion and euthanasia have been the natural corollary of the medical profession’s truckling to state opposition to all pro-life activity, including the protesting of abortion outside abortion clinics. Another major change has been what John refers to as “the ever-increasing curbs on the freedom to spread the pro-life message either to schools or universities.” The assiduity of the cancel culture has become the bane of proliferers throughout the UK and Europe, as well as the United States, though pro-life ingenuity will need to continue to find ways to baffle such cancellation. To borrow a phrase of Martin Luther King which Fr. Neuhaus would memorably repurpose for the pro-life movement: “We shall overcome.”

One irony that John points out with respect to the founding of the Society for the Protection of Unborn Children at the Wig and Pen Club in the Strand on January 11, 1967, is that at first the society made it their policy to exclude Roman Catholics. Jews and Quakers were asked to participate but not Catholics. Why? As minutes of one of the society’s first meetings record: “After

discussion it was agreed that the climate of opinion did not yet allow Roman Catholics to be asked on to the Executive: prejudice was still such that if one were to join, the Society would be labeled a front organization for the Church of Rome.” To make matters worse, Cardinal Heenan, the Archbishop of Westminster (1963-1975), agreed with the society. “It would probably be best, as Catholics,” the cardinal relayed to a Catholic doctor at the time, “not to make too much of a fuss, as this would be likely to increase support for David Steel [the author of the Abortion Bill decriminalizing abortion] And anyway, we shouldn’t worry too much: ‘the Doctors won’t let it happen . . .’”

Obviously, the poor cardinal had much too much confidence in the fealty of doctors to the Hippocratic Oath. It is true, as John fairly admits, that when the cardinal spoke against abortion he did so absolutely—upholding the irrefutable reality that “the killing of a fetus is a form of homicide”—but his failure to urge millions of his co-religionists at that time to oppose Steel’s bill almost certainly secured its passage. Another irony of this unfortunate episode was that, over time, the Society for the Protection of Unborn Children would become predominantly Catholic—its members overwhelmingly made up of the same good people whom the cardinal and the society’s founding members thought beyond the pale of membership.

Yet another change has emerged facing the battle for life in the United Kingdom, and that is the alliance of Church and State in support of compulsory sex education in schools—education which includes not only pro-abortion but anti-family content. John rightly points to the disastrous assertion of the Synod on the Family (2015) as a dire milestone in this unholy alliance. Paragraph 58 of the final report of the Synod stated: “The family, while maintaining its primary space in education . . . cannot be the only place for teaching sexuality.” This was in stark contradiction to what Leo XIII (the pope who gave St. John Henry Newman his red hat) had upheld in his encyclical *Sapientiae Christianae* (1890), which is as compelling today as it was when it was first promulgated. “By nature, parents have a right to the training of their children, but with this added duty that the education and instruction of the children be in accord with the end for which by God’s blessing it was begotten. Therefore, it is the duty of parents to make every effort to make absolutely sure that the education of their children remain under their own control . . .”

If any of my readers are tempted to regard these matters as merely sectarian, they should recall how the FBI treated parents who objected to the highly objectionable sex education being taught their children without their parents’ consent or even knowledge in public schools: They treated them as domestic terrorists.

Now, John is aware that there are wonderfully good pro-life colleagues

convinced that the Church should stay out of the pro-life movement, but he cordially begs to disagree. Why? “Pro-life organizations,” he holds, “need urgently to be reinforced by the prophetic and unequivocal voices of bishops throughout the world faithfully preaching the Gospel of Jesus Christ for two reasons: one, because without Christ we cannot do anything; and two, the full Gospel message about the truth and meaning of human sexuality—teaching which is also part of the natural law written on all human hearts—is nowhere more fully spelt out than in the teaching of the Church.”

To meet his secular critics halfway, John quotes the English poet John Milton, who wrote in his glorious poem “Lycidas”: “The hungry sheep look up and are not fed”—to which he adds: “The hungry sheep are all around us . . .” They need feeding with the Truth without which there can be no happiness here or beyond here. And so John Smeaton concludes his summons to his fellow proliferers: “Now is the time for Catholics and pro-life people of all faiths and none to proclaim the whole truth about the sanctity of human life, marriage and the family.”

On the fiftieth anniversary of the *Human Life Review*, I salute my dear pro-life friend from across the pond. Dear John, thank you for your great fidelity to the cause of life so vital to the well-being of both our countries. Let our special pro-life relationship continue to prosper, even if against the most daunting of evils. Let our Anglo-American efforts continue to protect our children, born and unborn, and restore the “civilization of truth and love.”

A Stunning Defeat for Irish Elites

David Quinn

Readers of this journal will be well aware of all that has been happening in Ireland over the last few years. Without really thinking of the consequences, we have been rushing pell-mell into the same set of social norms as most of the rest of the Western world. In fact, to some extent we have accelerated past some of our neighbors, so anxious are we to become “modern” and “progressive.”

For example, in 2015, we became the first country anywhere to enshrine in our Constitution a right for same-sex couples to marry. This was done by referendum, and the majority in favor was 62 percent to 38 percent.

Then, in 2018, we became the first country to remove from the Constitution the right to life of the unborn. That was also carried out by referendum, and this time the vote in favor was two-to-one, even bigger than in the same-sex marriage referendum. Of course, we could only remove the right to life of the unborn from the Constitution because we were one of the very few countries to have established the right to life in its Constitution in the first place. We put it there in 1983, and (ironically, in view of the 2018 vote) by a two-to-one margin. The pro-life movement had pushed for this move to prevent our Supreme Court from arriving at a *Roe v. Wade*-type decision.

The pressure is now on to liberalize our abortion law even more and also to allow euthanasia and assisted suicide. At present, our abortion law (in place since January 2019) permits abortion for any reason up to 12 weeks; after that, abortion is permitted where there is a threat to the “life or health of the mother.” But very few abortions take place on this ground, for the simple reason that in almost every country, including America, the vast majority of abortions take place in the first trimester.

When we voted to remove the right to life of the unborn from our Constitution in 2018, the wild celebrations in Dublin Castle, one of our main public buildings, seemed to start an international trend. Since then, various states in America have marked the further liberalization of their abortion laws by lighting up prominent buildings and so on. France did the same earlier this year when its parliament voted in favor of making abortion an actual constitutional right. The Eiffel Tower in Paris was lit up with the message “My

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Body My Choice” in front of cheering crowds.

There was a time when pro-choice campaigners called abortion a regrettable necessity for some women that should only happen rarely. But now it seems to be a cause of celebration, and no regrets are expressed by the pro-choice camp no matter how high the number of abortions rises. Unfortunately, that celebration in Dublin Castle seemed to mark the day when the pro-choice movement shifted towards regarding abortion as something positive, like a birth. In fact, there is an organization in Ireland that, along with weddings and birth celebrations, offers an abortion ritual to those who want it.

All of the above is by way of setting the scene for a surprising recent development in Ireland—one that will encourage the readers of the *Human Life Review*—namely, the resounding defeat of two more referendums intended to usher us further down the path of “progress.” And these were referendums that the government was extremely confident they would win.

The voting took place on March 8, International Women’s Day, and the referendums were supported by every party in the Dail (Ireland’s parliament) with the exception of Aontu, which has only one TD (Peadar Kirby, who played a very prominent role in the No campaign).

One of the referendums was intended to change the section of the Irish Constitution that deals with the family. You might have thought there would be no further move to change this section once the referendum allowing same-sex marriage had been passed, but—as I predicted at the time—liberals would not stop there.

The Yes side in 2015 campaigned under the banner “Yes to Equality.” But the logic of this had to be extended beyond marriage to all types of families. Even after the same-sex marriage referendum, the Constitution still pledged the state to guard marriage with “special care.” This was considered discriminatory by liberals. What about single parent families and cohabiting couples? Why not guard them with “special care” as well?

Therefore, the government decided to try and add the term “durable relationships” to the Constitution, meaning the state would now be required to support marriage and other families based on “durable relationships,” whatever that might mean. More about this further on.

The second referendum targeted a provision of the Constitution feminists have long disliked, namely the section dealing with women in the home. This part of the Irish Constitution has always been mischaracterized by opponents as stating that a woman’s place is in the home. But it does no such thing. What it says is that mothers should not be forced out of the home and into the workplace by “economic necessity.” In other words, they should be given a choice. It’s worth quoting the relevant provision in full:

In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

This harkens back to a time when it was commonplace for social policy, whether in America, Ireland, Britain, or even Sweden, to try and protect the home from the dictates of the workplace.

The Irish Constitution was passed in 1937. We have to cast our mind back to what things were like at that time. The Great Depression was still raging, and we had a fraction of the prosperity we have today. Even leaving aside the Great Depression, it could often be very hard for the average family to guarantee a decent meal on the table every day. Sometimes everyone in the family had to work, and that could include the children as soon as they were able. That left the home empty by day. But if both parents were out working for long hours each day and the children were not, who would look after them? Most children in that era were not in school past the age of 12. Often the children were simply left wandering the streets.

In America, Ireland, and elsewhere, the trade unions were often in the forefront of efforts to create the economic conditions that would allow mothers to stay at home with their children if they wanted. They wished fathers to be able to earn what was called a “family wage”; that is, to earn enough to support a family on one pay packet. This is why men often earned more than women for the same job.

Frances Perkins, Franklin Roosevelt’s Secretary of Labor, was extremely harsh towards middle-class married women who worked. She felt they were taking away jobs from those who needed them when jobs were scarce. She said at one point: “The woman ‘pin-money worker’ who competes with the necessity worker is a menace to society, a selfish, shortsighted creature, who ought to be ashamed of herself.” “Pin-money” meant money for luxuries, not necessities, and many families during the Great Depression (and not only then) could, as we have noted, barely put food on the table.

And this point of view was not just a product of the Depression. Even before it, nine American states forbade married women from taking up jobs on the public payroll; by 1940, this number had risen to 26.

I point this out because many here in Ireland think we were unique in our social policy of trying to make it economically possible for a married woman to stay at home with her children. We also think we were unique in having a “marriage bar,” that is, a rule against married women having a job paid for by the state. We believe this was all the result of the “misogynistic” attitudes

of the Catholic Church, but as we have seen, almost identical policies existed under President Franklin D. Roosevelt, no one's idea of a Catholic reactionary.

Sometimes there is a horribly parochial side to debates in Ireland, where it is assumed that all the "sins" of the past (real or imagined) were somehow solely the result of the years of Catholic influence. But Ireland was only unusual in putting into its Constitution the wish that mothers not be forced out of the home by economic necessity.

As in every other referendum, all of the mainstream media were lined up on one side. They parroted the line of Government Minister Roderic O'Gorman that the relevant provision of the Constitution was archaic, sexist, and out-of-date. Rather piously he declared: "A woman's place is wherever she wants it to be."

This is true, of course, but what he totally overlooked is that a lot of women would actually like to be at home with their children and sometimes do not care for their jobs or the long commutes to work. (Plenty of men feel the same way.)

During the referendum, the Iona Institute (which I run) commissioned an opinion poll that asked the following question: "If you had the option (and money was no issue) would you prefer to be a stay-at-home mother?" A whopping 69 percent answered that they would, against just 22 percent who said they would not. The remainder said they did not know. (The question was identical to one put to women some years before by another organization—Sudocream, as it happens—and the result was almost exactly the same.)

So the government was trying to pull a fast one. It was telling women that it wished to give them the freedom to go out to work, but really it wanted to take away the freedom to stay at home if that is what they wanted. Government policy is extremely biased towards work, and any policies that still favor the home somewhat (such as the Child Benefit welfare payment) are a throwback to the past. The government wants everyone out working because it wants as many of us as possible to be taxpayers.

If indeed the old attitude was that a mother's place is in the home, then the new attitude is that a mother's place is in the workplace and a child's place is in day care.

But the public suddenly woke up to the fact that a fast one was being pulled. Despite the heavy backing of the National Women's Council (a lavishly state-funded leftwing NGO), people began to realize that even if the language of the Constitution was old-fashioned, the general sentiment behind it, namely that mothers should not be forced out of the home by economic necessity, was not.

Quite a number of female commentators who had voted to delete the pro-life clause from our Constitution in the referendum of 2018 came out on the No side this time, which badly wrong-footed the government and the National Women's Council.

As we have seen, in the end the attempt to replace the "women-in-the-home" provision was defeated by an enormous three-to-one margin. The government thought it was a clever move to hold that referendum on International Women's Day, but they obviously forgot that two days later it would be Mother's Day in Ireland. That symbolism was lost on them.

The second referendum held on March 8 concerned the family. As in other societies, and for a very long time, a family headed by a husband and wife was seen as the "gold standard" family. The social consequences of "living in sin" or having children outside marriage were severe. But all previous societies have arrived at some version of marriage for the simple reason that all societies have determined that it is better, all other things being equal, for the man and the woman who bring a child into the world to commit to each other and then raise that child together.

However, Western societies, including Ireland, don't really believe this anymore. Cohabitation rates have soared, and around 40 percent of children are now born outside marriage. Divorce rates are climbing, and marriage rates are falling. It's no coincidence that abortion rates are also rising. In 2019, the first full year after we legalized abortion in Ireland, 6,666 Irish women had an abortion. Last year the total was over 10,000. To put this in context, there were around 54,000 births. To put it in further context, the year before we repealed our pro-life amendment, around 2,800 Irish women went to England for an abortion. Even if you allow that some Irish women were illegally obtaining the abortion pill online, our abortion rate has soared since we took our pro-life clause out of the Constitution. That clause saved many lives.

Why is the decline in marriage connected to abortion? Because married women are much less likely to have an abortion than unmarried women.

In any event, because so many couples in Ireland no longer marry, the government decided it needed to give something it called "durable relationships" constitutional protection. The change was aimed at single parents and cohabiting couples. Groups representing single parents (who are overwhelmingly mothers) complained that they were not recognized by the Constitution, because the only type of family mentioned is the family based on marriage, and with so many children being raised outside of marriage, this was unfair and discriminatory. Cohabitation is also widespread in Ireland, especially in working-class communities, and often this is not a precursor to marriage, but an alternative to it.

The government justified the recognition of “durable relationships” in the Constitution as a way of acknowledging the reality of family diversity in Ireland. And they assumed that the public would be perfectly happy to go along with this. After all, if the public had voted for same-sex marriage, why wouldn’t they take the next step along the road to “modern families”? It was a fair question.

But the proposal almost immediately ran into trouble. For a start, the government could not manage to define what a “durable relationship” was. Did the couple have to be living together, for instance, and for how long? Could you still be married to one person and in a “durable relationship” with someone else? If a Muslim man arrived in the country with two wives—or three, or four—would all of them be in a “durable relationship” and therefore entitled to constitutional protection? The government claimed not, but also said it would be up to the courts to decide.

Similarly, what about people in so-called polyamorous relationships? Would they be given constitutional protection? Again, the government said they would not, but could make no guarantees. And how far out would “durable relationships” extend? There were concerns that recognizing the term would mean increased immigration, because someone from, say, India, who came to live in Ireland might not only be allowed to bring in immediate family (a spouse and children), but other family members. Again, the government said this would not happen, but then legal advice to the government was leaked showing that it might.

The proposal ran into another unexpected problem aside from the sheer uncertainty around what the term actually meant; a lot of cohabiting couples and single mothers in relationships did not want those relationships to receive legal recognition. The position of many cohabiting couples is that if they want to marry, then they will marry. In many cases they are avoiding marriage, for the time being anyway, specifically because they are not ready to enter into legal obligations to one another—and might never be.

In the case of lone mothers, they might not particularly like the father of their child. But if the referendum passed, and they were in a relationship with that man for a few years, would this now be considered a “durable relationship,” legally speaking, and therefore be something like marriage, with enduring ties even after a breakup?

The very strange thing about the government’s proposal is that it seemed to be trying to impose a version of marriage on people who were trying to avoid precisely that. Liberal societies are supposed to be about freedom of choice, but the government seemed to want to abolish the option of living together with no strings attached.

Perhaps this is one reason why the parts of the country with the biggest majority voting against the proposal to create this new legal concept of a “durable relationship” were those with the largest concentration of single mothers. Both the government and the National Women’s Council were totally blindsided by this.

The two votes were a severe jolt to the government. They had expected to win easily, and certainly they had not expected to lose both referendums by huge margins. A few days after the referendums, Taoiseach Leo Varadkar resigned. He probably would have done so in due course anyway, because the office seems to have worn him out, but the sheer scale of the defeats ushered him through the exit door sooner.

Varadkar had become a kind of symbol of “woke” Ireland. He is a gay man, born of an Indian father and an Irish mother, who changed his mind on both abortion and same-sex marriage once he saw that the political winds were blowing in favor of both.

He hoped that same wind would cause the most recent two referendums to prevail, but frankly the public are getting a bit sick of “woke” politics and were in a mood to hit back. Leo Varadkar’s successor as Taoiseach is Simon Harris. But Harris was health minister when we had the abortion referendum in 2018, and he was extremely aggressive and arrogant towards the pro-life side. He is another politician who switched from being pro-life to being pro-abortion as soon as it was politically convenient. Surely he was the worst person to replace Varadkar?

However, Harris is nothing if not a ruthless pragmatist. As soon as he became Taoiseach, he started to tone down some of the “woke” rhetoric and put a “hate crime” bill on ice for the time being. Proposals to further liberalize our abortion law and to permit euthanasia have also been delayed for now.

This is not to say that the government won’t come back to these issues. They will—or whoever might succeed them after the next general election, due before next spring. But at least some of the wind has been taken out of the liberal sails for now, and that was not expected when the two referendums were announced. Irish proliferers and conservatives must take their crumbs of comfort where they can, and the two referendum results on March 8 were a lot better than we had expected. We have enjoyed those victories very much. They offer some respite ahead of the battles to come on issues like euthanasia and partially compensate for the heavy defeats in the referendums of 2015 and 2018.

In our lead article, Senator James L. Buckley gives eloquent testimony in behalf of his own beliefs as to what the abortion issue means for all Americans. He does more, we think: for anyone coming upon this controversy for the first time, he provides a wealth of facts and information, an excellent introduction to the general arguments on both sides.

—J.P. McFadden, *Introduction, Winter 1975 Human Life Review*

A Human Life Amendment

James L. Buckley

THE Supreme Court, in a pair of highly controversial, precedent shattering decisions, *Roe against Wade* and *Doe against Bolton*, ruled that a pregnant woman has a constitutional right to destroy the life of her unborn child. In so doing, the Court not only contravened the express will of every State legislature in the country; it not only removed every vestige of legal protection hitherto enjoyed by the child in the mother's womb; but it reached its result through a curious and confusing chain of reasoning that, logically extended, could apply with equal force to the genetically deficient infant, the retarded child, or the insane or senile adult.

After reviewing these decisions, I concluded that, given the gravity of the issues at stake and the way in which the Court had carefully closed off alternative means of redress, a constitutional amendment was the only way to remedy the damage wrought by the Court. My decision was not lightly taken for I believe that only matters of permanent and fundamental interest are properly the subject for constitutional amendment. I regret the necessity for having to take this serious step, but the Court's decisions, unfortunately, leave those who respect human life in all its stages from inception to death with no other recourse.

To those who argue that an amendment to the Constitution affecting abortion and related matters would encumber the document with details more appropriately regulated by statute, I can only reply that the ultimate responsibility must be borne by the High Court itself. With Mr. Justice White, who dissented so vigorously in the abortion cases:

I find nothing in the language or history of the Constitution to support the Court's judgment.

James L. Buckley (1923-2023), a federal judge and senator from New York, introduced his Human Life Amendment on May 31, 1973, four months after *Roe v. Wade* made unlimited abortion legal in all fifty states. This article is a slightly abridged version of his address to the Senate that day. Mr. Buckley was honored by the Human Life Foundation as a Great Defender of Life in 2012.

The Court simply carved out of thin air a previously undisclosed right of “privacy” that is nowhere mentioned in the Constitution, a right of privacy which, oddly, can be exercised in this instance only by destroying the life and, therefore, the privacy of an unborn child. As Mr. Justice White remarked last January:

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.

In the intervening weeks since the Court’s decisions, I have sought the advice of men and women trained in medicine, ethics, and the law. They have given me the most discriminating and exacting counsel on virtually every aspect of the issues involved and have provided invaluable assistance in drawing up an amendment that reflects the latest and best scientific fact, and that comports with our most cherished legal traditions.

What Did the Court Really Do?

Before discussing the specific language of my proposed amendment, I believe it necessary first to analyze the effect and implications of *Wade* and *Bolton*, and then to place them in the context of current attacks on our traditional attitudes toward human life. At the outset, it is necessary to discuss with some care what the Court in fact held in its abortion decisions. This is, I must confess, not an easy task. For parsing the Court’s opinions in these cases requires that one attempt to follow a labyrinthine path of argument that simultaneously ignores or confuses a long line of legal precedent and flies in the face of well-established scientific fact.

The Court’s labored reasoning in these cases has been a source of considerable puzzlement to all who have the slightest familiarity with the biological facts of human life before birth or with the legal protections previously provided for the unborn child. The Court’s substantial errors of law and fact have been so well documented by others that it would be superfluous for me to attempt to add anything of my own.

The full import of the Court’s action is as yet incompletely understood by large segments of the public and by many legislators and commentators. It seems to be rather widely held, for example, that the Court authorized abortion on request in the first 6 months of pregnancy, leaving the States free to proscribe the act thereafter. But such is far from the truth. The truth of the matter is that, under these decisions, a woman may at any time during pregnancy exercise a constitutional right to have an abortion provided only that she can find a physician willing to certify that her “health” requires it; and

as the word “health” is defined, that in essence means abortion on demand.

The Court attempts to distinguish three stages of pregnancy, but upon examination this attempt yields, in practical effect, distinctions without a difference. In the first 3 months, in the words of the Court, “the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman’s attending physician.” This means, for all intents and purposes, abortion on request. During the second trimester of pregnancy, the State may—but it need not—regulate the abortion procedure in ways that are reasonably related to maternal health. The power of the State’s regulation here is effectively limited to matters of time, place and perhaps manner.

Thus, through approximately the first 6 months of pregnancy, the woman has a constitutionally protected right to take the life of her unborn child, and the State has no “compelling interest” that would justify prohibiting abortion if a woman insists on one.

After the period of “viability,” which the Court marks at 6, or alternatively 7, months of pregnancy, the State “may”—but, again, it need not—proscribe abortion except “where it is necessary for the preservation of the life or health of the mother.” This provision, which appears at first glance to be an important restriction, turns out to be none at all, as the Court defines health to include “psychological as well as physical well-being,” and states that the necessary “medical judgment may be exercised in the light of all factors physical, emotional, psychological, familial, and the woman’s age relevant to the well-being” of the mother. The Court, in short, has included under the umbrella of “health” just about every conceivable reason a woman might want to advance for having an abortion.

It is clear, then, that at no time prior to natural delivery is the unborn child considered a legal person entitled to constitutional protections; at no time may the unborn child’s life take precedence over the mother’s subjectively based assertion that her well-being is at stake.

In reaching these findings, the Court in effect wrote a statute governing abortion for the entire country, a statute more permissive than that enacted by the hitherto most permissive jurisdiction in the country; namely, my own State of New York. Nor is that all. In the course of its deliberations, the Court found it necessary to concede a series of premises that can lead to conclusions far beyond the immediate question of abortion itself. These premises have to do with the conditions under which human beings, born or unborn, may be said to possess fundamental rights. I would like to touch briefly on one or two basic points:

First, it would now appear that the question of who is or is not a “person” entitled to the full protection of the law is a question of legal definition as

opposed to practical determination. Thus, contrary to the meaning of the Declaration of Independence, contrary to the intent of the framers of the 14th amendment, and contrary to previous holdings of the Court, to be created human is no longer a guarantee that one will be possessed of inalienable rights in the sight of the law. The Court has extended to government, it would seem, the power to decide the terms and conditions under which membership in good standing in the human race is determined. This statement of the decisions' effect may strike many as overwrought, but it will not appear as such to those who have followed the abortion debate carefully or to those who have read the Court's decisions in full. When, for example, the Court states that the unborn are not recognized by the law as "persons in the whole sense," and when, further, it uses as a precondition for legal protection the test whether one has a "capability of meaningful life," a thoughtful man is necessarily invited to speculate on what the logical extension of such arguments might be.

If constitutional rights are deemed to hinge on one's being a "person in the whole sense," where does one draw the line between "whole" and something less than "whole"? Is it simply a question of physical or mental development? If so, how does one distinguish between the child in his 23rd week of gestation who is lifted alive from his mother's womb and allowed to die in the process of abortion by hysterotomy, and the one that is prematurely born and rushed to an incubator? It is a well-known scientific fact that the greater part of a child's cerebral cortex is not formed, that a child does not become a "cognitive person," until some months after normal delivery. Might we not someday determine that a child does not become a "whole" person until sometimes after birth, or never become "whole" if born with serious defects? And what about those who, having been born healthy, later lose their mental or physical capacity? Will it one day be found that a person, by virtue of mental illness, or serious accident, or senility, ceases to be a "person in the whole sense," or ceases to have the "capability for meaningful life," and as such no longer entitled to the full protection of the law?

The list of such questions is virtually endless. The Court in attempting to solve one problem has ended up by creating 20 others. One can read the Court's opinions in the abortion cases from beginning to end and back again, but he will not find even the glimmer of an answer to these questions; indeed, one will not even find the glimmer of an indication that the Court was aware that such questions might be raised or might be considered important.

A second general consideration I should like to raise has to do with the Court's definition of "health" as involving "all factors—physical, emotional, psychological, familial, and the woman's age-relevant to . . . well-being."

It is a little remarked but ultimately momentous part of the abortion decisions that the Court, consciously or unconsciously, has adopted wholesale the controversial definition of “health” popularized by the World Health Organization. According to the WHO, “health” is “a state of complete physical, mental, and social well-being, not simply the absence of illness and disease.” In this context, the Court’s definition acquires a special importance, not only because it can be used to justify abortion any time a woman feels discomfited by pregnancy, but because the Court made pointed reference to the “compelling interest” of the State in matters of health in general and maternal health in particular. One is bound to wonder whether the State’s interest in maternal health would ever be sufficiently “compelling” to warrant an abortion against a pregnant woman’s will. This is no mere academic matter. An unwed, pregnant teenage girl was ordered by a lower court in Maryland just last year, against her will, to have an abortion. The girl was able to frustrate the order by running away. The order was later overturned by a Maryland appellate court; but the important point is that an analog to the compelling State interest argument was used by the lower court to justify its holding.

Let us consider, for example, the case of a pregnant mental patient. Would the State’s compelling interest in her health ever be sufficient to force an abortion upon her? What of the unmarried mother on welfare who is already unable to cope with her existing children? Again, I am not raising an academic point for the sake of disputation. In the abortion cases, the Supreme Court breathed life into the notorious precedent of *Buck against Bell*. The *Bell* cases, it will be recalled, upheld the right of a State to sterilize a mental incompetent without her consent.

The Court held in that case that—

The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes.

One is necessarily bound to wonder whether, by analogous extension, the principle that sustains compulsory sterilization of mental patients is broad enough to cover compulsory abortion of mental patients; and if of mental patients, then why not, as the lower court in Maryland suggested, of unwed minor girls? And if of unwed minor girls, then why not of any other woman? Just how “compelling” is the State’s interest in matters of “health”? Where does the power begin or end? In the abortion cases, *Bell* curiously is cited for the proposition that a woman does not have an unlimited right to her own body, whence the only inference to be drawn is that the reason she doesn’t have an unlimited right is that the State may qualify that right because of its “compelling interest” in “health.” I find

that a strange doctrine to be celebrated by the proponents of women's liberation.

These larger and deeply troubling considerations may in the long run be as important to us as the special concern that many of us have with the matter of abortion itself. Every premise conceded by the Court in order to justify the killing of an unborn child can be extended to justify the killing of anyone else if, like the unborn child, he is found to be less than a person in the "whole" sense or incapable of "meaningful" life. The removal of all legal restrictions against abortion must, in short, be seen in the light of a changing attitude regarding the sanctity of individual life, the effects of which will be felt not only by the unborn child who is torn from its mother's womb but as well by all those who may someday fall beyond the arbitrary boundaries of the Court's definition of humanity.

Which Ethic Will Govern?

This wider context of the abortion controversy was brought to my attention most forcefully by an unusually candid editorial entitled "A New Ethic for Medicine and Society" that was published two and a half years ago in *California Medicine*, the official journal of the California Medical Association. It was occasioned, as I understand it, by the debate then taking place in our largest State regarding the liberalization of the abortion law.

The thrust of the editorial is simply this: That the controversy over abortion represents the first phase of a head-on conflict between the traditional, Judeo-Christian medical and legal ethic—in which the intrinsic worth and equal value of every human life is secured by law, regardless of age, health or condition of dependency—and a new ethic, according to which human life can be taken for what are held to be the compelling social, economic or psychological needs of others. Mr. President, I ask unanimous consent that the editorial referred to be printed in the *Record* at the conclusion of my remarks.

Let me for a moment dwell on a crucial point in that editorial. The author writes:

The process of eroding the old ethic and substituting the new has already begun. It may be seen most clearly in changing attitudes toward human abortion. In defiance of the long held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition, or status, abortion is becoming accepted by society as moral, right, and even necessary. It is worth noting that this shift in public attitude has affected the churches, the laws and public policy rather than the reverse. Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of

abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected.

Lest there be any ambiguity as to the ultimate thrust of the “new ethic,” the *California Medicine* editorial went on to state the following in discussing the growing role of physicians in deciding who will and will not live:

One may anticipate further development of these roles as the problems of birth control and birth selection are extended inevitably to death selection and death control whether by the individual or by society . . .

I find the editorial a powerful, eloquent, and compelling statement of the ultimate questions involved in the abortion controversy. The question in issue—the Supreme Court to the contrary notwithstanding—is not to determine when life begins, for that is one of scientific fact requiring neither philosophical nor theological knowledge to answer. The question, rather, is what value we shall place on human life in general and whether unborn human life in particular is entitled to legal protection.

Whether or not our society shall continue its commitment to the old ethic, or transfer its allegiance to the new, is not a question to be decided by a transitory majority of the Supreme Court, but by the people acting through their political processes. I concur in Mr. Justice White’s condemnation of the *Wade* decision as “an exercise of raw judicial power” that is “improvident and extravagant.” I concur in finding unacceptable the Court’s action in “interposing a constitutional barrier to State efforts to protect human life and—in investing mothers and doctors with the constitutionally protected right to exterminate it.”

The majority of the Court, however, has rendered its decision. We as a people have been committed by seven men to the “new ethic”; and because of the finality of their decisions, because there are now no practical curbs on the killing of the unborn to suit the convenience or whim of the mother, those who continue to believe in the old ethic have no recourse but to resort to the political process. That is why I intend to do what I can to give the American people the opportunity to determine for themselves which ethic will govern this country in what is, after all, quite literally a matter of life or death. That is why I send my proposed Human Life Amendment to the desk and ask that it be printed and appropriately referred.

The Proposed Amendment

In doing so, Mr. President, may I say how deeply gratified I am to be joined in introducing this amendment by my distinguished colleagues from Oregon, Iowa, Utah, Nebraska, Oklahoma, and North Dakota. Senators Hatfield, Hughes, Bennett, Bartlett, Curtis, and Young* are known in this body and elsewhere as exceptionally thoughtful and dedicated men whose day-to-day political activities are informed by devotion to first principles. When such a geographically, ideologically, and religiously diverse group of senators can agree on a major issue like this, it suggests that opposition to abortion is truly ecumenical and national in scope. These senators honor me by their cosponsorship, and I consider it a privilege to work together with them in this great cause. I would simply like to take this occasion to extend to each of them my personal gratitude for their help and cooperation and to say how much I look forward to working jointly with them in the months ahead.

The text of our amendment reads as follows:

Section 1. *With respect to the right to life, the word “person”, as used in this Article and in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States, applies to all human beings, including their unborn offspring at every stage of their biological development, irrespective of age, health, function or condition or dependency.*

Section 2. *This Article shall not apply in an emergency when a reasonable medical certainty exists that continuation of the pregnancy will cause the death of the mother.*

Section 3. *Congress and the several States shall have power to enforce this Article by appropriate legislation within their respective jurisdictions.*

The amendment’s central purpose is to create, or rather, as will be made clear below, to restore a constitutionally compelling identity between the biological category “human being” and the legal category “person.” This has been made necessary by two factors: First, the more or less conscious dissemblance on the part of abortion proponents, by virtue of which the universally agreed upon facts of biology are made to appear as questions of value—a false argument that the Supreme Court adopted wholesale; and second, the holding of the Court in *Wade* and *Bolton* that the test of personhood is one of legal rather than of biological definition. The amendment addresses these difficulties by making the biological test constitutionally binding, on the ground that only such a test will restrain the tendency of certain courts and legislatures to arrogate to themselves the power to determine who is or who is not

*Shortly thereafter, these senators were joined by Senator James O. Eastland, Democrat, of Mississippi and Senator Jesse Helms, Republican, of North Carolina.

human and, therefore, who is or is not entitled to constitutional protections. The amendment is founded on the belief that the ultimate safeguard of all persons, born or unborn, normal or defective, is to compel courts and legislatures to rest their decisions on scientific fact rather than on political, sociological, or other opinion.

Such a test will return the law to a position compatible with the original understanding of the 14th amendment. As the debates in Congress during consideration of that amendment make clear, it was precisely the intention of Congress to make “legal person” and “human being” synonymous categories. By so doing, Congress wrote into the Constitution that understanding of the Declaration of Independence best articulated by Abraham Lincoln; namely, that to be human is to possess certain rights by nature, rights that no court and no legislature can legitimately remove. Chief among these, of course, is the right to life.

On the specific subject of abortion, it is notable that the same men who passed the 14th amendment also enacted an expanded Assimilative Crimes Statute, April 1866, which adopted recently passed State anti-abortion statutes. These statutes, in turn, had been enacted as a result of a concerted effort by medical societies to bring to legislators’ attention the recently discovered facts of human conception. The Court’s opinion in *Wade* totally misreads—if the Court was aware of it at all—the fascinating medico-legal history of the enactment of 19th century antiabortion statutes, and ignores altogether the fundamental intention which animated the framers of the 14th amendment.

Section 1 of the proposed amendment would restore and make explicit the biological test for legal protection of human life. The generic category is “human being,” which includes, but is not limited to, “unborn offspring—at every stage of their biological development.” It is a question of biological fact as to what constitutes “human being” and as to when “offspring” may be said to come into existence. While the basic facts concerning these matters are not in dispute among informed members of the scientific community, the ways in which these facts are to be ascertained in any particular case will depend on the specifications contained in implementing legislation passed consistent with the standard established by the amendment. Such legislation would have to consider, in the light of the best available scientific information, the establishment of reasonable standards for determining when a woman is in fact pregnant, and if so, what limitations are to be placed on the performance of certain medical procedures or the administering of certain drugs.

Section 1, it will also be noted, reaches the more general case of euthanasia. This is made necessary because of the widespread and growing talk of legalizing “death with dignity,” and because of the alarming dicta in the *Wade*

opinion by which legal protection seems to be conditioned on whether one has the “capability of meaningful life” or whether one is a “person in the whole sense.” Such language in the Court’s opinion, when combined with the Court’s frequent references to the State’s “compelling interest” in matters of “health,” is pointedly brought to our attention by the revival in *Wade* of the notorious 1927 case of *Buck against Bell*—which upheld the right of the State to sterilize a mentally defective woman without her consent. The *Wade* and *Bolton* opinions taken as a whole seem to suggest that unborn children are not the only ones whose right to life is now legally unprotected. Thus, the proposed amendment explicitly extends its protections to all those whose physical or mental condition might make them especially vulnerable victims of the “new ethic.”

Regarding the specific subject of abortion, section 2 makes an explicit exception for the life of the pregnant woman. There seems to be a widespread misimpression that pregnancy is a medically dangerous condition, when the truth of the matter is that under most circumstances a pregnant woman can deliver her child with minimal risk to her own life and health. There is, however, an exceedingly small class of pregnancies where continuation of pregnancy will cause the death of the woman. The most common example is the ectopic or tubal pregnancy. It is our intention to exempt this unique class of pregnancies, without opening the door to spurious claims of risk of death.

Under the amendment, there must be an emergency in which reasonable medical certainty exists that continuation of pregnancy will cause the death of the woman. This is designed to cover the legitimate emergency cases, such as the ectopic pregnancy, while closing the door to unethical physicians who in the past have been willing to sign statements attesting to risk of death when in fact none exists or when the prospect is so remote in time or circumstance as to be unrelated to the pregnancy. Contrary to the opinion of the Supreme Court, which assumes that pregnancy is a pathological state, modern obstetrical advances have succeeded in removing virtually every major medical risk once associated with pregnancy. As Dr. Alan Guttmacher himself remarked nearly a decade ago, modern obstetrical practice has eliminated almost all medical indications for abortion. In certain limited instances, however, a genuine threat to the woman’s life remains, and it is felt that excepting such situations is compatible with long-standing moral custom and legal tradition.

What Kind of Society?

I profoundly believe that such popularity, as the idea of abortion has acquired, derives from the ability of the proponents of abortion to dissemble the true facts concerning the nature of unborn life and the true facts concerning

what is actually involved in abortion. I further believe that when these facts are fully made known to the public, they will reject abortion save under the most exigent circumstances; that is, those in which the physical life of the mother is itself at stake. In recent weeks, in discussing this matter with friends and colleagues, I have found that, like many of the rest of us, they labor under certain misimpressions created by the proponents of permissive abortion. I, therefore, believe that it would be useful for me to call our colleagues' attention to clinical evidence upon these points.

First, I will quote a particularly felicitous description of the biological and physical character of the unborn child by Dr. A. W. Liley, research professor in fetal physiology at National Women's Hospital, Auckland, New Zealand, a man renowned throughout the world as one of the principal founders and masters of the relatively new field of fetology. Dr. Liley writes:

In a world in which adults control power and purse, the fetus is at a disadvantage being small, naked, nameless and voiceless. He has no one except sympathetic adults to speak up for him and defend him—and equally no one except callous adults to condemn and attack him. Mr. Peter Stanley of Langham Street Clinic, Britain's largest and busiest private abortorium with nearly 7,000 abortions per year, can assure us that "under 28 weeks the foetus is so much garbage—there is no such thing as a living foetus." Dr. Bernard Nathanson, a prominent New York abortionist, can complain that it is difficult to get nurses to aid in abortions beyond the twelfth week because the nurses and often the doctors emotionally assume that a large foetus is more human than a small one. But when Stanley and Nathanson profit handsomely from abortion we can question their detachment because what is good for a doctor's pocket may not be best for mother or baby.

Biologically, at no stage can we subscribe to the view that the foetus is a mere appendage of the mother. Genetically, mother and baby are separate individuals from conception, physiologically, we must accept that the conceptus is, in very large measure, in charge of the pregnancy, in command of his own environment and destiny with a tenacious purpose.

It is the early embryo who stops mother's periods and proceeds to induce all manner of changes in maternal physiology to make his mother a suitable host for him. Although women speak of their waters breaking or their membranes rupturing, these structures belong to the foetus and he regulates his own amniotic fluid volume. It is the foetus who is responsible for the immunological success of pregnancy—the dazzling achievement by which foetus and mother, although immunological foreigners, tolerate each other in parabiosis for nine months. And finally it is the foetus, not the mother, who decides when labour should be initiated.

One hour after the sperm has penetrated the ovum, the nuclei of the two cells have fused and the genetic instructions from one parent have met the complementary instructions from the other parent to establish the whole design, the inheritance of a new person. The one cell divides into two, the two into four and so on while over a span of 7 or 8 days this ball of cells traverses the Fallopian tube to reach the uterus.

On reaching the uterus, this young individual implants in the spongy lining and with a display of physiological power suppresses his mother's menstrual period. This is his home for the next 270 days and to make it habitable the embryo develops a placenta and a protective capsule of fluid for himself. By 25 days the developing heart starts beating, the first strokes of a pump that will make 3,000 million beats in a lifetime. By 30 days and just 2 weeks past mother's first missed period, the baby, $\frac{1}{4}$ inch long, has a brain of unmistakable human proportions, eyes, ears, mouth, kidneys, liver and umbilical cord and a heart pumping blood he has made himself. By 45 days, about the time of mother's second missed period, the baby's skeleton is complete, in cartilage not bone, the buds of the milk teeth appear and he makes his first movements of his limbs and body—although it will be another 12 weeks before mother notices movements. By 63 days he will grasp an object placed in his palm and can make a fist.

Most of our studies of foetal behavior have been made later in pregnancy, partly because we lack techniques for investigation earlier and partly because it is only the exigencies of late pregnancy which provide us with opportunities to invade the privacy of the foetus. We know that he moves with a delightful easy grace in his buoyant world, that foetal comfort determines foetal position. He is responsive to pain and touch and cold and sound and light. He drinks his amniotic fluid, more if it is artificially sweetened and less if it is given an unpleasant taste. He gets hiccups and sucks his thumb. He wakes and sleeps. He gets bored with repetitive signals but can be taught to be alerted by a first signal for a second different one. Despite all that has been written by poets and song writers, we believe babies cry at birth because they have been hurt. In all the discussions that have taken place on pain relief in labour, only the pain of mothers have been considered—no one has bothered to think of the baby.

This then is the foetus we know and indeed each once were. This is the foetus we look after in modern obstetrics, the same baby we are caring for before and after birth, who before birth can be ill and need diagnosis and treatment just like any other patient. This is also the foetus whose existence and identity must be so callously ignored or energetically denied by advocates of abortion.

I consider this issue to be of paramount importance. As we stand here on this day, quite literally thousands of unborn children will be sacrificed before the sun sets in the name of the new ethic. Such a situation cannot continue indefinitely without doing irreparable damage to the most cherished principles of humanity and to the moral sensibilities of our people. The issue at stake is not only what we do to unborn children, but what we do to ourselves by permitting them to be killed. With every day that passes, we run the risk of stumbling, willy-nilly, down the path that leads inexorably to the devaluation of all stages of human life, born or unborn. But a few short years ago, a moderate liberalization of abortion was being urged upon us. The most grievous hypothetical circumstances were cast before us to justify giving in a little bit here, a little bit there; and step by step, with the inevitability of gradualness, we were led to the point where, now, we no longer have any valid legal constraints on abortion.

What kind of society is it that will abide this sort of senseless destruction? What kind of people are we that can tolerate this mass extermination? What kind of Constitution is it that can elevate this sort of conduct to the level of a sacrosanct right, presumptively endowed with the blessings of the Founding Fathers, who looked to the laws of nature and of nature's God as the foundation of this nation? Abortion, which was once universally condemned in the Western World as a heinous moral and legal offense, is now presented to us as not only a necessary, sometime evil, but as a morally and socially beneficial act. The Christian counsel of perfection which teaches that the greatest love consists in laying down one's life for one's friend, has now become, it seems, an injunction to take another's life for the security and comfort of one's own. Men who one day argue against the killing of innocent human life in war will be found the next arguing in praise of killing innocent human life in the womb. Doctors foresworn to apply the healing arts to save life now dedicate themselves and their skills to the destruction of life.

To enter the world of abortion on request, Mr. President, is to enter a world that is upside down: It is a world in which black becomes white, and right wrong, a world in which the powerful are authorized to destroy the weak and defenseless, a world in which the child's natural protector, his own mother, becomes the very agent of his destruction.

I urge my colleagues to join me in protecting the lives of all human beings, born and unborn, for their sake, for our own sake, for the sake of our children, and for the sake of all those who may someday become the victims of the new ethic.

BOOKNOTES

PITY FOR EVIL: SUFFRAGE, ABORTION, AND WOMEN'S EMPOWERMENT IN RECONSTRUCTION AMERICA

Monica Klem and Madeleine McDowell

(Encounter Books, 2023, hardcover, 328 pages, \$34.99)

Reviewed by Maria McFadden Maffucci

In *Pity for Evil*, authors Monica Klem and Madeleine McDowell focus on a time after the Civil War when “women’s rights advocates, abortion opponents, and early social scientists all held a common vision of abortion and its intersection with the struggles women faced” (207). Their common vision was that abortion was evil, but that women who resorted to it were not to be condemned, but “pitied.” Abortion was a “dangerous and suicidal act committed by desperate women who had been wronged by individual men or by society writ large, and a social fact that called for civic, legal, and charitable responses” (207). Klem and McDowell’s book explores the beliefs and activism of the 19th-century leaders of the women’s movement—both well-known ones, like Susan B. Anthony and Elizabeth Cady Stanton, and those less well-known, including pioneering doctors and social activists—all of whom saw the growing abortion rate as an evil. Many of these activists were abolitionists who believed that, as with slavery, “a revolution in public sentiment was a prerequisite for substantive social change . . .” (xv). Women had few of the rights and opportunities of American citizens, and were degraded in public opinion as mentally and morally weak. Early feminists believed that women’s lack of rights and agency—including not only the right to vote but the right to be educated and given the opportunity to work—as well as the imbalance of power and the double standard for women in sexual matters were injustices that created the conditions for the awful crimes of abortion and infanticide.

Though this moment of “common vision” did not last, it was a vibrant and exciting period of progress in civil rights for women and children, yet one largely ignored by historians. The early feminists’ attitude toward abortion has been a great point of contention between activists and academics on both sides of the abortion issue, with most of the arguments focusing on Susan B. Anthony. However, as co-author Monica Klem discovered, there has generally been silence on the larger question of how the early women’s rights movement intersected with the issue of abortion at that time. As Klem noted in an interview in *Current*, an online journal:

I found histories of abortion in America and histories of women and sexuality and histories of the suffrage movement and allied institutions and trends. But it struck me that there wasn't much describing the intersections of these areas of study, aside from a few single-line observations in a few influential books that the early women's rights activists were, without known (or with one possible) exception, opposed to abortion.

I found myself wondering whether that gap represented something or nothing. Had nobody written at length on the question because there was nothing to say or no stories to tell, or was it rather that there had been no interest in investigating the question?

Klem, an independent scholar with a master's degree in public policy from Pepperdine University, decided to go to the source: *The Revolution*, the suffragist paper owned by Susan B. Anthony and edited by Elizabeth Cady Stanton and (Mr.) Parker Pillsbury, which was published from 1868 to 1872. "Lewis and Clark College had digitized the full run of the suffrage newspaper *The Revolution*," Klem explained. "So, I downloaded and printed out all those pdfs, bought some highlighters, and started with the issues published under Susan B. Anthony's direction." And she reached out to her sister, Madeleine McDowell, a historian of the 19th century whose research has focused on the religious, cultural, and intellectual history of the English-speaking world. Before long the siblings decided to research and write this book together.

And we are fortunate that they did! *Pity for Evil* is an important book: First, because it is an example of diligent, primary-source historical research, engagingly written and abundantly annotated. Second, it demonstrates the central role misogyny played in women's resorting to both abortion and infanticide—and in the struggle to prevent both. Third, it invites comparison with our modern struggle against abortion: In a post-*Dobbs* world, public perception of the abortion issue is distorted, and the quiet strength of the movement is located in those pro-life organizations that seek to change the culture and rescue women as well as their babies.

As mentioned, pro-life and pro-abortion academics and activists have long disputed whether Susan B. Anthony herself was anti-abortion, focusing on her writings and an anonymous editorial some attribute to her. I asked Klem about this in an email, and she responded that because Anthony and the early feminists did not want to criminalize abortion, many argue that they weren't opposed to it, but that "sells the existing pro-life movement and the early feminists' efforts against abortion short. . . . Anthony was . . . more of an organizer and someone who created spaces for important conversations than she was someone given to making lengthy pronouncements of her own."

Yet anti-abortion conviction is abundantly evident in both the editorials and the articles published in *The Revolution*, as Klem and McDowell demonstrate.

An additional and important piece of evidence stems from the type of ads *The Revolution* refused to run: the most lucrative ads for newspapers at that time were for abortions, using thinly veiled language. The notorious Madame Restell, who performed abortions without medical training, built her hugely profitable business through newspaper advertising. But even though just about all newspapers—even religious ones—ran these ads, *The Revolution* made a point of refusing them. Editor Parker Pillsbury wrote that “Quack medicine venders, however rich, proud and pretentious, Foeticides and Infanticides should be classed together and regarded with shuddering horror by the whole human race” (41).

I was especially intrigued by the chapter on “Women’s Elevation and the Medical Professions.” While pro-abortion “historians” rate abortionist Madame Restell on par with early women doctors, the *real* women doctors of the 19th century were *appalled* by abortion. Elizabeth Blackwell was the first woman in America to earn a medical degree, and she took Polish immigrant Marie Zakrzewska under her tutelage, enabling her to go to medical school as well. (Zakrzewska went on to found the New England Hospital for Women and Children.) Both Blackwell and Zakrzewska initially had trouble setting up practices in New York in 1856. Why? Because “female doctor” was associated with “Restellism.” Zakrzewska wrote: “That the honorable term ‘female physician’ should be exclusively applied to those women who carried on this shocking trade seemed to me a horror” (52). Blackwell, Zakrzewska, Charlotte Lozier, and several other women doctors named in *Pity for Evil* worked courageously to establish true medical education for women, promoting practices that showed a reverence for motherhood.

Historians with a pro-abortion agenda pick and choose whom to remember, with one of their favorite villains being Dr. Horatio Storer, a major anti-abortion activist who also (as Klem and McDowell write) represented many of the “patriarchal and patronizing” (48) views of women popular at the time. He did not believe women could or should study medicine. But though “Historians commonly point to Horatio Storer’s misogyny as proof of an inherent and unavoidable opposition between women’s rights and the anti-abortion movement” (48) these pioneering women doctors “agreed with Storer’s condemnation of abortion” (49) but saw it as an important reason why women *should* study medicine. They viewed women’s degradation and their lack of agency when it came to sexual relations as the root cause of the problem of abortion. Not only was a woman who became pregnant out of wedlock shunned as immoral (while the man involved remained unscathed), but many married women became pregnant under conditions that led them to seek abortions as well. In one of a series of editorials in *The Revolution* about

“Child Murder,” writer and women’s rights activist Matilda Joslyn Gage revealed “a subject which lies deeper down into women’s wrongs than any other. This is the denial of the right to herself” (29). Though it is shocking to us today, marital rape was not then illegal. Gage declared “Enforced motherhood” a “crime against the body of the mother and the soul of the child” (29). “Tens of thousands of husbands and fathers throughout the land are opposed to large families” but “so deeply implanted is the sin of self-gratification, that consequences are not considered while selfish desire controls the heart”(30).

In addition, women were not taught about their own reproductive cycles or about fetal development. In 1868, Dr. Anna Densmore held a series of public lectures on physiology. “Densmore’s audience was shocked to learn that a fetus’s life began before quickening; one attendee reported that several women had fainted at the realization that they had participated in ‘premeditated child destruction before birth’” (82).

A woman who became pregnant out of wedlock was considered irrevocably ruined. In desperation, she might seek an abortion (as dangerous as it was then), or in many cases the man who impregnated her would coerce her into having one. A shamed woman with a child had scarcely any legitimate ways to support herself and her baby, and often turned to prostitution simply to survive. Women seeking a better society in that era saw abortion as a pathway to prostitution or death, and they lobbied for the opening of foundling homes for abandoned and destitute infants, efforts described in Chapter 7, “Helping Destitute Mothers and Infants.” Although their critics argued that such homes would encourage vice, activists responded that reaching out to help desperate women would result in lower infant mortality as well as a lower prostitution and abortion rate. By seeking to restore “fallen” women’s sense of dignity and self-worth, activists would enable them to be better mothers for their children.

This attitude is shared by those who run pregnancy care centers in the U.S. today—centers that, tragically, are being demonized as anti-women by pro-abortion activists and their allies in government. The startling difference between then and now is that 19th-century feminists believed women’s rights would bring *relief* from abortion; today, the rallying cry is that abortion is a woman’s right—maybe her most important.

One thing hasn’t changed: Abortion then and now is a *hugely profitable business*—and protected as such. And misogyny? In significant ways it has simply gone underground. As Pete Buttigieg recently said, men are “more free” when abortion is legal. And now women are convinced that they also need access to legal abortion so that they can . . . be like men? Have sex without responsibility? Climb a career ladder without being encumbered by

their fertility? Apparently corporations, healthcare, and the government find it more profitable to encourage abortion than to make better accommodations for pregnant women and parents.

True pro-life conviction must include the belief that women are equal in dignity to men. Every time a pro-life spokesman engages in demeaning behavior or patronizing language towards women, sometimes without push-back from proliferers, the movement takes a hit. See? (the narrative goes), proliferers are just trying to keep women down, or “they” only care about the babies. Unfair as it is, this is catnip for the secular media, and it hurts the integrity of the movement.

Perhaps the biggest difference between then and now is an agreed-upon understanding of morality. The early women’s rights activists believed that rights would better enable women to be *virtuous*—and to help their husbands and children to be virtuous, thereby improving society. Equality in marriage—including voluntary motherhood—would enable men and women to be partners in having and raising children, and children would be ennobled by the respect husbands and wives would have for each other. Today, “virtue” is an old-fashioned word. Morality has to do with asserting one’s own rights—and not stepping on anyone else’s—unless of course you are unborn, disabled, religious, or critical of the secular culture.

It is true that in the 19th century there were women who sought abortions for selfish reasons: for wealth or social standing, for example. Still—then as now—most women who seek abortions are at best conflicted and often desperate. Pro-life feminists today want to make abortion unthinkable by helping, not condemning, women. The early feminists’ attitude toward abortion-minded and post-abortive women reminds me of the best groups we have ministering to women today—groups like the Catholic Sisters of Life, and Walking with Moms in Need, and the Evangelical program, Embrace Grace. They understand that giving women love and acceptance and insisting on their own worth and dignity are the best ways to fight the conditions that lead to abortion.

The authors would agree: “The women described in this book were not, by and large, widely known personalities even during their own lifetimes—yet they quietly dedicated their lives to supporting vulnerable women and their children. To the women doing the same in our own time, this book is dedicated.” A fine dedication for a remarkable book.

Voices from the Rescue Movement

Little more than a year ago, most Americans had never heard of Operation Rescue. Today, of course, “Op-R” commands headlines nationwide, in large part because of the surprisingly brutal methods often used by police to suppress this new “civil-rights” movement. But it would be incorrect to say that the media have provided generous coverage: its pro-abortion bias has perhaps never been more obvious than in the highly selective reporting of the rescue movement; large demonstrations that dominate the front pages of local newspapers often get no attention whatever from the national media. Absent the “police brutality” factor, Op-R would have failed to advance toward the goal it unashamedly pursues—notoriety sufficient to challenge the conscience of the nation. Strange to say, the deliberate blackout has included so-called “pro-life” publications as well. Or perhaps it is not so strange? Operation Rescue has undoubtedly snatched the spotlight away from the anti-abortion Establishment: “official” organizations that parallel the permanent organs (e.g., Planned Parenthood) of the opposition. It has been the small-circulation “religious press”—both Catholic and Protestant—which has regularly reported on the burgeoning rescue movement, providing support that has both sustained Op-R’s growth and (surely?) embarrassed the Major Media: it must be an uncomfortable feeling to have your unprofessional prejudices exposed on a weekly basis. This journal has not failed to report the story. In our Spring 1988 issue, we published Mary Meehan’s “Joan Andrews and Friends,” which must surely have been the first in-depth recounting of Op-R’s origins, and the reasons why “St. Joan” became the patron saint of the rescuers. Then, Op-R was just about to launch the New York City demonstrations that first gained national headlines. Tina Bell provided an eye-witness account of that premier outing in our Summer 1988 issue. In our lead article, Miss Meehan returns with a timely update, having been “On the Road” with Op-R over the past year. Always the meticulous reporter, Mary gives you plenty of the who-what-why-when-where the media ignores, but she also provides the inside story of what it all means, not only to the rescuers themselves, but also to the badly-shaken abortionists pinned down by Op-R’s continuous barrage which, she predicts, will grow in intensity, with no end in sight.

—J.P. McFadden, Introduction, Summer 1989 Human Life Review.

On the Road with the Rescue Movement

Mary Meehan

Operation Rescue stalwarts, it seems, do not know how to sleep in. There they were, at six o'clock in the morning, gathering by the hundreds in a hotel parking lot near Valley Forge, Pennsylvania. It was July 5, 1988, and the activists were dressed casually for a long, hot day of sitting-in at an abortion clinic. Some sang, many prayed as they waited for marching orders.

After instructions were given, Pastor Jesse Lee prayed publicly for everyone. A soft-spoken Virginian, Lee has a knack for the right prayer at the right time: "Lord, we're here in your name, and we're here to do your work. . . We ask you that the sin that so easily besets us on a hot day, when we get cranky, will not beset us today."¹

Lee and his comrades—men and women from all up and down the East Coast—had a good day. At the cost of a record in numbers arrested (nearly 600), they kept the abortion clinic from doing business. At the end of 1988, they could look back on a year in which their movement had grown by leaps and bounds. In 1987, there had been fewer than 900 arrests in the U.S. for sit-ins or "rescues" at abortion clinics. In 1988, there were 12,601.²

Judging by the first months of 1989, the arrest numbers will probably exceed 50,000 this year. From January through April, 1989, there were at least 12,291 arrests—that is, almost as many as in all of last year.³ Many clinics were shut down for entire days, and sometimes this was accomplished with no arrests at all.

Rescue leaders never tire of saying that their actions are not "symbolic" and not "protests," but efforts to save actual lives. They claim that at least 250 babies' lives were saved from the time of its New York campaign in May 1988 to May of this year.⁴ They count it a life saved whenever a woman encountered at a clinic clearly decides against abortion. But they believe the actual number saved is much higher, since the presence of hundreds of abortion opponents—willing to go to jail—probably leads other women to decide against abortion.

Last year abortion supporters denied that there was much growth in numbers of sit-inners. Anti-abortion leaders, one charged, bused them "from one

Mary Meehan, a retired investigative reporter, is a longtime senior editor of the *Human Life Review*. "On the Road with the Rescue Movement," one of over fifty articles by Meehan that can be accessed in the *Review*'s archive, was first published in the Summer 1989 edition.

place to the next,” so that the same people were “being recycled over and over again.”⁵ There was some truth to that charge, although many participants came on their own steam, and most on their own dollars. Many were arrested in New York in May, Philadelphia and Atlanta in July, Tallahassee in August, and so on through the year. Some were retirees; some were students or unemployed; and some reserved weekends for rescues, while holding down full-time jobs and supporting families during the week.

But there was a major change by the end of the year. While a large group still spent most of its time blocking clinics or in jail, the movement no longer depended primarily on them for public impact. Rescues were occurring in cities and towns that rarely if ever had seen them before. Never mind Philadelphia and St. Louis. How about Orlando and San Antonio, Boise and Brookline, Baton Rouge and Des Moines?

It may have looked like spontaneous combustion, but it was actually the result of hard organizing and recruiting, aided by media coverage. Many people who led local sit-ins had learned how to do it by taking part in the national Operation Rescue efforts. They also learned by sharing experiences while in jail—especially in Atlanta, where many were jailed for weeks. Jesse Lee called an Atlanta jail the “Atlanta Training Center for Christian Activism” and said he received “40 days of condensed education” there.⁶

Politically, the rescue movement helped move the abortion issue from the nation’s back burner to the front again. Its militance is noticed by politicians who in the past were able to placate and manipulate the right-to-lifers. One state anti-abortion leader, active in both rescues and lobbying, told me that his job now is to convince legislators that “the wimps are gone.”⁷

While it has made great strides in the past year, the rescue movement also faces formidable obstacles. The movement is much older and broader than Operation Rescue, the group based in Binghamton, N.Y., which has received so much attention. Operation Rescue—now often called simply “Op-R”—through incredibly effective recruiting and discipline, made breakthroughs for the whole movement; but its dominance is at times a mixed blessing. Moreover, all rescue groups face an opposition that is newly-militant and aggressive in the courts and on the streets. There are also problems of police use of “pain compliance” and general brutality against sit-inners.

Recent rescues have highlighted these problems, but also shown the resilience of a movement whose faith might well be called “more precious than the passing splendor of fire-tried gold.”⁸ In its ranks are many of the bravest and most committed people in our country today.

The Philadelphia campaign was Operation Rescue’s second major effort of 1988. The first, in New York City in early May, resulted in over 1,600 arrests

and massive publicity.⁹ Philadelphia was designed as an Independence Day effort. “Granted,” said an Operation Rescue brochure, “it is an inconvenience and a sacrifice to travel on a holiday, but with all that is at stake, sacrifice is long overdue. *This includes you.*”¹⁰ The theme of sacrifice is a major one.

At a prayer/training session in the evening of July 4th, Op-R leader Randall Terry told a large crowd that they were there: 1) to save children from being killed and women from being exploited (history will be forever different, he said, because of the lives we save); 2) as an act of repentance before God; and 3) “to help kindle social upheaval across the nation.”¹¹

Terry is an evangelical Protestant, a lay preacher, and his third goal bothers some older evangelicals outside of the rescue movement. They don’t like social upheaval, and on the issue of civil disobedience they favor Paul’s Epistle to the Romans (“Let everyone obey the authorities that are over him”)¹² over the Acts of the Apostles (“Better for us to obey God than men!”).¹³ But Terry and other young evangelicals grew up hearing about and admiring the Rev. Martin Luther King, Jr. They do not think a Christian should “obey the authorities” when the authorities uphold an evil such as segregation—or the abortion industry.

To his July 4th audience, Terry stressed that nearly every political movement—“some to the good, some to the bad”—shows that “political change is preceded by social upheaval. We need tension. We’ve been too nice.” He even joked: “Some of you have always wanted a jail ministry. This is the easiest way to get one.”

The next morning, as some 600 rescuers blocked entrances to the Women’s Suburban Clinic in nearby Paoli, police read them a temporary restraining order signed by a federal judge and an injunction from a local judge. A captain warned the crowd that they must leave or be arrested, but that was like saying, “I’ll huff, and I’ll puff, and I’ll blow your house down.” Most of the sit-inners just kept sitting. Police made arrests while the rescue folks sang “How Great Thou Art” and “Holy, Holy, Holy.”

Police were threatening misdemeanor charges, so Randall Terry told his troops to get rid of their identification and “Do not tell them who you are. Do not tell them where you live.” The local prosecutor soon agreed to give lighter “summary” charges to those who identified themselves.¹⁴ (This sort of bargaining would take place often in coming months.)

Bill Baird, a veteran—and fanatic—abortion activist, was at the Paoli clinic to counter-demonstrate and bemoan the police response. The police, he said, were “part of the problem” and were moving “slower than a turtle.” He showed up again the next day at the Northeast Women’s Center in Philadelphia, where Op-R people defied another federal injunction. There were 253 arrests—not counting young children who, a policewoman said, were

“carted away with Mom” but not charged. The clinic administrator claimed that five women entered the clinic before Op-R arrived and had abortions.¹⁵

For several months, Bill Baird had been a voice crying in the wilderness, trying to warn abortionists that Operation Rescue posed a real threat to abortion clinics. Other abortion supporters have tried to downplay the threat, apparently fearing that *admitting* fear would give more media attention to their opponents. It was a difficult judgment call; it might be said that the clinics were in a no-win situation.

The National Abortion Federation (NAF), a group of abortion clinics and “providers,” issued special “media guidelines” for Philadelphia abortion providers just before Operation Rescue came to town, summarizing suggestions from a June 27th meeting of “Philadelphia-area abortion providers and supporters.” Both the meeting and the memo provide evidence that, whatever they might say publicly, the clinic people were indeed worried about the rescue movement.

The guidelines say the clinics’ media strategy should be to focus attention on “*our patients, our services, ourselves,*” thus showing that “we are the *caring, concerned, reasonable* ones . . .” Suggested comments for the press included: “We will continue to provide health care, no matter what . . . Our main concern is the safety and well-being of patients . . . We salute the courage and bravery of women patients who endure this type of harassment and invasion of privacy.”

Operation Rescue activists, when mentioned at all, were to be called “*bullies, who try to terrorize women patients.*” But the memo warned: “Avoid overkill words like ‘radicals,’ ‘crazies,’ ‘extremists,’ ‘fringe,’ and—probably—‘terrorists.’ Reason: they will be playing up their peaceful, Martin Luther King-like behavior and we will look reactionary.”

NAF even had an answer for the civil-rights comparison. Clinic supporters, it suggested, could “analogize patients to black citizens having to endure hazing lines of police and opponents of integration during attempts to enter schools or voting booths in the exercise of a right.”¹⁶ But do rights to education and voting mean very much unless we also have the right to life? (It apparently did not occur to NAF that rescue participants were like people who tried to prevent the *lynching* of black citizens in the oldtime South.)

Unfortunately, the black political establishment generally sided with the abortion clinics rather than the rescuers. For some reason—perhaps a combination of middle-class “assimilation” and pressures operating within the Democratic Party—black leaders have been markedly more supportive of abortion than blacks in general have been. Mayor Andrew Young of Atlanta, for example, certainly offered no encouragement to Operation Rescue when

it arrived in his city for the 1988 Democratic National Convention. Later he and other civil-rights veterans would sign a statement that followed the NAF line, comparing “Operation Rescue demonstrators to the segregationists who fought desperately to block black Americans from access to their rights.”¹⁷

Atlanta police arrested 134 for blocking a clinic on July 19th. When police asked their names, most arrestees said “Baby Jane Doe” or “Baby John Doe.” This was a way of expressing their solidarity with the unborn, but it soon became more than that. Atlanta authorities refused to release the activists until the latter gave their own names and posted bond.¹⁸ This led to a long series of sit-ins and a contest of wills between Op-R and Atlanta; it was to come to a head in early October.

The “Baby Doe” tactic was to be used in many other cities and towns. Besides its obvious symbolic value, it offered several practical advantages. One was the possibility that, if held until trial without giving their real names, some sit-inners might receive lighter sentences than they would if prosecutors could trace their sit-in arrests in other states. The tactic also made it more difficult for abortion clinics to sue individuals. Finally, it gave rescue leaders one more bargaining chip to use in negotiations with police and other authorities.

While Op-R was calling more people to Atlanta to join the Baby Does still in jail, another major effort was underway in Tallahassee. Called the “Joan Andrews Rescue Mission,” it was designed to win release from a Florida prison of a 40-year-old Tennessee native who had become the major heroine and symbol of the rescue movement. Arrested many times for sitting-in at abortion clinics, Andrews was then serving a five-year prison sentence for trying to damage an abortion suction machine in Florida. She was spending most of her time in solitary confinement because she continued her witness against abortion by declining to cooperate with prison authorities. In the tradition of political prisoners everywhere, she also helped her cause through a long series of letters to friends in the outside world. She urged her supporters to spend time at abortion clinics: “. . . let me beg you to view your presence at the killing center in your area as the place where God wants you to be. Grab your rosary, pick up your Bible, bring your devotionals, and go out to the Calvary not far from you—where Christ is being crucified today in your midst.”¹⁹

In an effort to pressure the Florida governor and his cabinet to release Andrews, hundreds of activists marched on Florida’s state capitol building on August 5th. “Guv: Give Joan Time Off for Moral Behavior,” said one sign. Another chided the national media: “Dan Would Rather Not Come.” Some marchers chanted: “Babies, yes! Abortion, no! Free Joan Andrews! Let her

go!” They marched into the capitol building, singing, speechifying and lobbying there.

That afternoon they attended a long funeral service for more than 700 aborted children. At the graveside, Milwaukee activist Monica Migliorino sang “Sometimes I Feel Like a Motherless Child.” She said “this is the first kindness they’ll ever know—to be buried.” Rep. Robert Dornan (R-Calif.) said: “This is a village we are burying. It’s a reflection of everything that is sad in this great, modern, advanced country.”²⁰

The next day, a Saturday, about 165 activists marched on a Tallahassee abortion clinic. The harsh treatment given Andrews and others for their 1986 rescue in Pensacola had nearly ended direct action in Florida. The Saturday sit-in was partly an effort to get things moving again and partly, perhaps, a way of showing state officials that their punishment of Andrews was backfiring. Activists sat and sang in a roasting sun for the many hours, blocking front and rear entrances to the clinic. There were 131 arrests—and no abortions. But a clinic spokeswoman later said that abortions were available from private doctors that day and that some women rescheduled with the clinic. “You do have our solemn vow,” said a clinic board member during the sit-in, “that this will not prevent one abortion.”²¹ Consciously or unconsciously, he was following the National Abortion Federation guidelines. The Tallahassee effort was not sponsored by Operation Rescue, but by Florida and Texas groups who would later form a new group called Rescue America. Donald Treshman of Houston, one of the leaders, was a critic of Op-R; he thinks it placed too much stress on evangelizing, Atlanta, and large numbers of arrests.²²

There were criticisms from others as well. Many of Randall Terry’s followers think he was chosen by God for rescue work, and some observers worried that a personality cult was developing around him.²³ Terry’s sense of humor provided some protection against that. (Leading a prayer, he addressed God as one “Who uses weak and foolish things. And God, we fill the bill.”²⁴) But he certainly does not welcome dissent.

There is occasional tension between Protestant and Catholic styles in the movement. Although Michael McMonagle (a young Navy veteran and a Catholic down to his toes) is a key deputy to Terry, and New York’s Auxiliary Bishop Austin Vaughan has taken part in Op-R rescues, the leadership is mainly Protestant. Evangelical ministers often speak at great length during rallies, and some have an emotional style that is unsettling to Catholics. Most of the hymns sung at rescues were Protestant ones. In an effort to avoid divisiveness, Op-R prohibited both public praying “in tongues” and praying of the rosary at rallies and rescues. While possibly relieved about no-praying-

in-tongues, some Catholics were miffed about the no-rosary policy. (Perhaps they forgot that the Psalms, often prayed at rescues, are a far older and more official prayer of the Catholic Church than is the rosary.) Some Protestants, on the other hand, were probably put off by the Catholics' rosaries and crucifixes.

It would be a mistake, however, to place too much stress on Catholic-Protestant differences. Tremendous solidarity has developed between people of both faiths, especially when they were in the streets and in jail together. John Cavanaugh-O'Keefe, a veteran rescue organizer, summed it up well when he said: "The ecumenism that theorists have been talking about for years is taking place in the streets."²⁵ A young Protestant minister said that the Catholic priests in jail "shone like the bright morning star."²⁶ And Randall Terry has many Catholic admirers who see him as a powerful speaker, a solid leader, and a man willing to take great personal risks for the cause.

Another criticism is that Operation Rescue's top leadership was exclusively male. Terry could—and did—point to women who had responsible positions; but his inner circle was male, and so are most of the on-site leadership at rescues. Terry and other leaders seemed insensitive to the fact that some local women leaders had been involved in rescues long before *they* had. They also seemed insensitive to the way men dominated the loudspeaker systems, the ranks of crowd marshals, and the crucial entrances to clinics.

One need not be a flaming feminist to object to all of this. Pro-life feminism will do quite nicely, because treating women as less than full persons is in some ways similar to viewing the unborn as non-persons. Moreover, from political and public-relations viewpoints, it is simply not very smart to have all-male phalanxes leading rescues. Abortion supporters should no longer be able to chant, as they did at one recent sit-in, "Why are all your leaders men?"²⁷ There are many women who have more than paid their dues and should be sharing national leadership. They include Christy Anne Collins (Virginia), Darroline Firlit (Massachusetts), Doris Grady (Pennsylvania), Kathleen Kelly (Maryland), Monica Migliorino (Wisconsin), Lynn Mills (Michigan), and Ann O'Brien (Missouri).²⁸

Despite criticisms, Op-R forged ahead nationally last fall. But it put the Atlanta sit-ins on hold until early October, asking its troops to return to Atlanta in force at that time. They responded in large numbers—but so did the Atlanta police.

Sit-inners usually go limp upon arrest, so that police must drag or carry them, thus "buying time for the babies." The longer it takes police to clear an entrance, the greater the chance of keeping the clinic closed or at least convincing one more woman not to have an abortion. Police often complain of back strain from carrying limp activists. In many areas, they use stretchers or wheelchairs

to move people, thus easing their back problems and minimizing injuries to the activists. But Atlanta police weren't interested in stretchers; they were heartily tired of Op-R and either they or their superiors apparently were interested in inflicting pain.

On the morning of Oct. 4, when Op-R hit three different clinics, police responded with brutality. A front page photograph in the next day's *Atlanta Constitution* showed a clergyman grimacing in pain from a police "pressure-point maneuver."²⁹ The story reported that police had received "a refresher course in various holds in preparation for the demonstrations."³⁰

The "pain compliance" or "come-alongs" might best be described as forms of torture that force people to walk, but usually do not cause permanent damage. A favorite—and extremely painful—technique is to place thumbs behind a prisoner's jawbone and push hard. Activists moaned aloud in pain. Many clergy were arrested that day, and one witness described a priest in such pain that tears were rolling down his cheek. "Praise God for his courage and conviction," she said, "because he did not stand up and walk."³¹

Donna Johanns of Buffalo—who has Parkinson's disease, arthritis, diabetes, and a heart ailment—later reported that "they got rough with me." Johanns said she parked her wheelchair in front of a police bus because she didn't want police "to arrest my friends." Her hands were on the brakes, so police bent her fingers back, "twisted my arms and raised them up" and then wheeled her away and "told me to stay where I was."³²

Rev. Doyle Clark of Hudson, Ind., appeared to be the worst hurt of all the activists. Clark, a 48-year-old Protestant minister, first passed out from a "come-along"; he said it "felt like a knuckle right at where the jawbone attaches." Then, according to a witness, police threw him onto a bus, feet-first. His head hit some object on the way in, and he passed out again. Guards dragged him down the aisle and tried to throw him on a seat, but missed, so his head was hurt again. The witness saw Clark later in jail, where "he was just praising the Lord that he was alive."³³ He was still in poor shape when interviewed a week later, but hoped that no one would be discouraged by his story. "It's a wonderful experience," Pastor Clark said, "to know you've helped save lives."³⁴

There was plenty of media coverage of police brutality, and then a strong public reaction. Mayor Andrew Young remained silent. But City Council member Hosea Williams—another veteran of the civil-rights movement—spoke out sharply. "I think what is happening in Atlanta right now is just terribly anti-American," Williams told the *Atlanta Constitution*. "It hurts me so bad that we who were the leaders of the movement in the '50s, '60s and

'70s, are now the political leaders, and we are doing the same things to demonstrators that George Wallace and Bull Connor and those did to us." State Rep. Tyrone Brooks told the same paper: "It's a national disgrace in my opinion. I think the city of Atlanta should back off."³⁵

Back off they did. By the end of the week, a police major was inviting media people to climb over a police barrier so they could film arrests. "Escort her gently," he told officers as one woman lay down when they started to arrest her.³⁶

The police and other Atlanta authorities, encouraged by people with economic and political interests in abortion, had taken a hard line against Op-R from the start. But they seemed to have hit a big tar baby, and they had trouble pulling their fist out of it.

At times, however, Atlanta also seemed to be a tar baby for Operation Rescue. Although there appeared to be increased local participation in October, there was relatively little action there after the large crowds of out-of-staters left. (This contradicted the experience of other cities, where Op-R campaigns generally spurred local action.) Writing his supporters last May, Randall Terry said that "we have been trying to work out an acceptable deal with the officials in Atlanta, in order to resolve the cases from last summer"—but that terms offered by the local prosecutor were too severe.³⁷

Whatever else it did or didn't do, Atlanta certainly served as a training ground for activists throughout the country. They put their experience to good use last fall. The National Abortion Federation tried to be ready for them. In September NAF issued new guidelines for handling rescues. Blazoned in capital letters was this statement: "BECAUSE A MAJOR GOAL OF MANY ANTIABORTION DEMONSTRATIONS IS TO 'SHUT DOWN' ABORTION CLINICS, IT IS HIGHLY RECOMMENDED FOR DETERRENCE REASONS THAT CLINICS TRY TO STAY OPEN OR PROMULGATE THE APPEARANCE OF BEING OPEN DURING SUCH ANTIABORTION CAMPAIGNS."

NAF noted that "considerations of patient and staff safety can sometimes be compelling reasons to consider closing." But it added that clinic staff in Philadelphia had arrived early in the morning, before Op-R arrived, so they were able to take press calls and to reschedule patients or send them to other clinics. "Thus, even if there are no patient procedures on a demonstration day, the presence and continued work of clinic staffers can show that a clinic is 'open.'"

NAJF urged clinic staff to educate police on "why it is important to stay open" and added; "Be firm and use political pressure if authorities are not cooperating with the decision to stay open." Staff were supposed to make all sorts of helpful suggestions to the police, urging them to use barricades,

make arrests quickly, arrest leaders first, and have enough “large paddy wagons, vans or buses” on hand.

NAJF also urged attention to staff morale, suggesting that it was a good idea to pay staff for the day even if they could not enter the clinic. A staff party was suggested as a possible “post-event” activity.³⁸

Before they were exposed again to the tender mercies of police and their clinic opponents, some of the rescuers had a chance to celebrate Joan Andrews’ release from prison. Their intense pressure on Florida politicians—before, during and after the Tallahassee campaign—had finally brought results. The Florida cabinet voted clemency for Andrews, to take effect upon her sentencing in Pittsburgh for an old conviction there. When Andrews arrived at the Pittsburgh airport on October 16th, in the custody of two officers, fellow activists greeted her as though she were a presidential candidate—with signs, cheers, and red roses. “I wonder who’s on this flight?” said a passenger who disembarked ahead of the prisoner.

Two days later, after a long and tense hearing, the Pittsburgh judge gave Andrews time served and three years’ probation. A few hours later, she walked out of the local jail—still in her prison uniform of grey shirt and blue jeans, but looking like a million dollars. “The air,” she said, “the sky is just marvelous. Life is beautiful.”³⁹

In the months after her release, Andrews showed that she knew how to use her celebrity. She spoke all over the country, recruiting people for rescues and being arrested with them. At the same time, she started planning a Rescue Outreach program for exporting the sit-in approach to countries abroad. Her first post-release arrest was in Toronto; then, in May, she took part in a rescue in Spain. She and her friends are currently recruiting Americans with foreign-language skills who can help organize rescues abroad.⁴⁰

The Toronto event was a counterpart to a U.S. “national day of rescue” on October 29, 1988. Some groups got an early start on the 28th. On the two days, there were nearly 2,400 arrests in 28 U.S. cities and towns.⁴¹ From Buffalo to Indianapolis, from New Orleans to Dallas, and from Phoenix to Sunnyvale, Calif., the activists were out in force at the clinics. Mary Ann Baney of Op-R called it “a mighty work of God.” But Alice Kirkman of the National Abortion Federation, sticking to the NAF game plan, declared: “We’re not worried. We’ve survived a lot worse than this.”⁴²

Local rescues continued through the end of the year and into 1989. Sometimes the numbers of sit-inners were so great that they closed clinics down for an entire day, and sometimes police made no arrests at all.⁴³ The more radical sit-inners used the “lock and block” technique—chaining themselves

to concrete blocks, clinic doors, each other, and/or cars that blocked clinic entrances. They used specially-hardened chains, so it often took police and firemen hours to cut them loose.⁴⁴

Operation Rescue returned to New York City in January 1989 to defy another federal injunction. The roughly 1,000 activists were also protesting a judge's award of \$50,000 in civil damages against Op-R and Randall Terry for the sit-ins of May 1988. Terry told his troops that abortion supporters "are determined to crush us" and that "we have got to raise the stakes."⁴⁵

New York activist John Hinshaw once called Manhattan the "stone heart" of the abortion movement.⁴⁶ Op-R struck at that heart with a January 13th sit-in at a Planned Parenthood clinic on Second Avenue. Police arrested 275 and dragged away hundreds more without arresting them. The next morning, like a silent army marching at dawn, activists returned to the same clinic. Smaller contingents, some using the lock and-block technique, hit five other clinics. Police arrested nearly 700.⁴⁷ Although it could not claim total success, Op-R had certainly slowed business for the abortionists and made its point that federal courts would not stop its campaigns.

On the days around January 22nd (the sixteenth anniversary of the Supreme Court's *Roe v. Wade* decision) there were a number of rescues. Two in the Washington, D.C., area were "Rachel's Rescues," led by women who had had abortions and turned strongly against the practice. They closed the first clinic, but not the second.⁴⁸

At the end of January, Officer Chet Gallagher of the Las Vegas police startled his superiors by joining a large sit-in. Police elsewhere had done the same while off-duty; but Gallagher appeared in full uniform and motorcycle helmet. Over a megaphone, he declared; "I exercise my discretion as a commissioned law enforcement officer, choosing not to arrest these rescuers but standing with them in their attempt to prevent certain death to unborn children." Gallagher himself was quickly arrested, lost his job, took part in more sit-ins, and gave a great morale boost to activists all over the country.⁴⁹

In February, there was an all-black rescue in Lansing, Mich. Although small, it provided a powerful image of black people chained together by the neck like slaves. Its organizer, former policeman Gregory Keath, later reported that people in the clinic were "stunned" by the sit-in. Keath, who said there are many similarities between slavery and abortion, is now trying to recruit more rescuers from the black community. "We're trying to get people up to speed," he remarked.⁵⁰

In May the movement received a boost from the left when Daniel Berrigan, S.J., and other peace activists sat-in at the abortion wing of a Rochester,

N.Y., hospital. Father Berrigan, 68, had been arrested so many times for other protests that he has lost count. Indeed, the Rochester sit-in was linked to an anti-nuclear-weapons demonstration, a combination that Berrigan called “just my cup of tea.”⁵¹ Also in May, there was an all-women rescue in Redwood City, Calif., with 132 arrests.⁵²

As its numbers continue to grow, the rescue movement is showing promising diversity. Lock-and-block, the women’s rescues, the all-black sit-in, and the Berrigan action all demonstrate that Operation Rescue’s way is not the only way to do things. No one has a copyright on rescues. But the movement also faces more injunctions and lawsuits, a number of “hanging judges,” and police brutality.

Although most police are professional and decent, some departments seem to specialize in “pain compliance.” In Pittsburgh, after activist prisoners went into “total non-cooperation” in a March bargaining effort, there were allegations of brutal kicking of one woman prisoner and sexual fondling of others by jail guards.⁵³

Participants in a March 25 rescue in Los Angeles faced severe “pain compliance.” One said police broke his arm in two places, then dragged him by the broken arm. Others complained of broken bones, sprains, and police who inflicted intense pain on them while other police held them down.⁵⁴ A *Village Voice* writer, clearly anti-Operation Rescue, described what she saw:

. . . A cop is down on top of a rescuer, knee in his back, yanking his head by the hair. The prochoicers are cheering. A man is being run across the pavement pell-mell by his ears . . . A man is down on the ground—he scrambles across the pavement . . . a cop is on him, shoving his face in the pavement, screwing it once to the right, once to the left . . .⁵⁵

In April the San Diego *Union* described a sit-in where police used the *nunchaku*, “an Okinawan martial arts weapon, to force people to walk.” The weapon is a simple one—just a strap and two sticks. (It is also lethal: mere possession of *nunchakus* is illegal in California—except, evidently, for San Diego cops.) When it is

wrapped around a suspect’s wrists, a police officer can increase pain incrementally by twisting the sticks.

“When the wood hits the bone, that’s when it really starts to hurt,” one sergeant explained later. “They’ll feel that for a week.” Those who didn’t respond to the martial arts weapons had their hair pulled and were poked on a pressure point below the ear.

Police inflicted more pain when they cuffed prisoners’ hands behind their backs with plastic cuffs:

Walter Van Oosbree, a San Diego County deputy sheriff, was among the anti-abortion protesters outside the building.

“They’re putting those flex-cuffs on so tight people’s hands are turning purple,” Van Oosbree said. “They’re overreacting. I’ve been doing this for 10 years and you’ve got people here putting those cuffs on too tight. That’s punishment. That’s torture.”⁵⁶

In May the Santa Cruz *Sentinel* reported on a young woman whose arm was broken when she was arrested:

Deputies applied arm-holds and twisted wrists to control those being dragged away.

One of the last to be arrested was Elizabeth Daly, 24, an electrical engineering graduate student at Stanford University.

“They were using the pain compliance hold,” Daly said. “I could feel something snap when they grabbed me.”⁵⁷

Activists in Pittsburgh have sought criminal prosecution of jail guards and the jail warden. Those in Los Angeles are demanding prosecution of police and also seeking an F.B.I. investigation. “We’re determined to stop the violence of the police,” said one of the Californians.⁵⁸

The rescue movement also faces a political opposition that has gone back to the streets—and out to the clinics—to defend legalized abortion on demand. Local chapters of the National Organization for Women (NOW) and the National Abortion Rights Action League (NARAL) have long provided volunteer escorts to hustle women through picket lines outside clinics. (In the never-ending battle of words, anti-abortionists call the volunteers “deathscorts.”) During sit-ins they generally wait for police to clear an entrance, then move clients in—sometimes in a flying wedge.

This year, clinic supporters are more militant, and they are turning out in far greater numbers. Some still do escort duty only, but others surround clinics with signs and chants. When a rescue is announced in advance, they try to find which clinic is targeted so they can arrive first and seize the best position. This gives them a public-relations advantage and also allows them to form a corridor through which police can escort clients to the entrance.

When the rescue contingents arrive first, clinic supporters still provide loud opposition as they encourage police to make fast arrests. “Load ‘em up and take ‘em away! Pro-choice is here to stay!” some chanted during a recent Maryland sit-in. “Let the doctor in! Let the doctor in!” they chanted as the abortionist tried to enter his clinic.⁵⁹

When clinic supporters outnumber sit-inners, the former may gain a media advantage—but at the cost of making the crowd around the clinic so large that it discourages clients from entering. Sometimes it looks as though

NOW and NARAL people are helping block a clinic.

But as Michael McMonagle has observed, aggressive clinic support provides a messier image of rescues.⁶⁰ Chanting and insults compete with hymn-singing and praying; onlookers may not know who is doing what.

Despite all obstacles, the numbers involved in rescues keep growing. They have done hard jail time, lost jobs, and endured harsh treatment by police, but they do not quit. Some are old, some are blind or in wheelchairs, but their disabilities do not stop them. Young or old, healthy or frail, they keep on singing—at the rallies, at the clinics, in jail, and even in court.

Their deep commitment and quiet stubbornness were typified by a woman in Tucson who was part of a lock-and-block at an abortion doctor's office. She alluded to the "pro-choice" rhetoric of the opposition:

"This is my choice. Babies die. It's my choice to stop it," said the woman locked to the door. Declining to give her name, she said, "Babies here don't get names either."⁶¹

As long as activists like this keep coming by the thousands, the abortion industry will have no peace.

NOTES

1. The writer's notes of July 5, 1988. Most of the quotes in this article are from my 1988-89 coverage of the rescue movement for the *National Catholic Register*. Where I was not personally present, I have relied on interviews and newspaper reports as indicated.
2. My count for 1987 arrests was 832. Both 1987 and 1988 counts were based primarily on reports in daily newspapers and/or telephone checks with police departments.
3. My count, again, was based primarily on newspaper and police reports.
4. Jim Backlin, legislative director of Operation Rescue, Memo of May 14, 1989 on "Rescues in America, Week of May 8, 1989." p. 2. This figure includes several saved in Canadian rescues. Canadian and U.S. activists in border areas have helped each other out in major actions; Canadians have been arrested in the U.S., and U.S. activists in Canada.
5. Nancy Broff, political and legislative director of the National Abortion Rights Action League, in interview of Sept. 20, 1988.
6. Interview with Rev. Jesse Lee, Sept. 20, 1988.
7. Conversation of Jan. 23, 1989, with a state leader.
8. 1 Peter 1:7.
9. See Tina Bell, "Operation Rescue," *Human Life Review*, vol. 14, no. 3 (Summer, 1988) for a detailed account. For a history of the rescue movement from 1975-1987, see Mary Meehan, "Joan Andrews and Friends," *Human Life Review*, vol. 14, no. 2, Spring 1988.
10. "Operation Rescue: Philadelphia" (no page, no date, emphasis in original).
11. Notes of July 4, 1988.
12. Romans 13:1. Actually, Paul himself spent time in jail and should not be counted as unreservedly on the side of the authorities.
13. Acts 5:29.
14. Notes of July 5, 1988; and Philadelphia *Inquirer*, July 6, 1988.
15. Notes of July 6 & 12, 1988; and Philadelphia *Inquirer*, July 7, 1988.
16. Alice L. Kirkman, NAF public affairs director, et al., Memo of June 28, 1988 on "Media Guidelines for Providers During 'Operation Rescue'" (emphasis in original).
17. "Statement on 'Operation Rescue' by National Civil Rights Leaders," Jan. 23, 1989, p. 2. Signers included Julian Bond, James Farmer, Dorothy Height, Jesse Jackson, and Andrew Young. A 1985

- poll of black leaders and the black public indicated that only 14 percent of the leaders wanted to ban abortion--while 43 percent of the black public wanted to ban it. For reports on the poll and black leaders' criticisms of it, see *Washington Post*, Sept. 19 & 30, 1985.
18. *Atlanta Constitution*, July 20, 25, 28 and Aug. 2, 3, 4, & 5, 1988.
19. Richard Cowden-Guido, ed., *You Reject Them, You Reject Me: The Prison Letters of Joan Andrews* (Manassas, Va., Trinity Communications, 1988), p. 219.
20. Notes of Aug. 5, 1988.
21. Notes of Aug. 6 & 8, 1988.
22. Interview with Donald Treshman, Sept. 17, 1988.
23. This concern was expressed, for example, at a Feminists for Life of America meeting in Washington, D.C., July 24, 1988. There was also much criticism of male domination of Operation Rescue. Years earlier, other feminists had voiced the same criticism about the civil rights and peace movements.
24. Notes of Jan. 12, 1989, New York, N.Y.
25. Interview with John Cavanaugh-O'Keefe, Sept. 19, 1988.
26. Interview with Rev. Pat Mahoney, Oct. 8, 1988.
27. Notes of April 29, 1989, Berwyn Heights, Md.
28. Susan Odom (Pennsylvania) and Dawn Stover (Oregon) have provided on-site rescue leadership for Operation Rescue, although they are not part of the top leadership. In a Sept. 19, 1988, interview, Stover said that Operation Rescue "is not chauvinistic." She said she went to Atlanta "to be on the leadership team" and that "my opinions were sought out and discussed."
29. *Atlanta Constitution*, Oct. 5, 1988.
30. *Ibid.*
31. Interview with Nancy Walker, Oct. 4, 1988.
32. Interview with Donna Johanns, Oct. 5, 1988. Johanns, incidentally, is consistently against abortion. Even if a tissue transplant from an aborted child could alleviate her Parkinson's disease, she said in an Oct. 6 interview, "I'd never have it done. My conscience would never let me live with it. I would rather get worse than have something like that be done."
33. Interview with Pat Cartrette, Oct. 8, 1988. Cartrette was arrested ahead of Clark. She said she was already on the police bus and saw Clark "come flying onto the bus." She reported that his head hit either the stairs or the fire extinguisher of the bus.
34. Interview with Rev. Doyle Clark, Oct. 11, 1988.
35. *Atlanta Constitution*, Oct. 6, 1988.
36. Notes of Oct. 7, 1988.
37. Randall Terry, Letter of May 25, 1989, p. 3.
38. National Abortion Federation, "Abortion Provider Guidelines: Preparing for a Major Antiabortion Action," Sept. 1988 6 pp. (emphasis in original).
39. Notes of Oct. 16 & 18, 1988; and interview with Joan Andrews, Oct. 18, 1988.
40. *National Catholic Register*, Jan. 29 & June 4, 1989.
41. My final count, based on checks with police departments around the country, was 2,397 arrests.
42. Interview with Mary Ann Baney, Oct. 31, 1988; and interview with Alice Kirkman, Nov. 1, 1988.
43. *New York Times*, Oct. 30, 1988; *Washington Post*, Jan. 24, 1989; *Youngstown, Ohio, Vindicator*, Jan. 29, 1989; *Los Angeles Times*, March 11 & 25, 1989.
44. *Arizona Republic*, Jan. 22, 1989; *National Catholic Register*, Jan. 29, 1989; *Newark Star-Ledger*, Jan. 29, 1989; *St. Louis Post-Dispatch*, Feb. 4, 1989; *Philadelphia Inquirer*, Feb. 9, 1989; *Jackson, Miss. Clarion-Ledger*, Feb. 19, 1989; *Las Vegas Sun*, March 18, 1989.
45. Notes of Jan. 12, 1989.
46. Notes of May 5, 1988.
47. Notes of Jan. 13, 14, & 17, 1989.
48. *Washington Post*, Jan. 24, 1989. Men participated in both events, but most of the leaders were women.
49. *Las Vegas Sun*, Jan. 29, 30 & 31, 1989; March 17 & April 29, 1989.
50. Interview with Gregory Keath, June 3, 1989.
51. *Rochester Democrat and Chronicle*, May 21, 1989; *National Catholic Register*, June 4, 1989.
52. Interview with police department spokesman, June 7, 1989.
53. Operation Rescue of Pittsburgh press release, March 14 1989; interview with Stephen Rawson, March 18, 1989; *Pittsburgh Press*, May 18, 1989.
54. "Protecting the Right to Kill," a VHS videotape produced by Finn Video, 1840 South Elena, Suite 103, Redondo Beach, Calif. 90277 (\$20 requested to cover tape, shipping and handling costs). The

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tape includes footage of Los Angeles police behavior that day and interviews with many arrested by police.

55. *Village Voice*, April 11, 1989.

56. *San Diego Union*, April 9, 1989.

57. *Santa Cruz Sentinel* (Calif.), May 7, 1989.

58. Interview with John Finn, June 2, 1989. See also, Scott McGuirk, Memorandum "To Whom This Should Concern," April 18, 1989.

59. Notes of April 29, 1989, Berwyn Heights, Md.

60. Interview with Michael McMonagle, May 22, 1989.

61. *Arizona Daily Star*, April 30, 1989. The doctor whose office she was helping to block was on probation because of a botched abortion. (Interview with Douglas Cerf, executive director of Arizona's state Board of Medical Examiners, May 17, 1989.)



Senior Editors William Murchison, Ellen Wilson Fielding, and Mary Meehan, the Human Life Foundation's Great Defender of Life honorees in 2009.

Letter from Prison

John Hinshaw

On May 14, 2024, John Hinshaw was sentenced to 21 months in federal prison for participating in a rescue at the DC abortion clinic of Cesare Santangelo in 2020. Below is his statement to the court, sent through his family.

It is the middle of the night, which, we know, means early, early morning. My wife rises from our bed and walks her house alone. The slightest discomfort in one of her children displaces her from sleep. The smallest snuffle in one of her grandbabies will disturb her sleep for days. For she is a mother and, as such, is bound to the deepest link on this planet. To call it a bond is an insufficient term. It IS a covenantal bond, but this too is an insufficient term of description. To call it a relationship is an insult. This deep, deep unity is one of those rare, truly inexpressible things that words cannot do justice to. My wife knows she carries the DNA of each and every one of her children into eternal life.

I am a man and, as such, I am only an observer of this prized unity. I cannot share it with my wife. It is enough that I love these same children and grandchildren. It is enough that I would die for them. And her. For this she lets me live with her. And love her.

My wife knows that as a man I cannot share this with her, so she allows me to sleep on through these lonely hours.

This, THIS sacred unity my country, through her courts, has ferociously attacked throughout my lifetime.

During this unjust imprisonment we were gifted with another baby granddaughter, Charlotte Millie, a feisty little girl who came early—32 weeks gestation. I know this court only considers her a “would-be child” at that age. At 32 weeks gestation she was at the same age as Phoenix, Harriet, Holly, Christopher X and Angel, the Washington 5 slain by Santangelo. They are named today in honor of their eternal dignity. What makes my granddaughter a treasure and these 5 trash?? How is this allowed? HOW IS THIS ALLOWED???? It is allowed by Courts covering up the crimes of Santangelo.

It’s allowed by the corrupt Dept. of Justice seeking to destroy the evidence of Santangelo’s crimes. It’s allowed by the FBI providing private security services to Santangelo. Today we are truth in this court and the truth is in the ultrasound—we’ve all seen the arms, legs, toes, noses; the smiles, the swallows,

the snuggles. Why is there fear? New life, new love—why fear? Give them to us, we do not fear them. We will show you how to conquer fear and how to love them and raise them. Give them to us.

Today I am told is an opportunity for me to say I'm sorry and so I am sorry. Sorry for having failed in the vocation bestowed upon me the day I became a father. The vocation of protecting children. I have failed this miserably and so I apologize to this court as I believe my failure contributes to the failure of this court to fulfill its vocation to protect the innocent. And this failure of the court thus contributes to my failure.

I am sorry in my failure to the bereaved mother suffering a child lost to abortion. We are a nation of bereaved mothers. All of us know some of the millions of broken hearts. I am sorry I was not there on the day of her crucible. We have the way of healing to offer.

I am sorry to my children, leaving to them the struggle that killed a third of their generation, like World War I returned!? Friends they never got to meet. Their generation that dreams the dreams of their phone, not the dreams of their own. We gave them the language of porn not the language of love. We told them “despair and go rejoice” and they have told us in a thousand ways they cannot do both. Of course they can't. We alone have the words and ways of hope and joy. My Patron Saint wrote 2000 years ago: “We know we have passed from death to life because we love our brothers. Whoever does not love remains in death” (1 John 3:14).

We extend our hands again to offer the Culture of Life to this guilty land.

So all the years of court-protected slaughter have led us here, where I stand convicted, though guiltless. SENT, as I am, to take upon myself the guilty of this court. I stand here before Judge Colleen Kollar Kotelly to accept the punishment rightly hers. And as I open my arms to plead the mercy of this court on Kollar Kotelly, I ask the One True Judge, whom she and I will be seeing very soon, to accept my act of love toward her as expiation of her great guilt of pride, indifference and intolerance.

So from the depths of my cell I will continue to unite my cries with those of the children, whose cries rise nightly to their mothers' ears, who weep, with Rachel, for their children who are no more.

It is the same hour of the night my wife arises.

Building Resilience and Making Friends with a Pro-Abort

Lauren Handy

Lauren Handy, the Director of Activism at Progressive Anti-Abortion Uprising, is serving a 57-month sentence for rescue activities she participated in at a Washington DC late-term abortion clinic in 2020.

I didn't think I would be writing out a 10-month reflection at the Alexander Detention Center. It has been over six weeks since my sentencing and this grey period has felt longer than my entire time here. But not all is lost! I have spent my time here growing and cultivating joy. If I could choose one song to encompass my time in Alexandria County jail I would choose "I Think I'm Growing" by Fletcher. Self-evident from the title my time here has been marked by a great internal change within myself.

I have grown more patient, resilient, and positive. I have even adopted daily gratitude and mindfulness practices. My most notable change? Becoming close friends with a pro-abort! Shocking I know! On the outside, I had the privilege (and possibly shortsightedness) to maintain a dogmatic approach to friendships. I would have never had the patience or gentleness needed to be friends with someone who is pro-abortion. And to be honest with the polarized environment on the outside I believe an abortion access proponent would have had the same sentiment about me. So what has changed?

Incarceration is the great equalizer. Everyone in the 2E Housing Unit is trying to survive under the same dehumanizing conditions as myself and in that co-struggle, comradery grows. You cannot reduce folks to 2D characters when you literally spend 24/7 with those same people day in and day out for weeks or months at a time. Their grief, joy, sorrow, and happiness become just as vital as your friends and family on the outside. People's stories matter more than the reason they've come through these doors. For example, almost everyone has shared their pregnancy loss, abortion, or family separation story with me. There are even people who have recognized me from sidewalk counseling. With my history, I expected to be met with debate, resistance, and anger (like the full gambit on the outside). Instead a shared sense of vulnerability and gentleness has bloomed as we abide with each others' stories. The type of comradery built over daily card games can't be replicated on the outside.

So while I'm ready to leave 2E I'm not ready to leave my friends whom I've grown to care deeply about. We have cried together, laughed till our sides have hurt, and held each other's pain when news from the outside trickles in. This is not to romanticize my situation but to show the complexity of people put in dehumanizing conditions.

This is reliance in action: to not fold under pressure even if you don't feel calm or confident.

Am I scared? Yes. That's a given. Some days so much so all I can do is hold my rosary beads and focus on my breathing. My inhale is the prayer and my exhale is the answer. I continue this search until I regain peace.

Our struggles build endurance, endurance produces character, and from character flows hope. This hope opened doors to my heart and allowed in a softness that wasn't there before.

The strength of my convictions has helped me become who I am but it has also set up roadblocks to relationship building. But now I can hold this tension of seeing the goodness in others I deeply disagree with while maintaining my values. And that vulnerability has shown the fruits of friendships bloomed with people so vastly different than myself. On the outside, I would fight to be understood but in here I have gained the wisdom that it is better to understand than to be understood. This form of empathy puts both people on equal ground. From there life-giving change can occur. To transform our world into an easier place to thrive we need to set certain principles into motion, get people and those principles to interact, and then have faith in the outcome.

Hopefully, by the time this reaches you, I will be on the next part of my journey. Whatever federal prison I end up in will shape my path for the next couple of years. This makes a very uncertain future but for now, I will focus on what I can control: my attitude, my words, and my actions.

"I don't know where I'm going
But I think I'm growing"

Towards PreBorn Liberation,
Lauren Handy, Director of Activism PAAU

Letter from Joan Andrews Bell

The following is a letter by Joan Andrews Bell, a peaceful pro-life advocate prosecuted by the Biden administration, to U.S. Senators Ted Cruz and Katie Britt, urging them to reverse their support for in vitro fertilization, which is responsible for the destruction of millions of unborn children. (Originally published by LifeSiteNews)

Dear Senators Cruz & Britt,

How devastatingly heartbreaking it is to hear that you are promoting the protection of in vitro fertilization (IVF) and declaring that this protects life. IVF in fact does the opposite. It promotes the worst death of all for children.

You must know that IVF also abuses women, especially poor women. I know: I'm in jail with some of them.

Medical doctors have taken the forbidden fruit of human conception out of the marriage bond and brought horrible consequences upon us.

IVF is anything but a life-giving alternative for couples experiencing infertility. Those doctors who reap incredible sums of money from desperate couples help conceive many more children in petri dishes than they know will ever be implanted in the womb. Most of those children will knowingly be discarded—killed—or frozen indefinitely or experimented upon like animals.

Women I am with now in prison have often talked about becoming surrogates for the money. My pro-life friends and I explained that IVF is not only unhealthy, but immoral, as any Christian should know. God ordained from the beginning that a man and a woman should come together as one to bear children. Nothing can separate this truth. They readily came to understand this is not good.

Another evil of IVF is that sometimes multiple children are implanted into the womb, and because two or more of the children are growing, the doctor will recommend “selective abortion” with the idea that fewer babies in the womb will allow those remaining a better chance to survive.

I know, as we all should, that every child conceived, even by in vitro fertilization, is fully human and truly a child of God.

Please God, I pray, that those many parents who have participated in IVF come to the full knowledge of God's forgiveness for what they have done.

I know women who now worry about “my children who are in a frozen state.” “What will happen to them?” they ask.

The children born through IVF will come to learn one day that they have full-blooded siblings—yes, brothers and sisters—who may either be born

by some other mother or be born years hence, even though conceived at the same time, are forever frozen, or were destroyed.

Think of the many siblings who are born through IVF, likely living near each other, unknowingly related. They might even begin a relationship and want to marry. This creates an invisible, unknowing incest. These are not isolated cases in this unregulated and depraved practice.

How correct was the decision by Alabama's Supreme Court that frozen embryos are in fact children and their accidental death warrants a wrongful death lawsuit. Now, let's right the wrong of years of this unhealthy behavior by eliminating further generations of this genetic abuse.

Millions of children have since been conceived and killed. Perhaps as many babies as have been surgically aborted.

Is this the country we want? To have many more live babies at the expense of many more fertilized, extinguished, and experimented upon infants?

IVF is not a pathway to parenthood. It is a pathway to create a cemetery of unburied bodies.

Truly, there are healthy and natural ways toward becoming a parent. This is what you and our national leaders must promote.

Yes, there are scientifically sound and proven methods of overcoming infertility. Because such ways are natural and less costly, they are denounced by the more profitable baby-making businesses.

NaPro Technology (Natural Procreative Technology) successfully treats the symptoms of infertility for both men and women. NaPro uses medicines and surgical techniques overcoming many inabilities to conceive a child. There's more than a 30-year success rate. Additionally, there are scientifically proven ways to understand the fertility cycle that have a higher success rate at conceiving children than does any IVF facility.

The Gianna Center for Women's Health & Fertility offers "successfully-proven natural approaches to help women and couples who are struggling with infertility."

Herbal medicines and even chiropractic methods also have been proven to help conceive a pregnancy.

Of course, we should not leave adoption out of this option. There are many children abandoned by parents or brought into the world by a mom who would love to place a child into the arms of caring, compassionate parents. Make adoption easier for both mothers and families.

Please, dear senators, don't put politics above your otherwise strong pro-life stands. You can defend life and not have to sell out to an industry capitalizing upon people's strong desires for something good but using something bad. In most cases, IVF will not work. In all cases, IVF is destroying more

lives. In all cases, IVF makes a horrible mess out of what should be a beautiful family that nature ordains.



Joan Andrews Bell, center, is a wife and mother of seven children who was incarcerated for peacefully and prayerfully trying to stop a late-term abortionist in Washington, D.C., in a traditional pro-life rescue.

An Interview with Pro-life Political Prisoner Will Goodman

Will Goodman is a political prisoner for the pro-life cause currently serving a two-and-a-half-year sentence for pro-life activism. The following is taken from an interview conducted by Bernadette Patel for the Human Life Review mainly through the federal prison messaging system. The text has been edited for clarity and cut for spacing reasons.

Thank you, Will Goodman, for taking the time to do this interview. Why are you in prison?

I am in federal prison because the US “Department of Justice” (DOJ) under the Biden Administration is an ardent defender of the grave, murderous injustice perpetrated by the abortion industry. The rescue I and eight others participated in was at an abortion facility in our nation’s capital. In response to our just acts, the DOJ directed a false indictment against us, authoritarian FBI raids, and a biased trial. The DC 9 (or Garland 9), as we are known, are prisoners of conscience. We truly believe in the “self-evident truth that all men are endowed by their Creator with certain unalienable rights,” the first and foremost of which is the right to life, and we act in accord with this truth. When a human person is in danger of being murdered, the first response should be to directly rescue him or her from danger. We are in prison because the DOJ denies the humanity of the preborn human person and unjustly punishes those who justly attempt to “rescue those who are perishing” (Proverbs 24:11).

Another and slightly different reason relates to a long history, i.e., prison is the place where godless governments place Christians who live out their faith. In the US today, this sad tradition of persecution continues. When I chose to obey Almighty God rather than pharaoh (unjust government) and rescue those being brought to slaughter, according to the command in Proverbs 24:11, I understood that members of a godless government who believe in child sacrifice would seek to persecute me. But the lives of the babies—and the souls of sinners—are invaluable to God; we should not be deterred by the threats of an evil secular regime from acting in obedience to Him. We are in prison because we acted with obedience, love, and proportionate effort to rescue those subject to destruction. Still another reason why we are in federal prison is because so few Christians and people of good faith are willing to rescue or support rescue. The fewer the rescuers, the easier it is for a large federal agency like the DOJ to target us.

Tell me more about yourself and how you became part of the pro-life movement?

I became very involved in the pro-life mission in 1993, after I saw Pope St. John Paul II at World Youth Day in Denver and heard him say, “Young people, defend life! Use your gifts and talents and intelligence and time and faith and love to build a culture of life.” These became my marching orders from High Command.

I was active in pro-life work at the University of Illinois and the St. John’s Catholic Newman Center on campus. After graduation, I joined Collegians Activated to Liberate Life (CALL, a mostly Catholic rescue group active in the ’90s) full time and traveled the US speaking to university students and getting them active in the movement. Then, for about 18 years, I was part of a small Catholic pro-life community called “The Servants of Our Lady of Guadalupe,” which was dedicated to promoting the Gospel of Life through prayer, study, and charitable action, with a special charism to practice solidarity with the abandoned victims of abortion in our nation. I was also able to obtain a master’s degree in theology from Ave Maria University while with the Servants. Later, in 2016, I earned a certification in bioethics from the National Catholic Bioethics Center in Philadelphia. The next year, I became a full-time rescuer with Red Rose Rescue—a loose coalition of volunteers who work to defend moms, dads, and babies subject to the immediate violence of abortion. I have been involved with several rescues (approximately 25), have been in about 20 jails and prisons, having served nearly a total of two years as a prisoner for life. I have about one more year of prison to go as I write this. I am to be released in July of 2025, unless Trump wins and pardons us.

How does your faith influence your activism?

When I was in college I had a profound re-conversion to my Catholic faith. I felt a longing to be with Jesus in the Blessed Sacrament all of the time. Blessed Pier Giorgio Frassati, St. Mother Teresa, and St. Therese of Lisieux were big motivators for me. They loved Jesus in the Eucharist and Jesus in the poor. I wanted to do that too. I wanted a mission of love. And I did not wish for this mission to be “easy.”

I prayed about “who” to serve in this world, as there are so many people in need. I wanted to perform both spiritual and corporal works of mercy out of charity—to serve Jesus in the “poorest of the poor.” Praying before the Blessed Sacrament, I asked Jesus who HE wanted me to serve; who were the “poorest” that He would send me to. In contemplation, and working with my priestly spiritual director, I felt drawn to the poor preborn babies who

were being abandoned by their own parents, by the government, and often by members of the church. I realized that loving Jesus in the smallest, most invisible people would be challenging. Seeing Christ in the human being at the single-cell zygotic stage of development did not come naturally to me. Seeing Christ in each preborn person residing in the womb was a challenge of charity. But I discerned this to be my path of love.

As I prayed before the Blessed Sacrament, I considered and wrestled with many different and good ways to serve the abandoned little ones: politics, education (including chastity education), post-abortion healing, crisis pregnancy counseling/aid, maternity homes, activism and advocacy. I felt drawn to serve the victims directly and personally. I sensed Jesus present at the abortion mill as if it were Calvary. Naturally, I was to become involved primarily in sidewalk counseling and rescue. This was a very direct, personal, practical, urgent, proportionate mission of charity. But this was not an easy vocation. Calvary is a lonely place. It is difficult to love an invisible person. It is difficult to try and help mothers and fathers who do not want help. It is difficult when there is no religious community that focuses on these abandoned ones as their primary apostolate. It is difficult to love a human being in the womb who is just about to be murdered, especially as the direct result of a decision of his or her parents.

What is your response to people who are critical of “Rescue?”

I respond to people who oppose rescue missions with patience and prayer. I try to explain that it is God’s command to directly rescue these innocents who are about to be killed. We follow God’s command, not the prudential or political calculus of human beings. We do the most we can do when we obey God’s will. We perceive God is calling us to rescue. We see Christ in the baby.

Have you experienced pushback from the pro-life community, and if so, how do you deal with it?

Yes. There is some pushback. I think it often arises from a lack of understanding about Catholic action, biblical mandates, and the philosophy of non-violence. I also think people oppose us on prudential or strategic grounds, favoring their own approach. We are all tempted to think “our way is best.” Lastly, and perhaps most importantly, I think good people are afraid. Fear is a huge problem. It is human to want to hold onto your freedom, your possessions, your way of living, etc. Engaging in rescue runs the risk of an evil government taking those things away. I think many proliferers do not want to see how evil our government is, and how federal agencies are deeply involved in child sacrifice. In a word: denial. I am not angry or upset with such proliferers; I fully understand their thinking. I too do not fully

understand everything about God's will. I too suffer from thinking "my way" is "the way." I am also subject to temptations to fear. I am human. My fellow proliferers are human. Rescuers need to be patient, do our best to explain our mission, act with integrity, and practice charity towards those good people who push back against us. We must pray for them.

How are you continuing pro-life work inside prison, and what is your response to people who say you could be doing more pro-life work outside of prison?

In prison, the rescuer is not serving the preborn in a practical, proximate, and personal way, but rather in a spiritual and personal way. It is a gift of self. It is a hidden gift of sacrificial love, reparation, and intercession. When people say, "You could do more out of jail," they are failing to recognize that these rescue efforts are works of love, not activism. When I hear them say, "You could do more if you didn't rescue," I think they are forgetting the particularity, and unique unrepeatable reality of that ONE child, that ONE mother, and that ONE father we are called to minister to and provide with a concrete proportionate witness to Truth. Rescuers take the most abandoned preborn babies, the poorest of the poor, as our friends. We see Christ in the baby, the mother, and the father, who are in imminent danger. Rescue has to be understood as an act of love. Christian sacrificial love.

I wonder if more people would rescue if it weren't illegal and did not carry any specter of sacrifice. The sacrifice, however, is where the real spiritual power is in combating a demonic holocaust. This is a spiritual battle in its essence, not a political battle. In this war the ultimate weapon is love. There are many ways to love. God calls many people to love the preborn and their parents in many beautiful ways. Rescuers hold onto Christ and His Word: "No greater love has a man than this, but to lay down his life for his friends." (John 15:3)

Calvary, as I said before, is lonely. This is partly due to fear and a lack of understanding concerning those who seek to live in solidarity with the abandoned. This loneliness accompanies the rescuer through life. Family, friends, proliferers, and even Church leaders fear this mission or do not understand it. That's okay. It adds to the sacrifice and our alignment with the preborn, who are often loved in an impersonal way and at a distance. In a very, very small way, we share in their loneliness and their isolation.

In jail or prison, we may be literally alone. Our cell can be like a womb of sorts. We may be separated from all of our fellow rescuers. We may see our prison as our mystical "monastery," where we seek to live for Christ and His abandoned babies. Here we endeavor to pray, watch, wait, intercede, suffer, and stay with Christ. The potential for missionary service in lockup is 24/7.

Prison is like a cloistered monastery: The jail clothes are our habit. The jail schedule is our horarium.* The guards are our superiors. The inmates are our fellow novices. It is not an easy mission. But we all try our best to make of prison a place to practice faith, hope and charity.

**A horarium is a Latin word for schedule typically used in monasteries.*

How do you keep hope alive?

I keep hope alive in prison by recognizing that everything is a gift from God. Each day, all 24 hours are offered as resistance to the holocaust. With grace, every moment can become an opportunity for prayer and reparation. By grace, everything in me can fight against the spiritual evil of human sacrifice. I can offer my restless sleep in a hot cell block. Humiliating strip searches. Annoyingly loud and foul language. The rude guards' troubling behavior. Nasty indigestion from eating weird prison food. With the Lord's love, every second of every minute of every hour of every day of every week of every month of every year can be used for the God-given mission to convert souls and save the most vulnerable. His goodness and love are the source of my hope. Nothing happens without Almighty God's permission. Everything He sends me can be offered for love. There is hope hidden in every moment. As long as we have strength to fight the good fight of faith, hope lives. Praying the Psalms, reading about the saints, silent contemplation, looking at the blue sky, attending Bible studies with fellow inmates, the Rosary, and most especially going to the Holy Sacrifice of the Mass: All of these are gifts that allow this hope to grow and help me to remember that prison is my monastery and sanctified time is my way to hasten the end to the holocaust. Please pray for us imprisoned rescuers to never lose hope.

How has prison made you more pro-life?

Incarceration has helped me to become more pro-life because here in prison I have met MANY men who have been spiritually and psychologically harmed by the horrors of abortion. Several men have told me about their situations. Some men have wanted to love their baby, but their girlfriend murdered their child. Some guys have seen how the abortion has hurt the women they care about and how it has changed them and their relationships for the worse. Some ex-fathers have shared how they thought killing their baby was the "right thing to do" at the time, but later have regrets. Other guys, who do not regret their abortions, seem very hard-hearted and cold. Nearly all of these various men I have met are dealing with substance abuse issues and mental health problems. I feel very bad for them all. Abortion destroys a tiny person living in the womb. But it also destroys the moms and the dads who participated in this decision to impose death on an innocent baby. In prison,

one sees even more clearly how this holocaust is destroying not just lives, but our society too. Prison also teaches one that life is sacred. It is fragile. It is vulnerable. But it is good.

Thank you so much for your time, Will Goodman, it was a pleasure to interview you!

If you would like to write a letter to Will Goodman, please print a letter and use a pre-stamped white envelope. His address is:

**William Goodman 93822-509
FCI Danbury Federal Correctional Institution
Route 37
Danbury, CT 06811**

The 2013 Live Action video, and the October 2020 rescue inspired by it, surely saved some children from the clutches of Cesare Santangelo. But, tragically, not all. In March 2022, Handy and some colleagues (Will was not among them) made the gruesome discovery of one hundred and fifteen fetal remains in the process of being disposed of by Santangelo's clinic. Five of the children were significantly larger than the others. One child, later named Christopher X, was more than thirty weeks along in his fetal development. Another, later named Harriet, appeared to have been subjected to a partial-birth abortion.

There are photos of these children, these victims of Cesare Santangelo. There is a video of Santangelo describing what he does to them. However, at the trial of the five rescuers who interrupted Santangelo's business nearly three years ago, none of this was allowed to be presented in court. Judge Colleen Kollar-Kotelly ruled that since Santangelo had committed no crimes as far as the Live Action video could demonstrate, "admitting the video would create a 'minitrial' on the [Santangelo] clinic, shifting the jury's focus from Defendants' charged conduct to the conduct of the clinic and doctor eight years prior." Therefore, she also ruled, the photos of children whom Santangelo had maimed and thrown out with the trash could not be shown, either.

In other words, the trial must not be about what really goes on in abortion clinics. The truth, articulated in the video by the abortionist himself, and demonstrated in the images of those he had killed, must be completely denied. The contrast here is most striking. Will Goodman and the others were convicted of violating the FACE Act. The only way this judicial outcome could have been achieved, Judge Kollar-Kotelly seemed to understand, was to prevent the jury (some of whom were admitted Planned Parenthood donors) from seeing the faces of the victims the FACE Act helps condemn to death.

—Jason Morgan, "Justice Is Blinded," humanlifereview.com Sept 6, 2023

We begin (Appendix A) with a short column by Mr. Mike Perry, who echoes Novak's point, specifically in regard to the way "churchmen" now view the situation. "For years," he notes, "mainline Protestant denominations were staunch supporters of legalized abortion." Now, there is widespread "rethinking" going on. The Roman Catholic church was of course an exception, but even within its ranks there is a growing movement toward ever greater opposition to abortion. For instance, Boston's Cardinal Bernard Law (Appendix B) virtually endorses the new (and, some would say, radical) tactics of "Operation Rescue"—not for everybody, maybe, but a noble effort nonetheless. And Cardinal John O'Connor (Appendix C) does pretty much likewise—adding that, even if Dr. Koop can't find evidence of abortion's effects, "I hear more and more from women who have been victimized by abortion."

—J.P. McFadden, *Introduction, Spring 1989 Human Life Review*

“When Will It All End?”

John Cardinal O'Connor

Dear Friends in Christ,

One evening recently, at Saint Agnes Church, in Manhattan, I joined in praying the Rosary with a church-full of people about to engage in Operation Rescue. I was profoundly moved by their prayerfulness and humbled by their extraordinary sacrifices.

Many individuals, of various religious persuasions, have felt compelled in conscience to engage in the non-violent protests called “Operation Rescue” in the immediate vicinity of abortion clinics. This has rapidly become a national phenomenon. Many have been arrested, fined and imprisoned, including priests, religious and laypersons and at least one bishop. In my judgment, some of the imprisonment and fines have been disproportionate to the civil offenses with which participants have been charged. I am sadly reminded of the days when the law was used “violently” against civil rights demonstrators protesting segregation. Despite false charges to the contrary, I have seen no evidence that participants in Operation Rescue have in any way fostered destruction of property or the endangering of human lives. They do what they do to *save* lives. They use a method that has become a commonly accepted form of protest against unjust laws and policies—a form of protest which in recent years the law has responded to only by “pro forma” arrests. Why is the law now being used so drastically? Apparently because the issue

John Cardinal O'Connor (1920-2000) was Archbishop of New York from 1984 until 2000, during which time he would sometimes quote from the *Human Life Review* in his homilies. This letter, distributed in churches in the New York Archdiocese on Sunday, January 22, 1989, was originally reprinted, with the Cardinal's permission, as Appendix C in the Spring 1989 edition of the *Review*.

is abortion. Unborn babies are helpless. Unborn babies couldn't protest what the Supreme Court did in 1973. Unborn babies can't vote against legislators who claim that they are personally opposed to abortion, but that this is a pluralistic society, so they continue to vote funds to support abortions and continue to refuse to work legitimately toward changing or reinterpreting the law through the legislative and judicial process.

When will it all end? When will the wanton destruction of defenseless human life in the womb come to an end? I can not for the life of me understand how a society can rest easy as long as it accepts the death of a child as a constructive and appropriate solution for a woman confronted with an unplanned pregnancy.

Something is wrong, something is very wrong when a civilized society tolerates daily deaths of over 4,000 children in their mothers' wombs. Something is wrong when a civilized society has become so misguided that it tolerates, as the "compassionate" thing to do, the destruction of innocent and defenseless human life. Something is wrong when a civilized society accepts the false logic that says a mother has the right to destroy the sacred life that dwells within her.

Whatever the Surgeon General of the United States has found, I hear more and more from women who have been victimized by abortion. They are coming forth to tell their personal stories of pain and trauma; stories which reveal the psychological and spiritual scars that can be caused by abortion. I hear from women who were misled into thinking that destroying their children was the right thing to do. Now they realize it was wrong, and with that realization can come a lifetime of pain and sorrow.

On this sad anniversary, the 16th anniversary of the Supreme Court's decision, I encourage and applaud and pray for all those who are attempting to right the wrong of abortion. I applaud and pray for all those who are providing help and support for the mothers-to-be who are in need. On this day, I renew my pledge to provide Archdiocesan support and counsel to any pregnant woman, *anywhere*, who needs help. If she is financially unable to meet medical and hospital costs and related expenses, she need only contact us to be taken care of.

I urge all who come in contact with women who have already had an abortion to be compassionate and understanding. If they need help, assure them that the Archdiocese wants to provide such help through Project Rachel. We are not interested in condemning anyone. We are dedicated to reconciliation and to helping people get a fresh start in life.

I return for just a moment to Operation Rescue. It is not for me to advise anyone to participate in or not to participate in this kind of activity. I want

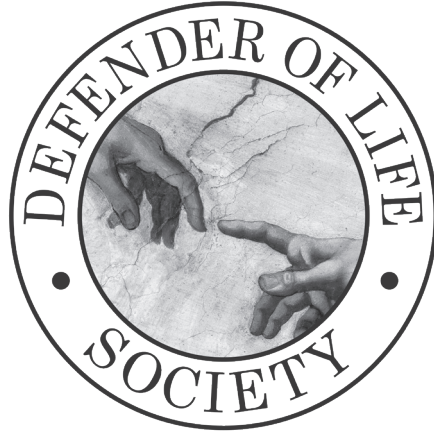
to make clear my admiration and respect for those who sacrifice so much on behalf of the unborn and their mothers, in response to the demands of their own consciences. I am particularly impressed that Operation Rescue has attracted participants of all ages, including many young people. They may well turn the thinking of our country around.

At the same time, I continue to respect and admire every individual who participates in the Pro-Life movement in any way—through quiet prayer, through discouraging others through quiet personal persuasion from having abortions, through joining the Pro-Life march in Washington, or in whatever way seems best suited to their own conscience, way of life, or other responsibilities. There is room for all in the Pro-Life Movement. No one need follow the way of others, nor should any of us criticize the way of others. United we stand; divided, babies die.

Thank God for all of you, wherever you are at this moment in your own conscience. Pray for me, please.



John Cardinal O'Connor with J.P. and Faith McFadden.



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“There has to be a record . . .
No one should be able to say, whatever happens,
that they didn’t know
what’s actually going on here.”

—Human Life Review founder *J.P. McFadden*