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Paul V. Harrington

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Abortion — Part XIV

RT. REV. MSGR. PAUL V. HARRINGTON, P.A., J.C.L.

c) United States of America:

Previously, we have considered, with reference to Japan and the various geographical sections of Europe, reform legislation concerning the moral and social problem of abortion. We have endeavored to set forth the date and type of the reform legislation and to assess its impact particularly on the numbers of legal and illegal abortions, the relationship between the total numbers of abortions to the total numbers of live births, the problem of maternal mortality and we have tried to evaluate the influence of the new legislation and its results on the citizens' attitudes towards the preservation or the taking of innocent, unborn life.

1) Legislative Arena:

We must now turn our attention to the United States of America.

Msgr. Harrington is Vice-Officialis, the Archdiocese of Boston.

The current drive to change existing abortion statutes began in earnest in this country in 1966. In that year, Mississippi adopted a more liberal statute. Legislative change occurred in 1967 in the states of Colorado, North Carolina and California; in 1968 in Georgia and Maryland and in 1969 in Arkansas, Kansas, New Mexico and Delaware.¹

What is interesting and important to note is that, despite a well-coordinated, well-financed, highly motivated and determined campaign by the proponents of more liberal abortion laws, who incidentally had the media of communication — radio, television, newspapers, professional journals, popular magazines etc. at their disposal and on their side — only ten states succeeded in four legislative years in changing their laws.

This fact indicates to this writer that there just is no tremendous groundswell among large numbers of peoples in these United States to liberalize our current conservative statutes. And yet, one of the principal arguments of the proponents is that the present statutes should be changed because so many citizens want change. In public dis-

cussion of the issue, these facts should be stressed because the vote of individual legislators in a state assembly reflects not merely the private, personal attitude of the individual law-maker but also the reflections and interests of the constituents whom he represents.

The proponents of more liberal abortion laws find it very embarrassing indeed to have to face up to the fact that, despite big names, sophisticated public relations tactics and techniques, a well integrated organization, they have been successful in only *ten* states in *four* years.

In the 1969 campaign, there were almost fifty bills presented to the legislatures of twenty-eight states. Liberalized statutes were enacted in only four states and were defeated in twenty-four states. In many of these states, the bills were reported unfavorably out of committee and never came before the entire legislative body for a vote.² Liberal abortion bills were debated and defeated in Florida, Illinois, Maine, New Hampshire, Michigan, Minnesota, Nevada, New York, Utah, Connecticut and Iowa.³ Vermont referred its bill to a committee.⁴ The Health and Welfare Committee of the House of Representatives of Ohio, after conducting hearings on a liberalized bill in March and April of this year, voted on July 31, 1969, to postpone indefinitely any further action on the bill.⁵

One cannot fail to note that legislation to liberalize existing abortion statutes has been soundly and definitively defeated in the larger prestigious states — the very states that the proponents would love to have in their camp.

New York was and is a very important and crucial state. On April 17, 1969, the State Assembly defeated the Blumenthal Bill on a vote of 78 to 69. During the debate, Assemblyman Martin Ginsberg, a 38 year old lawyer who had been crippled by polio at thirteen months of age and now walks with great difficulty with the aid of crutches and leg braces, intervened in the debate and directed his remarks to that section of the bill that would permit abortion when there was danger that the child might be born defective, deformed or abnormal.

He reminded his colleagues in the Assembly that such outstanding people as Toulouse Lautrec, Alex Templeton, Charles Steinmetz, Lord Byron and Helen Keller suffered severe physical handicaps but succeeded in making very important and worthwhile contributions to society.

His remarks are worthy of special note: "What this bill says is that those who are malformed or abnormal have no reason to be part of our society. If we are prepared to say that a life should not come into this world malformed or abnormal, then tomorrow we should be prepared to say that a life already in this world which becomes malformed or abnormal should not be permitted to live."⁶

The ten states, that have liberalized their statutes, have adopted in essence the guidelines set forth in the Model Penal Code which was prepared by the American Law Institute. These guidelines suggest that abortions are to be legal when the continuance of the pregnancy would result in danger to the mental or physical health of the mother; when the pregnancy resulted from rape or incest or when there was

danger that the child might be born defective, handicapped, deformed or abnormal. The statute, in force in California, does not allow an abortion in situations where there is danger that the child might be born defective or handicapped.

The law in Delaware requires that the abortion be performed in licensed hospitals during the first twenty weeks of pregnancy.⁷ In New Mexico, the law, introduced by Senator Sterling Black, the son of United States Supreme Court Justice Hugo Black, was approved by the State Senate by a vote of 21 to 20. This law removes many of the restrictions that are found in the enacted statutes of other states: no residency requirements, no approval by the woman's husband, no approval by a hospital board, no intervention by the district attorney when the pregnancy allegedly resulted from rape, no necessity that the abortion be performed in accredited hospitals.⁸

In Massachusetts, the Joint Committee on Social Welfare, after public hearings, voted 19 to 1 against a proposed liberal statute and reported the bill adversely to the House of Representatives, where the proposal was defeated by voice vote without any debate.

At the public hearing, only one legislator — the proposer of the bill — appeared in support. Two outstanding citizens — Bishop Timothy J. Manning, the Auxiliary Bishop of the Diocese of Worcester, and Edward B. Hanify, a most respected attorney in the community — represented His Eminence, Cardinal Cushing, the nine Bishops of Massachusetts and over three million Catholics in the state and spoke in opposition to the proposed bill.

Those favoring a liberal bill in Massachusetts stated publicly after their defeat that the climate of the Legislature was such that they could not hope for the passage in the foreseeable future of a liberal statute. Thus, they would seek relief through the courts.

An equity action was brought before the Superior Court in which a declaratory judgment was sought to the effect that the present statute is unconstitutional. The petition alleged unconstitutionality on the grounds of vagueness, violation of freedom of speech and invasion of privacy within the understanding of the *Griswold* case as decided by the United States Supreme Court.

On two occasions, the Judge dismissed the petition because the action was improperly brought against the Governor and later the Attorney General of the Commonwealth. The interested parties could have appealed the rejections to the State Supreme Court or amended the petition and presented it a third time before the Superior Court. They took no action — apparently because they were persuaded that there was little hope of a successful outcome. The interlocutory decree of rejection still stands.

But the proponents of liberal abortion did not cease their efforts and activities. An initiative petition was presented to the Attorney General, which, if approved, would place the liberalizing of the present statute before the Legislature and, if approved by the Legislature in two consecutive years (1970 and 1971), the matter would be presented to the populace in referendum form in the state elections of 1972. However, on September 4, 1969, the Attorney General ruled that

the initiative petition was not correctly drawn.

The proponents of liberal abortion are stubborn, adamant and perseveringly tenacious. They are highly motivated and extremely sophisticated in their tactics and techniques. We who respect innocent, helpless, unborn life must have equal or greater drive, profound dedication and deep commitment. Our approach must be equally professional and we must endeavor to use the media of communication with as much skill and appeal as our adversaries.

In another development, a couple in New Jersey, attempting to challenge that state's abortion statute, sued three doctors for malpractice; alleging that they did not inform the wife that she had rubella early in pregnancy. The existing statute would allow the termination of pregnancy for "lawful justification" but no definition of this term is supplied in the present law. On June 2, 1969, the United States Supreme Court refused to consider this case.⁹

For some time, those close to the abortion problem, the literature, the presentation of the case for abortion reform, the tactics and techniques of the liberal proponents, have been convinced that a limited reform — such as provided for by the Model Penal Code — is not the true goal and the complete objective but merely the opening wedge and the "foot-in-the-door" beginning that would culminate in the legalization of abortion on demand; abortion without justifying reason other than the personal and private wishes of the expectant mother; abortion on the advice of the physician without any approval by a hospital board; abortion entirely apart from law and legislation. This was

evident because less than 15 percent of all abortions would be legal under the limited provisions of the Model Penal Code and more than 85 percent of all abortions would remain illegal and outside the law.

This suspicion has recently been verified. In February, 1969, a group of liberal abortion enthusiasts met in Chicago to discuss future strategy in their campaign to win more liberal laws with respect to abortion in a larger number of states. Despite the intervention of the more conservative among these liberals, e.g., Doctor Ian Guttmacher, who indeed looks forward to abortion on demand on request, that the time was not right and the climate was not conducive to push for this objective, a new organization was conceived at this meeting — the National Association for Repeal of Abortion Laws (NARAL). It will be headquartered in New York and will have as its objective the total and complete removal of abortion from legal restrictions and its program will be the financing, integrating, coordinating of a national lobby that will assist local groups in a tremendous public relations campaign to realize abortion on demand in the various states.

Some may be interested in how campaigns for liberal abortion law are financed and who, among our citizens, are the benefactors. A little insight was received during the recent contest in the State of Nevada. Stewart Mott, an heir to the family fortune that was amassed from the promotion and sale of such staples as applesauce and apple juice, was a large contributor; Joe Sunnen, the manufacturer of a contraceptive foam, is said to have invested \$150,000 in the Nevada campaign to liberalize existing abortion statutes, or one-half of the total cost of \$300,000.

An interested observer on the sidelines might be interested in the motivation of these millionaires. Mott, who contributed heavily to the financing of a "massive, state-wide educational program in Nevada" stated: "We'd like to find one state in the United States where abortion is completely legal, governed only by the laws regulating medical practice. If we do develop such laws in one state, it will provide a place for many people to go to obtain abortions; provided, that is, that there is no residence requirement. Nevada's present residency requirement is not at all restrictive. A person can go to Nevada and establish residency very easily. Therefore, we think that Nevada, which we do not wish to call a mecca, will become — if the law is repealed there — a place for problem pregnancies. I think other states will follow suit."

The Reno Evening Gazette of March 3, 1969, sets forth the interest of St. Louis millionaire, Joe Sunnen: "If we break Nevada, every state in the union will follow. Nevada's a small state, a place where you can experiment without spending too much money. I'm not interested personally in Nevada. I'm just starting there. If we don't get it now, we will come back next year and try again."

Where Mott had contributed to an educational program to sell liberal abortion, Sunnen donated to the Nevada Committee for the Rights of Women, of which the present secretary to the State Senate in Nevada, Leola Armstrong, is a former Executive Director. This Committee has been lobbying very actively and extensively for easier abortion. Also, State Senator Helen Kerr of Las Vegas has admitted being the recipient of the benefactions of Joe Sunnen and the Nevada

Committee for the Rights of Women in her election campaign. So, liberal abortion proponents are not merely interested in selling abortion; they also work for the election of people to the state legislature who are sympathetic to their cause and who will vote for more liberal abortion statutes, when such are presented to the legislature.

In the Utah and Nevada campaigns, the proponents found considerable opposition from Mormons since the Mormon Church has gone on record as being opposed to abortion.¹⁰

With reference to the current campaigns to liberalize our state laws, *America* concluded: "As our experience with permissive abortion laws grows, the arguments against sweeping change become stronger and stronger. Merely changing the law has not reduced the number of backstreet operations either here or abroad. Medical facilities, already overburdened with the sick and the dying, find themselves besieged by healthy but unhappy mothers-to-be. Moreover, we are learning considerably more about deleterious side effects of abortion. Like the contraceptive devices it is supposed to back up, abortion produces severe physical and psychological damage in what may be considered a significant percentage of women."¹¹

In summary, the recent campaigns to liberalize abortion laws have much to teach us. We know who our enemy is — those people, well-intentioned and sincerely motivated, who, by seeking for easy abortion are more interested in the destruction of innocent, helpless, defenseless unborn life than in the positive program of solving the problems that might prompt distressed mothers-to-be to seek abortion. We

may not be able to match the funds and monies of the opposition but we must not forget that we have on our side large numbers of peoples of all faiths and no faith who would never favor the destruction of innocent life by abortion if we could only find the opportunity of presenting to them for their consideration and reflection our calmly-reasoned, logical and very valid position of opposition to easy abortion.

Since we are the defenders of life, we should be able to arouse even more motivation, more patient and persevering endurance than our opponents. We must launch massive educational programs on the parish, district and diocesan levels which will bring our message of concern for unborn life to the attention of all persons of good will. It is essential and necessary that we have our own public relations endeavors that will at least match in professional skill the tremendous efforts of our adversaries.

2) Results of Liberal Laws:

Since it is only three calendar years since Mississippi enacted its liberal statute and since only ten states have changed their abortion laws and since four of these were accomplished in the present legislative year so that statistics could not possibly be available, it is clear that we cannot expect very much information on the numbers of abortions — legal and illegal — that have been performed under the new statutes. However, some preliminary statistics are available for Colorado, California and Maryland.

a) Colorado:

The liberal statute was signed into law by Governor John A. Love on April 25, 1967. It is patterned on the Model Penal Code and requires that the pregnancy be terminated in an accredited hospital; that an hospital board of three doctors unanimously agree before the abortion can be approved; that the written consent of the husband be obtained if the woman is married; that a psychiatrist intervene, if there is question of mental health problems or psychiatric indications, and that he confirm in writing that "continued pregnancy would mean a danger of serious permanent impairment of the mental health of the mother"; that a parent or guardian must consent to the abortion if the girl is under 16 years of age; that the District Attorney must be notified if there is an allegation of rape; the notification must be accomplished within four months of the alleged attack and the District Attorney must be satisfied that reasonable evidence exists to indicate that the girl was raped before he can approve the petition for abortion.

There were 51 known abortions in Colorado in the year prior to the enactment of the liberal statute.¹² The figures for the first nine months under the new law indicated that there were 224 abortions performed in 21 hospitals, 95 percent of them in Denver, two-thirds were done for psychiatric reasons and 79 of the women came from out of state. Of the total number of abortions approved in the first eleven months, 109 abortions were performed in Denver General Hospital where the average previously was only one. Of the terminations of pregnancy at the Denver General Hospital, more than two-thirds in-

involved single young women and more than half of them were "unemancipated teenagers."¹³

The Colorado Public Health Department stated that, from April, 1967 to April 1968, 262 legal abortions were reported to it. Of this number, 142 were performed for psychiatric indications; 2 because of the risk of suicide; 28 because of rape; 14 because of the danger of a deformed child by reason of the mother suffering from rubella and the remaining 76 because of medical risk or were listed simply as "therapeutic abortions — no other statement." Of the total 262 abortions, 156 were performed on women 24 years of age or younger.¹⁴

The Colorado Public Health Department considered only the cases that were officially reported to it. Doctor William Droegemueller, assistant professor of the department of obstetrics and gynecology of the University of Colorado Medical Center and his colleagues, Doctor E. Stewart Taylor and Doctor Vera E. Droese, report that, in fact, 407 abortions were performed in the state during the first year of the new law. Of this total, 291 abortions were performed for psychiatric reasons, 47 for fetal indications, 46 because of rape and 23 for reasons concerned with the physical health of the mother.

According to this survey, 32 percent of the terminations of pregnancy were accomplished on out-of-state residents; 23 of the state's 52 accredited hospitals chose not to perform abortions "because of religious beliefs or because of the special nature of the hospital"; only 138 of the women were married and the remainder were single, divorced or widowed; the majority were pregnant for the first time. As to the ages of the women, 12.7 percent

were under 16 years of age; 33.2 percent were between 16 and 21 years of age; 38.6 percent were between the ages of 22 and 35 and 15.5 percent were over 35 years of age.

This study did consider complications. The principal problem was hemorrhage and 8 percent of the patients required one or more transfusions. Five women suffered perforations. There were instances of infection but these were of short duration and responded to treatment with antibiotics. The authors stated that it was too early to determine whether sterility or delayed reactive depression will be "significant" factors in the future.

As to psychiatric indications for abortions, the authors declared: "There is a great deal of variation in the interpretation of psychiatric indications. Some hospitals have taken the position that therapeutic abortion will be performed only in those patients in whom psychiatric illness predated the conception. Other hospitals have been willing to accept the psychological stress imposed by an untimely pregnancy and, after due consultation and recommendation by a psychiatric consultant, have performed therapeutic abortions when a psychiatric disease is a reactive depression to the pregnancy itself."¹⁵

At the Fourth International Symposium sponsored by the National Commission on Human Life, Reproduction and Rhythm in Chicago, Illinois, in April, 1969, John Archibold, a Colorado attorney, reported that the official statistics released by the Department of Public Health of his state and covering the first two years of operation under the new law indicated that 690 abortions were performed but he himself relates

that the true figures are probably much higher. This would be in line with a comparison of the official number of 262 abortions for the first year and the survey report by Droegemueller, Taylor and Drose that 407 legal abortions were in fact performed during the first year.

In any event, of this total number of 690 legal abortions officially reported by the Department of Public Health, 388 were performed for psychiatric reasons, 75 because of rape, 31 for rubella, 65 for medical indications and 131 abortions were listed without any reason.

Archibold also reported that seven amendments were introduced in the House and Senate of Colorado in 1969 in order to make some necessary and important changes in the 1967 statute: a residency of 6 months will be required; the unanimous vote of the three doctors for the approval of an abortion is not to include the doctor who will perform the abortion; a conscience clause is to be added so that no person will be required to participate in or advise an abortion and no disciplinary or discriminatory action can be taken against an individual who refuses to perform an abortion; more accurate reporting to the Department of Public Health will be required; before an abortion can be approved or performed because of rape, the report must be made to the proper officer within five days of the assault, thus forcing the girl to file the complaint before she knows whether or not she is pregnant; injunctive proceedings to prevent an abortion until there is a court hearing and a presentation of the factual situation if this is desired by an interested party or a guardian; to eliminate all grounds for abortion except when there is danger

of death to the prospective mother because of medical complications, when there is imminent probability and not merely a potential danger of suicide and finally when the pregnancy resulted from rape and the assault was reported to legal authorities within five days.

The filing of these amendments in Colorado recalls similar efforts which have been made recently in England and Japan. Norman St. John — Stevas presented an amendment to the House of Commons that would insure that, of the two doctors who can certify an abortion under the present law, one would have to be a consultant gynecologist holding office in the National Health Service and the pregnancy would have to be terminated under his supervision and, if gynecologists are not available, a doctor of equivalent status should be consulted.

This amendment was rejected by the House of Commons by a vote of 210 to 199. St. John — Stevas was immensely encouraged by this vote because when the present liberal law was debated and passed only 29 members voted against the bill. He said that the large numbers of votes which favored his amendment "show that the anxiety in the country over the working of the act is now being reflected in the House."¹⁶

In Japan, where there are about one million registered abortions each year and a possible total of 2,000,000 or 3,000,000 abortions, there is a movement to repeal the present very liberal statute. A petition, bearing 336,225 signatures, and seeking a repeal of the existing law, was presented to the Japanese Diet by Doctor Taiei Miura, professor emeritus of psychiatry at Keio University, in the name of the

Movement to Destroy the Eugenic Protection Law. A non-Catholic group in Hiroshima collected 25,162 signatures.

Doctor Miura states that easy abortion in Japan has contributed to a weakening of morality and to juvenile delinquency. He indicated that the large number of abortions has created a serious labor shortage and has produced a grave population imbalance with an increasing number of aged people being supported by a dwindling number of younger people. The petition relates: "For the love of our land, for its national destiny, we ask that this law be amended in order to halt us from the march of tragic ruin on which we are now moving."¹⁷

b) California;

The liberal law on abortion became effective in California on November 8, 1969. This statute contains the usual provisions of the Model Penal Code with the exception of the one allowing a termination of pregnancy when there is danger of the fetus being born defective, handicapped or abnormal. Under terms of resolutions to implement the therapeutic Abortion Act, the California State Department of Public Health has been requested to gather and collate information on abortions from the 455 state accredited hospitals and to submit an annual summary report to the Legislature.

The first summary report covered the very brief period of November 8, 1967 to December 31, 1967 and relates that information, although requested from all 455 accredited hospitals, was received from only 257 and this information may not be representative of the situation in the non-reporting hospitals but it comprises

the available statistics for the first seven weeks of the operation of the new law. Of the 257 reporting hospitals, 187 declared that no applications for abortion were received.

In this very brief period, there were 325 applications for abortion but the reader must remember that these applications came from only 70 hospitals. This certainly seems to be a large number. Of the 325 applications, 265 abortions or 81.5 percent were requested for psychiatric indications; 21 or 6.5 percent were sought because the physical health of the mother was seriously impaired; 32 or 9.8 percent were requested because the pregnancy allegedly resulted from rape and 7 or 2.2 percent because of alleged incest.

Of the original 325 applications, 282 were approved before December 31, 1967 and, of this total, 254 were actually performed before the last day of the year. Of the remaining 28 cases, 19 pregnancies were scheduled to be terminated after January 1, 1968, and in 9 cases, the abortion was actually cancelled either because the patient changed her mind or because of medical complications.

Of the 254 abortions that were performed prior to December 31, 1967, 214 or 84.3 percent were done for psychiatric reasons; 15 or 5.9 percent were for medical complications in the pregnancy; 18 or 7 percent for rape and 7 or 2.8 percent because of alleged incest.

Of the 254 women who submitted to abortions in this seven week period, 140 had never been married; 115 had had at least one previous pregnancy and 53 had had three or more previous pregnancies.

Assuming that the experience of therapeutic or legal abortion in California prior to the change in the law in 1967 was in accordance with the national average of two per 1,000 live births, this state would have had about 700 legal abortions a year. In less than two months after the enactment of the liberal statute and, with only 257 out of 455 accredited hospitals reporting and with only 70 hospitals reporting petitions, 325 applications for abortion were received and, of these, 282 were approved and 273 were actually performed or were scheduled to be performed. On the basis of the number of applications and approvals from 70 hospitals during November and December, 1967, California would have approximately 1,700 legal abortions a year whereas there were 700 legal abortions per year before the law was liberalized. A recent estimate, however, indicated that in 1968, California would tally about 2,500 legal abortions.

During the last two months of 1967, 39 petitions for abortion were filed with the District Attorney because the pregnancy resulted from rape or incest. In 15 of these cases, there was an approval of the abortion because probable cause existed that a rape or an incestuous relationship had occurred; in 17 cases, the district attorneys did not respond within five days after being notified by the hospital committee; in 2 cases, the decisions of the district attorneys were still pending when the report was being prepared. Three cases proceeded to the superior court and in all three instances, the court made finding that there was probable cause that the pregnancy resulted from rape and approved the abortion.

At the Fourth International Symposium on Life, Rhythm and Abort-

ion, Ben Fox, a California lawyer gave statistics of the operation of the law in his state for the period extending from November, 1967 to September, 1968. There were 4,291 petitions for abortion and 88 percent were sought for psychiatric reasons. Of this total number, 3,775 applications were approved.

It is interesting to note how geography has influenced the abortion picture in California. The legislators from the San Francisco Bay area were strongly in favor of liberalizing the statute and the incidence of abortion was 31.1 abortions per 1,000 live births. On the other hand, the lawmakers from the Los Angeles area presented strong opposition to the change in the law and the incidence was 5 abortions per 1,000 live births.

Keith Monroe concludes that the liberal law in California has not succeeded in solving the problem of illegal abortions and during the first year of operation under the new statute the number of illegal abortions remained constant. There is an estimate that there are still about 100,000 illegal abortions a year in California. In Monroe's article, one advocate for liberal abortion statutes is quoted as saying: "Our Therapeutic Abortion Act is virtually worthless."

The pro-abortion drive is still continuing in California and further liberalization is being sought by test cases before the courts and by a drive to repeal all abortion statutes in the state. The Abortion Initiative Movement was formed in California to put an initiative measure on the 1970

ballot in order to have the abortion laws completely repealed.¹⁸

c) Maryland:

A liberalized law went into effect on July 1, 1968 in Maryland. Statistics for the first six months were released in May, 1969 by the Maryland Medical - Surgical Faculty, the largest medical organization in the state. These figures indicate that 743 legal abortions were performed under the new statute. Of these, 16 were approved because the continuancy of the pregnancy was considered to endanger the physical health of the prospective mother and 569 or 76.6 percent of the total number of abortions were performed for psychiatric reasons. Only 45 requests for abortions were refused by Maryland hospitals during these six months. The rate of abortions to live births was reported as 20 abortions per 1,000 live births.

There has been mention that Maryland could become the "abortion mill" or the "abortion mecca" of the eastern part of the United States. Three major hospitals in Baltimore - Sinai, Johns Hopkins and the Greater Baltimore Medical Center - have announced that they will not perform abortions on non-resident women. Doctor Allan C. Barnes, Chairman of Obstetrics and Gynecology at Johns Hopkins states "we've been absolutely swamped." Doctor Everett Diggs of the Greater Baltimore Medical Center expressed the fear that the great demand for abortions "could turn us into an abortion mill."

The above-mentioned report states that 153 or about 20 percent of all the abortions were performed on women who came from out-of-state.

According to a physician from Johns Hopkins, most of the therapeutic abortions were performed on private patients at a cost of \$450 up to \$600 each.

The fact that a large percentage of the total number of abortions were requested by and performed on non-resident women and the fact that most of the patients were private patients who paid high fees, it is clear that the poor did not benefit very much from the liberalizing of the law. Yet, one of the strong arguments by the proponents for liberalization of abortion laws is that, under existing laws, only the rich can afford abortions. The conclusion is presented that there should be a drastic change in the present laws so that abortion will also be available to the poor.

Alan B. Spector, a Baltimore legislator, and author of the liberalized statute stated: "The main objective of the bill was to make abortions as available to the poor as they have been to the rich. The law is not reaching the element it was intended for."

OBSERVATIONS:

1) Since such a large percentage of abortions are performed for psychiatric reasons, it might be well to ponder and reflect on a recent editorial in the *New England Journal of Medicine*: "Psychiatric evaluation, as so cruelly exposed at the recent Sirhan trial, deals with more immeasurable matters, is less standardized and is still flexible to the point of instability. Is it hence not predictable that the overwhelming number of women desiring abortion for essentially social reasons, and those that would help them, will seek to base their attempt on psychiatric grounds? 'Humanitarian reasons

may masquerade under psychiatric labels' writes Sloane."

This editorial continues: "A potent theoretical argument of those who favor more liberal abortion laws is the contention that such laws will increase the number of safe legal procedures at the expense of risky illegal manipulations. In Sweden, most discouragingly, this apparently has not proved to be the case. Except for slight improvement in 1962 - 1965, the large proportion of criminally induced abortions has changed little since 1950. In California, the *New York Times* estimates the annual number of illegal abortions still approximates 100,000. In England, no one even ventures to guess to what extent, if any, illegal abortions have become less frequent."

This editorial concludes: "As the advantages of more liberal abortion laws are argued, and as philosophers debate at what metaphysical point of time life begins after an aggressive motile cell has nudged the wall of one that is passive, perhaps more might be gained by a concerted moral and social effort to revitalize - at least for the young unmarried - the concept of chastity. Like many of mankind's abstract ideals, it really is a most utilitarian practice."

2) With reference to the revision or amending of the present liberal abortion law in Colorado, John E. Archibold, a non-Catholic lawyer of Denver, a very articulate opponent of the liberalization of existing statutes and a member of the Colorado Joint Council on Medical and Social Legislation wrote: "The present Colorado abortion law is in need of immediate revision to safeguard and protect the rights of the innocent unborn, to provide protection to all medical

personnel and hospitals which object to abortions for any reason not merely religious or moral ones; to thoroughly restudy the so-called rape ground for abortion and its administration, and to put a sensible time limit on the time within which abortions may be performed such as 16 weeks in all cases."²¹

In a presentation before a National Conference on Abortion which was held in Chicago, Illinois, in August, 1968, John Archibold stated: "Abortion is too drastic a remedy for the policy of helping the mother psychiatrically." . . . "We have a child abuse statute in Colorado but no legislation protecting the unborn. . . . "The unborn in Colorado are denied both substantive and procedural due process despite the fact that the unborn have legally protective interests." . . . Due process would involve such procedural rights as retaining "a lawyer to protect one's interests and being tried by impartial jurors."²²

3) The findings and conclusion of a Legislative Study Committee on Abortion, which was established by the Indiana Legislative Council in November, 1967, should be seriously studied and evaluated. The study showed that the extent of the abortion problem in the state was "much less than has been previously stated by proponents of liberalizing abortion laws." There was found to be no more than 1,650 illegal abortions per year in Indiana as contrasted to the 30,000 alleged by some proponents.

From 1960 through 1967, there were a total of 23 maternal deaths in the entire state resulting from all types of abortion - spontaneous, legal and illegal - as compared with the 125 to

250 maternal deaths claimed by those moving for a more liberal law.

The Study Committee, investigating the problem of fetal anomalies resulting from German Measles, determined that, in the epidemic year of 1964, there were about ten times as many cases of Rubella as in an ordinary year and yet only 43 anomalies were found among 280 babies whose mothers suffered from the disease. The Committee concluded: "From this, we assumed that only four anomalies from German measles occur in a normal year and that permission for the destruction of the 280 fetuses to find the 43 was too many to consider."

With reference to mental health, the Committee found: "There was no testimony or data submitted that would indicate that pregnancies are a significant mental health problem in Indiana. Rather, the manner and environment in which some become pregnant can cause a mental problem. There also appears to be equal probability that mental problems could be caused from abortion as from pregnancy."

Considering the question of illegal abortions, the Study Committee declared: "There is no indication that liberalizing the existing law will decrease the number of illegal abortions in this state."

In view of all the data obtained during the investigation, the Committee filed a final conclusion: "There is insufficient data to indicate whether the State of Indiana should liberalize its statutes concerning abortion . . . The existing statutes concerning abortion should not be changed at this time."²³

CONCLUSIONS:

Detailed study and analysis of existing information on the operation of liberal abortion laws in Japan, various sections of Europe and the United States would prompt one to conclude:

1) Liberal laws increase the numbers of legal abortions and the extent of the increase will be in proportion to the liberality of the law;

2) Liberal laws will definitely not extinguish illegal abortions; in some instances, there may be a decrease but not a significant one; in most instances, the numbers of illegal abortions remain constant; there is even evidence of an appreciable increase in illegal abortions despite a very liberal law;

3) Liberal laws will bring about a tremendous increase in the total numbers of all abortions - legal and illegal;

4) Liberal abortion laws will not make abortion any more available to the poor because there is a high incidence of abortions being performed on non-residents who are willing to pay a high fee; the doctors who are interested in doing abortions as a specialty are attracted to the private patients, as opposed to the clinic patient, and are definitely interested in the stipend;

5) The greater number of abortions are being performed for psychiatric reasons which, in most instances, is only a cover-up or a mask for a personal unwillingness to bear another child at this time, for whatever individual or social reason;

6) The petitions for interruption of pregnancy because of rape, medical

complications to pregnancy and eugenic indications are very few indeed and to liberalize an existing law to allow a legal abortion for these reasons would serve no useful purpose;

7) Liberal laws, allowing abortions under the best antiseptic hospital conditions, in accordance with the most professionally accepted techniques and by the most competent surgeons, will not appreciably, if at all, lower the maternal mortality rate, arising from abortion;

8) Even when legal abortions are performed under the best possible medical and surgical conditions, as required by liberal laws, there is a very high incidence of trauma: serious hemorrhaging, uterine perforations, cervical incompetency, sterility, prematurity in future pregnancies with the added danger of mental defect, infections etc.;

9) Limited, restricted and selective liberalization of existing abortion laws is not what is desired. The ultimate goal and objective of all liberalization is the complete repeal of all statutes and laws concerning abortion and the granting to any woman, as a personal right, the opportunity to have an abortion on request or on demand when she would prefer not to be pregnant or when contraceptive techniques have failed;

10) Liberal laws have demonstrated that a large segment of the applicants have never been married or divorced or widowed;

11) The liberalizing of abortion laws has increased very markedly the number of petitions for abortions from young, unmarried girls under the age of 16 years.

FOOTNOTES

1. *America*, May 3, 1969; Russell Shaw, 1969 *Pro-Abortion Bills Had Low Batting Average*, The Catholic News, New York, July 17, 1969
2. Shaw, *ibidem*; *Newsletter*, National Right to Life Committee, Alexandria, Virginia, number 9 July/August, 1969.
3. Shaw, *ibidem*; N C News Report, *Boston Pilot*, March 1, 1969, June 7, 1969, June 21, 1969.
4. *America*, May 3, 1969.
5. N C News Report, *Boston Pilot*, August 16, 1969.
6. *Newsletter*, number 7, May, 1969.
7. N C News Report, *Boston Pilot*, June 21, 28, 1969.
8. *Boston Sunday Globe*, February 23, 1969.
9. *Newsletter*, number 9, July/August, 1969; Shaw, *ibidem*.

10. *Newsletter*, number 7, May, 1969; Shaw, *ibidem*.
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12. *U. S. Medicine*, Vol. 5, No. 3, February 1, 1969
13. Jean Dietz, *Realistic Laws Called Crucial to Illegal Abortions*, *Boston Globe*, May 15, 1968.
14. *Newsletter*, number 1, October, 1968.
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17. *Newsletter*, number 9, July/August, 1969; N C News Report, *Boston Pilot*, July 12, 1969.
18. *First Annual Report on the Implementation of the Therapeutic Abortion Act*, Department of Public Health of Cal-

ifornia, January 30, 1968; *Newsletter*, no. 1, October, 1968 and no. 4, January 1969; Keith Monroe, *How California's Abortion Law Isn't Working*, *Time Magazine*, December 29, 1968; N C News Report, *The National Catholic Reporter*, February 21, 1968; *The New England Journal of Medicine*, Vol. 280, no. 22, May 29, 1969.

Newsletter, no. 4, February, 1969, and no. 9, July/August, 1969.

19. *The New York Times*, March 2, 1969; *Newsletter*, no. 4, February, 1969

20. *The New England Journal of Medicine*, Vol. 280, No. 22, May 29, 1969

21. *The Denver Post*, July 7, 1968

22. N C News Report, *Boston Pilot*, September 14, 1968.

23. *Newsletter*, no. 1, October, 1968

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