

# Justifying Infanticide

*excerpts from court testimony on partial-birth abortion*

*(Catalyst 7/2004)*

*After President Bush signed a law banning partial-birth abortion last year, Planned Parenthood and the rest of the abortion industry sued to have the law overturned. This past spring, several doctors who have performed such abortions testified before judges in various parts of the nation. The following is an excerpt of their remarks.*

## **The Procedure**

*April 5, 2004: Excerpts from cross-examination of Dr. Carolyn Westhoff:*

**Q.** And at that point the fetus' body is below the cervix and the neck is in the cervix with the head still in the uterus, right?

**A.** Yes.

**Q.** And it's at that point that you take a scissors and insert it into the woman and place an incision in the base of the fetus' skull, right?

**A.** Yes.

**Q.** Now the contents of the fetus' skull, just like the contents of my skull and your skull is liquid, right?

**A.** That's right.

**Q.** And sometimes after you've made the incision the fetus' brain will drain out on its own, right?

**A.** That's right.

**Q.** Other times you must insert a suction tube to drain the skull, right?

**A.** That's right.

**Q.** And then the skull will collapse immediately after its liquid contents have been removed and the head will pass

easily through the dilated cervix, right?

A. That's right.

*April 2, 2004: Testimony of Dr. Carolyn Westhoff:*

Q. Do you tell her [the mother] that you are going to then, ultimately, suck the brain out of the skull?

A. In all of our D&E's the head is collapsed or crushed and the brains are definitely out of the skull but those are—

Q. Do you tell them that?

A. Those are details that would be distressing to my patients and would not—information about that is not directly relevant to their safety.

*April 1, 2004: Judge Richard C. Casey and Dr. Timothy Johnson, plaintiff:*

Casey asked Johnson if doctors tell a woman that an abortion procedure they might use includes “sucking the brain out of the skull.”

“I don't think we would use those terms,” Johnson said. “I think we would probably use a term like ‘decompression of the skull’ or ‘reducing the contents of the skull.’”

The judge responded, “Make it nice and palatable so that they wouldn't understand what it's all about?”

“We try to do it in a way that's not offensive or gruesome or overly graphic for patients,” Johnson said.

## **The Goal**

*April 6, 2004: Excerpts from Government's cross-examination of Dr. Mitchell Creinin:*

Q. If the fetus were close to 24 weeks, and you were performing a transvaginal surgical abortion, you would be concerned about delivering the fetus entirely intact because that might result in a live baby that may survive, correct?

**A.** You said I was performing an abortion, so since the objective of an abortion is to not have a live fetus, then that would be correct.

**Q.** In your opinion, if you were performing a surgical abortion at 23 or 24 weeks and the cervix was so dilated that the head could pass through without compression, you would do whatever you needed to do in order to make sure that the live baby was not delivered, wouldn't you?

**A.** Whatever I needed, meaning whatever surgical procedure I needed to do as part of the procedure? Yes. Then, the answer would be: Yes.

**Q.** And one step you would take to avoid delivery of a live baby would be to deliver or hold the fetus' head on the internal side of the cervical os in order to collapse the skull; is that right?

**A.** Yes, because the objective of my procedure is to perform an abortion.

**Q.** And that would ensure you did not deliver a live baby?

**A.** Correct.

### **How the Baby Reacts**

*April 5, 2004: Excerpts from direct examination of Dr. Marilyn Fredriksen:*

**The Court:** Do you tell [the woman] whether or not it will hurt the fetus?

**Fredriksen:** The intent of an [abortion is] that the fetus will die during the process of uterine evacuation.

**The Court:** Ma'am, I didn't ask you that. Very simply I asked you whether or not do you tell the mother that one of the ways she may do this is that you will deliver the baby partially and then insert a pair of scissors in the base of the fetus' skull?

**Fredriksen:** I have not done that.

**The Court:** Do you ever tell them that after that is done you are going to suction or suck the brain out of the skull?

**Fredriksen:** I don't use suction.

**The Court:** Then how do you remove the brain from the skull?

**Fredriksen:** I use my finger to disrupt the central nervous system, thereby the skull collapses and I can easily deliver the remainder of the fetus through the cervix.

**The Court:** Do you tell them that you are going to collapse a skull?

**Fredriksen:** No.

**The Court:** The mother?

**Fredriksen:** No.

**The Court:** Do you tell them whether or not that hurts the fetus?

**Fredriksen:** I have never talked to a fetus about whether or not they experience pain.

*April 1, 2004: Judge Richard C. Casey, Dr. Timothy Johnson, plaintiff:*

“Does the fetus feel pain?” Judge Richard C. Casey asked Johnson, saying he had been told that studies of a type of abortion usually performed in the second trimester had concluded they do.

Johnson said he did not know, adding he knew of no scientific research on the subject.

The judge then pressed Johnson on whether he ever thought about fetal pain while he performs the abortion procedure that involves dismemberment. Another doctor a day earlier had testified that a fetus sometimes does not immediately die after limbs are pulled off.

“I guess whenever I...” Johnson began before the judge interrupted.

“Simple question, doctor. Does it cross your mind?” Casey pressed.

Johnson said that it did not.

“Never crossed your mind?” the judge asked again.

“No,” Johnson answered.

## **Proof that the Baby is Alive**

*March 29, 2004: Testimony of Dr. Maureen Paul:*

**Q.** And when you begin the evacuation, is the fetus ever alive?

**A.** Yes.

**Q.** How do you know that?

**A.** Because I do many of my procedures especially at 16 weeks under an ultrasound guidance, so I will see a heartbeat.

**Q.** Do you pay attention to that while you are doing the abortion?

**A.** Not particularly. I just notice sometimes.

*April 2, 2004: Testimony of Dr. Cassing Hammond:*

**Q.** And you have observed signs of life in the fetus, didn't you?

**A.** That is correct.

**Q.** You have seen spontaneous respiratory activity, right?

**A.** Yes.

**Q.** Heartbeat?

**A.** Yes

**Q.** Spontaneous movements?

**A.** Yes.

## **The Burial**

*March 31, 2004: Dr. Amos Grunebaum:*

Grunebaum said doctors used to hide the fetus from women after an abortion before studies in the late 1970s and early 1980s showed that women grieved less after a failed pregnancy if they get to see the fetus.

"It is the same as any baby dying. People want to hold the fetus," he said, adding that he goes so far as to put a cap on the head of the fetus just as he would for a newborn.

*April 5, 2004: Excerpts from cross-examination of Dr. Fredrik Broekhuizen:*

Q. Doctor, you testified earlier that sometimes parents want an intact fetus for blessing or burial. Have you ever had the parent express that desire where you had compressed the head of the fetus to complete the delivery?

A. Yes.

Q. Was anything done in those instances, doctor, to improve the appearance of the fetus' head after decompression?

A. Yes.

Q. What was done?

A. The fetus was—just like a newborn—it was dressed and kind of had a little hat placed on it so only the face was visible.

Q. You have seen the fetus' leg move before crushing the head, haven't you?

A. I have seen that before compressing/decompressing the head.

*April 2, 2004: Testimony of Dr. Carolyn Westhoff:*

A. Because it is the back of the skull that collapsed, since this is not disfiguring, and the face, for instance, is intact. Several of my patients have wished to hold the fetus after the procedure and have expressed gratitude that they were able to do so... We have arrangements to permit burial of the fetus if the patients want... Because the hospital also has small coffins present, both for stillbirths or for fetuses after a termination, and in the case of our D&E patients we actually have little hats available so we could in fact cover the back of the head where the incision had been made.

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## **NARAL, Anti-Catholicism & the Roots of the Pro-Abortion**

# Campaign

*By Robert P. Lockwood*

*(6/2001)*

The public debate over abortion was critical in a resurgent anti-Catholicism in the mid-1960s. With the cooperation of media, abortion became an ongoing battle waged in a war of words based on anti-Catholicism. The issue was quickly defined as Catholicism and its role in public life, rather than abortion itself. Pro-life representatives who happened to be Catholic would be grilled on their religious faith, rather than on their position on abortion. When the Catholic Church hierarchy took a strong stand on abortion, it found itself the target, rather than the position espoused. Quickly, the public issue of whether or not abortion should be fully legal in the United States descended into a cauldron of unrelated issues of separation of Church and State, the Catholic Church's tax exempt status, the religious affiliation of abortion opponents, alleged "Catholic power," and the imposition of sectarian belief on American law. As one New York state legislator would thunder in the midst of abortion debate, "you have no right to come to the floor of this body and ask us to enact into law church doctrine."

Why did Catholicism become the issue in the abortion debate? It was through a planned effort by the National Abortion and Reproductive Rights Action League. Called by the acronym NARAL, the organization began as a collective of pro-abortion groups, nascent feminist organizations, illegal abortion referral services, and various Zero Population Growth zealots in the late 1960s. Its fundamental goal was to legalize abortion and to repeal any restrictions on the practice that were in place in every state at the time. Far more than Planned Parenthood in the 1960s, whose initial forays into the abortion issue were tepid at best (and whose founder, Margaret

Sanger, was generally anti-abortion), NARAL was at the cutting edge of the abortion debate and would play a strong role in its legalization.

One of the primary motivations in NARAL's abortion campaign was the anti-Catholicism of its founder and first executive director, Lawrence J. Lader. Lader would effectively harness and use anti-Catholicism as a fundamental aspect of NARAL in abortion politics, legislating, public debate and media coverage. Under the influence of Lader and NARAL, Catholicism would become the issue, as much as abortion itself. According to Dr. Bernard Nathanson, one of NARAL's original members and a close confidant of Lader, this anti-Catholicism "was probably the most effective strategy we had."<sup>1</sup>

In his book "Aborting America,"<sup>2</sup> Dr. Bernard Nathanson described an early conversation he had with Lader. Nathanson, who was still conducting "therapeutic abortions" when he wrote "Aborting America" with Richard N. Ostling in 1979, had operated the largest abortion clinic in the world. But by 1974, he had begun to seriously reconsider his support for legalized abortion. He would later become a leading figure in the pro-life movement.

According to Nathanson, he and Lader were discussing the overall strategy for legalizing abortion in the United States in October, 1967, six years before the Supreme Court would knock down all state laws that criminalized abortion in its *Roe v. Wade* and *Doe v. Bolton* decisions and two years before the formation of NARAL. After Lader described the need to activate feminist leadership to see abortion as not one of many issues but a foundational part of the feminist crusade, Lader – as recalled by Nathanson – "brought out his favorite whipping boy":

"...(A)nd the other thing we've got to do is bring the Catholic hierarchy out where we can fight them. That's the *real* enemy.



The biggest single obstacle to peace and decency throughout all of history.'

"He held forth on that theme through most of the drive home. It was a comprehensive and chilling indictment of the poisonous influence of Catholicism in secular affairs from its inception until the day before yesterday. I was far from an admirer of the church's role in the world chronicle, but his insistent, uncompromising recitation brought to mind the Protocols of the Elders of Zion. It passed through my mind that if one had substituted 'Jewish' for 'Catholic,' it would have been the most vicious anti-Semitic tirade imaginable.'"<sup>3</sup> As Lader would amplify in a later conversation, "every revolution has to have a villain...There's always been one group of people in this country associated with reactionary politics, behind-the-scenes manipulation, socially backward ideas...(I)t's got to be the Catholic *hierarchy*. That's a small enough group to come down on, and anonymous enough so that no names ever have to be mentioned, but everybody will have a fairly good idea whom we are talking about."<sup>4</sup>

Nathanson, who would officially be with NARAL from its inception in 1969 until 1975, explained that the goal was to focus on "the Catholic hierarchy, not the Catholic Church. The Catholic Church was the ordinary man on the street Catholic...we didn't want to antagonize the man on the street Catholic. So we focused on the hierarchy – the bishops, the priests, the cardinals, the pope. That was a clear shot and not many people were going to object to it." Nathanson said that he and Lader were convinced that this "average Catholic" could be separated from the hierarchy on the issue.<sup>5</sup> When this initial strategy was planned, it was just before the negative public response to Pope Paul VI's encyclical "Humanae Vitae" condemning artificial contraception<sup>6</sup> that enveloped the media. Catholic "dissent" was highlighted in newspapers around the country. The media reaction to that encyclical seemed prophetic by Lader and Nathanson. It was natural to believe

that average Catholics would be just as selective over the issue of abortion when it came to a head. Nathanson stated that making the target the hierarchy "was a piece of enormous political foresight." It was based on the perception that "the man on the street Catholic or the women on the street Catholic were selective Catholics." They "didn't want to antagonize them...We left them alone because they would eventually come around to the NARAL point of view. One organization formed during those years was Catholics for a Free Choice, under Frances Kissling."<sup>7</sup>

Lawrence Lader had come to the abortion issue through his involvement with various leftist causes in New York politics after World War II through the American Labor Party. According to Nathanson, "(Lader) had a long history of being ultra-radical and anti-Catholic. He was for a time a political aide to Vito Marcantonio, who was the only card-carrying Communist ever elected to Congress."<sup>8</sup> Vito Marcantonio (1902-1954) was considered the most radical congressman to ever serve consecutive terms and was charged with being a Communist. Representing New York's East Harlem from 1935-1937, 1939-1950, he espoused various radical causes (he was opposed to the Marshall Plan and cast the lone vote against the Korean War) and claimed to be the unofficial congressional representative of Puerto Rico. He defended America's Communist Party, and ran for office when abandoned by Republicans and Democrats under the American Labor Party, which was considered a Communist front group.<sup>9</sup> Through this early involvement with Marcantonio and extreme leftist circles, Lader was, according to Nathanson, "inoculated with the anti-Catholicism virus"<sup>10</sup> years before he was involved in the abortion movement.

Lader, the son of a wealthy family, became a wandering journalist developing articles on different causes until he struck on Margaret Sanger's birth control crusade in the 1950s. In 1955 he authored his first book, "Margaret Sanger and the Fight for Birth Control," which nurtured his animus toward Catholics, as Sanger certainly faced strong opposition from the Catholic Church in her campaign to encourage

widespread contraceptive use among the poor and minorities. Lader was clearly influenced as well by the eugenics crusades of the 1930s and 1940s that would evolve into the Zero Population Growth movement. (In 1971, he would author "Breeding Ourselves to Death.") But very early, Lader would focus his efforts on the issue of abortion: "(Sanger's) doctrines shaped my future writing and campaigns on birth control and abortion. Sanger opposed abortion – she was horrified after watching large numbers of poor women line up on Saturday nights outside the offices of quack abortionists during her nursing days in New York. But she stirred my thinking by making me read the one medical text on the subject. I agonized over abortion for years, increasingly convinced that contraception alone could never handle the problem of unwanted pregnancies; that the horrors of back-alley abortions must be stopped and the procedure safely performed in hospitals and clinics. When I published my first book calling for legalization of abortion in 1966, and became overnight a campaigner rather than a writer, it was as though every step I made was with Margaret Sanger's ghost at my side, directing my strategy."<sup>11</sup>

Lader's purple prose and his concern to move back-alley abortions to the safety of hospitals and clinics belie his later campaign to make certain that New York State's permissive abortion law allowed abortions to be performed outside of hospitals in back-alley clinics that simply moved to the front of the alley. But, as noted in Eleanor Smeal's introduction to Lader's 1995 book on RU 486, his most important contribution to the abortion debate was chronicling "the Catholic Church's continuing efforts to deny women their reproductive rights. He documents the tremendous power the Catholic Church wielded in state legislatures as activists worked to repeal laws restricting access to abortions."<sup>12</sup>

In addition to Sanger, Lader was no doubt influenced to bring anti-Catholicism to the forefront of the abortion debate by

Paul Blanshard,<sup>13</sup> another veteran of the post-war New York leftist circles. Lader's writings on the Church echoed Blanshard's anti-Catholic theories. Blanshard had developed a staunch anti-Catholic animus when he worked in the State Department during World War II. Like many affected by the eugenics movement, Blanshard was exposed to Third World poverty in Latin America and determined that over-breeding was the heart of the problem. He blamed this over-breeding on the impact of the Catholic Church.

Blanshard was an important figure in the "secularization" of anti-Catholicism in the United States. While anti-Catholicism had traditionally been a part of American culture, it had generally been a Protestant-based prejudice against the Catholic faith, with most of its arguments rooted in Reformation theology. In his landmark best-selling 1949 book, "American Freedom and Catholic Power," Blanshard argued that there was an ascendant Catholic Church in America, dominated by the hierarchy, that was becoming a majority through the uncontrolled breeding of the laity. When Catholics became a majority, they would amend the Constitution making Catholicism the official religion, require the teaching of Catholic morality in public schools, and impose on America Catholic beliefs on marriage, divorce and birth control, Blanshard charged. As Lader would state in developing NARAL, the enemy was not lay Catholics, but the hierarchy who dominated them. If Catholics "controlled their own Church, the Catholic problem would soon disappear because, in the atmosphere of American freedom, (Catholics) would adjust their Church policies to American realities," Blanshard contended.

Blanshard's book was highly influential in resurrecting the concept of a Catholic hierarchy engineering mindless laity. As nativists argued in the 19<sup>th</sup> century that the Catholic population would see the true Protestant light if only freed from the domination of clergy, Blanshard argued that it was a ruthless Catholic hierarchy hungry for power that would

destroy American freedoms unless the laity could be freed from their machinations.<sup>14</sup>

This was foundational to Lader's need to find an acceptable "villain" and was re-stated in his 1987 book, "Politics, Power & the Church."<sup>15</sup> Lader regurgitated Blanshard's thesis in the beginning of the book: "The development of Catholic power – the influence of its religious morality and political aims on American society – has followed a careful design...By 1980, with the election of President Ronald Reagan, the Catholic church achieved what it had only grasped for before: national power that gave the bishops more access to the White House than any other religion, and made them one of the most awesome lobbying blocs on Capitol Hill."<sup>16</sup> According to Lader, the only threat to this hierarchical Catholic power, a monolith proceeding virtually unabated through the 20<sup>th</sup> Century, was the rise of dissent within the Church: "a radical wing increasingly alienated from the autocratic structure of the Vatican and the hierarchy...(T)he radical wing represents the best moral aspirations of the church and a bedrock defense of First Amendment principles and constitutional doctrine."<sup>17</sup> Like Blanshard, Lader had an image of the Church that reflected the language of nativist anti-Catholicism, "an autocratic structure through which the pope and the bishops make all decisions, and their constituents follow them without question."<sup>18</sup> And that alleged structure was collapsing, as Blanshard had hoped, as Catholics gained control of their Church through this radical wing, and adjusted to "American realities." The clearest of those American realities, according to Lader, was abortion rights.

These would be the ideas that permeated the abortion debate in the United States. As many pro-life activists would discover early on, through Lader and NARAL the debate would not focus on abortion itself. Pro-abortion activists knew the subject to be distasteful and understood that their cause, particularly in the early years, was a minority position. But to raise the specter of "Catholic power" threatening civil liberties, and the machinations of the "Catholic hierarchy" and their "unquestioning constituents" marching in lockstep appealed to a visceral anti-Catholicism in American culture. It was more appealing to argue against Catholicism than for abortion. This

strategy, Nathanson confirmed, “was strictly out of NARAL.”<sup>19</sup>

It was, however, a tricky argument. The presidency of John F. Kennedy, the papacy of John XXIII and the Vatican Council had combined to create a positive image of Catholics in America. Anti-Catholicism appeared to be old baggage. Yet both Lader and Blanshard perceived that the Cultural Revolution underway in the 1960s, particularly over issues of sexual morality, could revitalize this essential tool. In his book, “On Vatican II” Blanshard in 1966<sup>20</sup> would accurately point to the Church’s teaching on abortion as a linchpin in regenerating secular anti-Catholic sentiment after its brief hiatus. Lader would effectively argue on the eve of the Supreme Court’s *Roe v. Wade* decision that the country will have “a new birth of sex, not just among youth, but married and single women of all ages – an explosion of sexuality that threatens and terrifies the guardians of ancestral virtues whether in the churches or the White House. It is this threat that makes the Catholic Church...lash out at legalized abortion.”<sup>21</sup> “Legalized abortion,” Lader concluded, “is the culmination of individualism versus authoritarianism” represented by the Catholic Church.<sup>22</sup> It was this anti-Catholic understanding of the issue that would dominate media coverage of abortion in the early years and be an essential strategy of NARAL under Lader’s direction.

As Nathanson explains it, the anti-Catholic strategy of NARAL “was not normally discussed in executive committee meetings...But when Larry and I would go down to the Caribbean every six months or so to plot out the strategy for the next six months, of course we talked all about this. Lader was fixated on anti-Catholicism, he was obsessed with it.”<sup>23</sup>

The curious aspect of all of this, from a historical perspective, is that abortion law in the United States was neither the creation nor the result of Catholic influence. It would become central to the abortion debate that laws on the

books against abortion had been the result of religious beliefs and Catholic pressure. Yet Nathanson acknowledges that initially, the Catholic Church was not viewed as the most serious obstacle to getting abortion laws repealed: "The Catholic Church had not been very active in the abortion question at all. We were more concerned with the political reactionaries and political hacks, particularly in the South and Southwest."<sup>24</sup> Even in the battle over legalization in the State of New York – which became the main focus of NARAL's early campaign – Nathanson and Lader did not "single out the Catholic Church," as they initially saw the Protestant population as "historically against liberal abortion."<sup>25</sup> But when the mainstream Protestant churches became enthusiastic supporters of the pro-abortion movement, the strategy of aiming the issue at the Catholic hierarchy, rather than the Catholic population as a whole, fell into place. "We used the Catholic Church and that in turn stirred them up...We went after the Catholic hierarchy, the policy-making division of the Catholic Church. And after enough drubbing with them publicly and in media, they finally woke up and looked around and realized that there was a political and sexual revolution going on."<sup>26</sup>

Abortion was never an accepted part of mainstream American life prior to the 1960s. The legal system, such as it was, and society, did not view abortion favorably or in a neutral fashion. In the 18<sup>th</sup> century, the social pressures from a small community would generally force a man to care for a child conceived without marriage. A woman could also legally pursue the man who had made her pregnant, and strong community and familial pressure were applied. After 1800, with urbanization and an increase in a servant-class made up primarily in the North of young women from rural New England, or Irish, Canadian and British immigrants, forced abortions became more of a recognized social problem. In addition to the rise in a young female servant class of immigrants without family ties,

a major factor in the increase in abortion activity in the 19<sup>th</sup> Century was the massive growth in prostitution, particularly in urban America. Abortions, such as they were, were generally confined to the ranks of prostitutes who were most often rural girls adrift within the expanding urban population, and immigrants. Prostitution was a nasty, brutish and short life for young women with few alternatives. Syphilis became a scourge and dangerous abortifacients were a common form of injury or even death.

James Mohr argued in the influential "Abortion in America"<sup>27</sup> that abortion was commonplace among American women in the 19<sup>th</sup> Century. Marvin Olansky's research tells a different story: "The prostitution-abortion link is important to keep in mind because abortion historian James Mohr repeatedly has generalized about the 'many American women' who sought abortions during the first two-thirds of the nineteenth century, for 'this practice was neither morally nor legally wrong in the eyes of the vast majority of Americans, provided it was accomplished before quickening.'<sup>28</sup> He repeatedly has suggested that everyone was doing it: 'Abortion entered the mainstream of American life during the middle decades of the nineteenth century' and was 'relatively common.' According to Mohr, at mid-century 'the chief problems associated with abortion were medical rather than moral.' But the evidence suggests that most abortions during that period were related to prostitution, which was a muddy stream rather than a mainstream to American life, and was definitely not viewed as an issue unrelated to morality."<sup>29</sup>

"During the 1840s and the 1850s alone," Olasky writes, "at least thirteen states passed laws forbidding abortion at any stage of pregnancy. Three others passed laws making abortion illegal after quickening. By the end of 1868 thirty states had overcome all the legislative and cultural obstacles of passing an anti-abortion law, and twenty-seven of them punished attempts to induce abortion before quickening. Twenty of the



states had bitten the bullet and were punishing abortions at all stages equally, regardless of the added evidence given by quickening; others had increased the range of punishment.”<sup>30</sup> The legislative momentum against abortion continued in the post-war period, creating the virtual universal ban on abortion in the United States that would exist from 1880 until the 1960s.

The important point in this brief history of abortion and American law, is that the driving forces behind these laws banning abortion were not churches and certainly not specifically the Catholic Church, which had little or no public impact in the 19<sup>th</sup> century in the United States. Even Lader would recognize that the Church only began to have impact at all on American public life, and then primarily in urban centers of the northeast, well into the 20<sup>th</sup> century, long after anti-abortion legislation was in place.<sup>31</sup> For the most part, anti-abortion legislation came from a general reforming trend within American society that saw abortion and abortionists along the same lines as slavery and slaveholders – social evils to be addressed. It was a liberal effort, and would receive strong support from the women’s suffrage movement.

In general, in the 1960s abortion statutes stated “that a person could be imprisoned and stripped of his medical license, if he possessed one, for performing or helping with an abortion.”<sup>32</sup> Of course, criminalization did not eliminate abortion. An advocate for abortion legalization estimated in the 1930s that 680,000 abortions took place per year throughout the United States.<sup>33</sup> A 1955 Planned Parenthood conference provided estimates ranging from 200,000 to 1,200,000 illegal abortions per year.<sup>34</sup> But with no real statistical evidence, all of these numbers are guesswork.

Clearly, anti-abortion legislation and its enforcement had

little to do with the Catholic Church. The laws against abortion had not been “imposed” by the Catholic Church, or any other church for that matter. The criminalization of abortion – aimed nearly uniformly at the abortionists – had been legislated by every state individually as reforming legislation under the guidance and support of the legitimate medical establishment and community improvement associations.

That being the case, why did the abortion debate so early become bogged down in anti-Catholic rhetoric? Lader and NARAL’s strategy to use anti-Catholicism as a weapon did not spring from their collective genius alone. Historically, of course, anti-Catholicism had arrived in America with the Pilgrims so Lader did certainly not invent it. But anti-Catholicism had existed so solidly in America not only because it was the parvenu of the revitalized Ku Klux Klan in the early 20<sup>th</sup> century, and Southern prohibitionists who painted a stereotype of Northern, urban Catholic “wets,” symbolized by 1928 Democratic presidential candidate Al Smith. Anti-Catholicism was never simply the racist, nativist and theological bigotry of a fundamentalist vein within America. It also persisted among America’s White Anglo Saxon Protestant leadership. Much as it is today, anti-Catholicism has long been viewed as the product of an enlightened mind within powerful segments of America’s intellectual, academic and arts leadership – the other “klan” that bred both Lawrence Lader and various leftist movements that made up the American landscape in the 20<sup>th</sup> century.

Catholics had become a far more visible part of American life in the early 20th century, particularly in northeast urban political life. (Many of the urban political reform movements found their impetus in the desire to regain elitist hegemony over the lower-class Catholic rabble that dominated the “political machines.”) At the same time, Catholicism was identified with positions deemed conservative, if not reactionary, within intellectual, academic and radical

political circles, as well as the burgeoning arts community. The Church was portrayed as exercising censorship, particularly in film through the Legion of Decency. The Church was seen as being on the wrong side in the Spanish Civil War in the 1930s, supporters of Francisco Franco at the expense of Republican forces. The Church's staunch anti-communism (and the appearance of widespread Catholic support for Senator Joseph McCarthy's anti-Communist crusade in the 1950s) contributed to a distinctly "secular" anti-Catholicism whose opposition to the Church had less to do with theology than ideology. "Anti-Catholicism," Nathanson explained, "had become the anti-Semitism of the intellectual. It has to be done with a very careful, discreet touch, but it is done."<sup>35</sup>

This was the anti-Catholicism of Lawrence Lader and an infant NARAL. It would use the old nativist anti-Catholic arguments that had visceral appeal throughout American culture – the Church as authoritarian and undemocratic; the Church as an alien presence within American democracy; the Church as the enemy of separation of Church and State; the Church as attempting to impose its morality on American culture; Catholic laity as political foot-soldiers dominated by a hierarchy and incapable of individual thought – and strip them of post-Reformation theological rhetoric. Rather than a religious and racial prejudice, anti-Catholicism in the abortion debate would become a secular assumption. The pro-life position was wrong because it was Catholic, not because it necessarily lacked merit. As Nathanson explained, in liberal circles anti-Catholicism would become a very effective tool. As leftists viewed the Church, "given the political climate of the times with the Vietnam War going on and the Catholic Church one of the few institutions which supported the war, and given its general history of having been politically extremely reactionary over the centuries and having committed anti-Semitic acts, and having been relatively passive during the Holocaust, we felt that an appeal to liberals particularly and others" would be an effective strategy.<sup>36</sup> This is the essential argument in Lader's "Politics, Power and the Church." Published in 1987, Lader's essential

thesis was that Catholic pro-life activities were in opposition to true American "pluralism": "The attack on the U.S. Supreme Court decision legalizing abortion...seems to threaten our whole pluralist tradition and could damage our social cohesiveness...Catholic power, allied with Fundamentalism, has threatened the American tenet of church-state separation and shaken the fragile balance of our pluralistic society."<sup>37</sup> Lader failed to discuss why Jewish leaders expressing support for Israel, or Black ministerial associations working for the Democratic party, did not threaten American pluralism. The issue is only raised when it becomes framed as "Catholic" and the "Catholic hierarchy" is involved.

The crusade for legalized abortion began in the birth control campaign, eugenics crusades, and Zero Population Growth movement of the first 60 years of the 20<sup>th</sup> century. While none of these movements shared widespread popular support in mainstream America – and were generally viewed as on the radical social fringes from the turn of the century until the early 1960s – they would lay the foundation for legalized abortion. In the premier year of Margaret Sanger's first magazine (1914), "The Woman Rebel," it was declared that "abortion, performed by an able practitioner in the best hygienic surroundings, will soon come to be regarded as useful, necessary, and humane, even in a case in which a woman requests it for no other reason than that she does not wish to have a child, that it is not her pleasure to become a mother." Another article stated that "If a woman is to free herself effectively, she must make herself absolute mistress of her own body. She must recognize her absolute right...to suppress the germ of life."<sup>38</sup> Such views were far out of the mainstream of American life in 1914.

In these early years, the Church itself would not find it necessary to address abortion directly. It was, however, a strong voice in opposition to the widespread use of birth control methods in general, and particularly to control the "breeding" of the so-called inferior races. The Church, of course, also staunchly opposed the eugenics crusaders who

aimed to sterilize those same inferior races. The Church would also stand in opposition to the later developing popularity of the Zero Population Growth movement as the wrong answer for poverty both in the United States and the Third World. (The Church has long stressed economic development rather than the semi-genocidal and racist theories of imposed birth regulation on minority populations.) As such, the Church did not gain many friends in these movements. When these movements coalesced along with feminism in the 1960s around the issue of abortion, the Church would be perceived as the essential enemy.

The Church, of course, was not merely perceived as the enemy to these movements. It was the enemy and, to a certain extent, one of the few consistent voices within American society addressing these issues contrary to the developing “enlightened” agenda. As these issues moved from the fringes of society, their supporters saw their primary enemy not in ineffective mainline Protestant churches or Southern evangelicals who were virtually invisible and impotent in American political life in the late 1960s and early 1970s. The chief spokesman for the opposition was, in fact, the Catholic Church. Blanshard’s obsession with “Catholic power” began with the issue of birth control. Earlier rhetoric about the imposition of “one religion’s viewpoint” on American society was associated with the Catholic Church, not Christian churches in general. This allowed the debate to quickly descend into anti-Catholic rhetoric rather than analysis of the issue itself.

Early movement to “reform” abortion law in the 20<sup>th</sup> century came from elements within the medical community as well as the birth control and eugenics groups. Over time, journalists would become more and more friendly as well. A milestone publication was Dr. Frederick Taussig’s *Abortion*, published in 1936. In the book, Taussig argued for legalized abortion when women have had too many children, are poor, or

“irresponsible.” He argued that this was a medical issue that must be freed “from religious bias” and that while the number of abortions will always be high, it should be performed by doctors rather than illegal abortionists. *Time* magazine praised the book, reflecting its pro-eugenic editorial stand at the time.<sup>39</sup>

As Olasky described it, “By 1942 doctors sympathetic to abortion were able to hold a conference on the practice at the New York Academy of Medicine. There, Dr. Sophia Kleegman charged that restrictions on abortion were formulated largely by the ‘theological dogma’ of ‘one particular church’...Conference speakers overall enumerated themes that received great play over the coming years: anti-abortion laws violated church-state separation, attempted to save that which is not yet human, and did not stop abortion anyway.”<sup>40</sup> Olasky also cites an ongoing change in media coverage of the issue. Up to the 1950s, coverage of illegal abortion operations was generally sensationalistic or euphemistic, referring to abortion gristmills or “illegal operations” depending on the tabloid-level of the newspaper. While that type of coverage continued to apply to unlicensed practitioners, when those who were actually doctors were involved, the media treatment became more sympathetic in the 1950s.

A critical event in advancing the abortion cause was the case of Sherri Finkbine in the summer of 1962. The Finkbine case, briefly, involved a popular children’s television host in Arizona who had taken the drug Thalidomide as a tranquilizer during the early weeks of pregnancy. She discovered through her doctor that the European drug – banned in the United States – had been blamed for profound deformities in infants whose mothers had used it early in pregnancy. Finkbine was put on track for a legal “therapeutic abortion.” But after she related her story to the *Arizona Republic*, allegedly to warn of the dangers of Thalidomide, the planned abortion became public and hospital authorities withdrew their consent to the surgery. It became a national story with hugely sympathetic coverage. Finkbine and her husband eventually went to Sweden

to have the abortion. A Gallup poll reported that about half of Americans believed she should have been allowed an abortion in the United States.<sup>41</sup>

Legally, the call for reform of abortion law began in 1959 when the American Law Institute, an organization of attorneys and judges determined to establish national legal norms for state laws, began to address the question. The ALI proposed legalizing early abortions and, more important, establishing a concept of legally justifiable abortion that was not “therapeutic” – obtaining abortions would not depend on an urgent medical need. While far from “abortion on demand,” the ALI recommended statute approved by the organization in 1962 would allow states to legalize early abortions as a private matter between a physician and a woman.

In April, 1967 Colorado passed the first abortion reform law modeled on the ALI recommendations. Though the Catholic Church in Colorado would mount strong opposition, it was too late. The bill was signed by the governor and became the first of the so-called “reform” abortion laws in the country. North Carolina followed a month later. Supporters of such legislation in both states kept the issue behind-the-scenes in states with small Catholic populations. Governor Ronald Reagan of California signed an abortion reform bill for California in June, 1967. Other states lined up to consider such bills, based on the ALI reform model.<sup>42</sup>

To Lawrence Lader and others on the more radical end of the abortion-rights movement, however, these ALI-modeled laws did not go nearly far enough. They were aiming for the ultimate prize – complete legalization, not laws that were essentially, to their minds, minimal reform legislation that kept the state involved in the abortion decision and limited accessibility to abortion at any time. They saw these reform laws as merely legalization of the “therapeutic abortions” of old. Their goal was “an immovable position – repeal or nothing.”<sup>43</sup>

It was at this point that the abortion rights movement went decisively from the hands of the birth control establishment to a burgeoning radical feminist movement. "Lader's marriage to the feminists," Nathanson wrote, "was a brilliant tactic" that, combined with the anti-Catholic strategy, would prove successful.<sup>44</sup>

Betty Friedan's *The Feminine Mystique* had been released in 1963 and become a hugely popular bestseller. The book, considered the first serious manifesto of modern feminism in the United States, never actually mentioned abortion while insisting that women see their lives as something beyond motherhood and being wives. But by late 1967, when Freidan gathered with 300 others to issue a "We Demand" manifesto the year after the founding of the National Organization for Women (NOW), abortion rights was the last of their eight fundamental demands. NOW rejected the "reform" movement and clearly sided with Lader's repeal forces and demanded: "The right of women to control their own reproductive lives by removing from the penal code laws limiting access to contraceptive information and devices, and by repealing penal laws governing abortion." As Gorney explains, the NOW statement was "announcing with a vengeance the arrival of an indecorous new presence in the abortion debates...that legal abortion be sought not as a public health measure or a compassionate moral compromise, but instead as part of a massive change in traditional assumptions about women in American society...adamant about the linkage between legal abortion and women's equality."<sup>45</sup> This zealotry would be total and exists to this day. That is why, for example, even the issue of partial-birth abortion is fought so tenaciously by NARAL and other pro-abortion zealots. Any compromise would involve surrendering what had become a fundamental principle of the more radical elements of the feminist agenda. And that is also why the infamous *Webster v. Reproductive Health Services* case – the July, 1989 Supreme Court decision that firmly reinforced *Roe v. Wade* at a time



when legal consensus believed that the Court would use the case to reverse it – was viewed as a loss by NARAL and others as it provided for some state regulation of abortion and abortion clinics.

The late 1960s radical feminists stepped up the abortion campaign by consistently dredging up anti-Catholic canards. Lana Phelan and Patricia Maginnis of California had a traveling abortion road show popular in feminist circles. Maginnis (who would once famously complain that, “Politicians insist they have to have their noses up our skirts”) and Phelan presented in their program methods of abortion and self-abortion. Phelan would claim that “the first contraception and abortion laws were European canon laws...the laws of the Catholic Church, which wanted women to produce as many little worshippers as possible...Pat Maginnis...raised in a strict Catholic family in Oklahoma...(abandoned) her religious upbringing with such fervent distaste that when she talked about either Church or family, she tended to use phrases like ‘crippling Roman Catholic dogma,’ and ‘I wouldn’t give a person a dime for marriage.’”<sup>46</sup> Phelan told the California Conference on Abortion in February, 1968 that, “The compulsory breeding of women by church and state is nothing more than the ecclesiastical and legislative pimping in which the bodies of all women are utilized for state profit and pleasure.”<sup>47</sup> It was a radical time and the issue of abortion rights would descend into that level of vitriol and anti-Catholicism. And a new organization, with firebrand Lawrence Lader at the helm, would step-up the anti-Catholic strategy and bring it to the center of the abortion debate.

The National Association for the Repeal of Abortion Laws (NARAL) was organized at the First National Conference on Abortion Laws held in Chicago, February 14-16, 1969. It was a conglomeration of abortion referral services, interested state legislators, women’s organizations, new feminists and old warriors from the birth control and eugenics crusades. The initial organization suffered from the usual ideological divisions encountered among true believers, but it was Lader’s

flamboyance that quickly established the public persona of the fledgling pro-abortion organization and helped to create the anti-Catholic terms of the debate. "Days of Anger" were organized for Mother's Day, 1969 in various cities in the east, with hot rhetoric and stormy protests, complete with full and favorable media coverage.<sup>48</sup>

Under Ladar's leadership, NARAL would quickly move to make the abortion debate appear to be a "Catholic" issue. The strategy was simple: convince the media and the public that this was a case of the Catholic hierarchy attempting to impose its will on America. Portray all opposition from Catholics to legalized abortion as a power play by the Church with the laity marching in lockstep to its clerical overlords. Accuse the Church of abusing its tax exemption for a political power-grab. Secure the right to unlimited access to abortion by painting the pro-life position as a peculiarly Catholic notion with no rights in a pluralistic society. Pull out all the old anti-Catholic canards and focus the debate as a church-state issue. "The National Association for Repeal of Abortion Laws had from its first months of organization been describing regional right-to-life groups as clumsily disguised arms of the Roman Catholic Church; in the 1970 annual NARAL meeting minutes, typed underlining emphasized the strategy suggestions aimed directly at the Church: 'Expose the tax-deductible lobbying efforts of Catholics,' the NARAL recording secretary wrote. 'Point out the fact that hospitals refusing to sterilize people or perform abortions are practicing religion on public tax money!'"<sup>49</sup> The strategy was to paint legislators who were Catholics and pro-life as ignorant dupes of the bishops; those Catholic legislators who were pro-abortion became "heroes" who "oppose abortion for ourselves, but believe our church should not impose its will on our non-Catholic neighbors."<sup>50</sup>

It was an effective NARAL strategy. One reason for its effectiveness was that Catholics were certainly leading the

Right-to-Life movement by this time. The Catholic Church was the strongest religious institutional voice in opposition to the abortion law repeal movement by 1970. Though certainly there were non-Catholics involved in the pro-life movement, "Right-to-Life" organizations were dominated by a Catholic presence in the early years. Except for elements of the Lutheran Church, mainline Protestant churches institutionally took at best a neutral position on abortion, and many became pro abortion. "One of our major objectives of our campaign was to capture the National Council of Churches, which is probably the biggest Protestant organization there is," Nathanson said. "And they enthusiastically joined our ranks."<sup>51</sup> The Southern Baptist Convention refused to take a negative stand on abortion until 1979. It would not be until nearly a decade after *Roe v. Wade* that abortion became a serious issue for the evangelical Protestant churches.<sup>52</sup> And while there was some Jewish pro-life support (the founder of Americans United for Life was Jewish), institutionally most Jewish organizations were staunchly in favor of abortion repeal legislation. Visibly, therefore, it was easy for NARAL to paint the Right to Life movement as a conspiracy of the Catholic hierarchy. And this quickly became the distracting issue.

Nathanson acknowledged that this had to be done delicately. "People were pretty much accustomed to the idea of Catholics in public life...So we didn't want to appear to be prejudiced or bigoted or in any way flagrantly or offensively anti-Catholic. It was all done very subtly with a very light but extraordinary effective touch. The anti-Catholicism was done with a very subtle sophisticated touch and the appeal was not so much to the fact that the bishops and the pope were reactionary bigots who were inaccessible to reason. Rather, they happened to be historically against abortion and they were supporting the Vietnam War. They were also anti-technological in many ways, and stuck in the 15<sup>th</sup> Century. This was the kind of thing we were saying."<sup>53</sup>

Of course, Catholics being in the forefront of the Right to Life movement did not make abortion a Catholic issue. As Right-to-Life proponents saw it, "the principle they were defending, the sanctity of human life, was not a Catholic principle but an *ethical* principle, a moral bedrock solid under all of us...guided to Right to Life by the plainest possible intersection of medical science and common moral sense."<sup>54</sup> The issue to Catholics had nothing to do with church versus state or imposition of a Church's peculiar teachings on society. This was not arguing for mandatory meatless Fridays. It was arguing in defense of innocent life, a life existing so obviously that religion or non-religion had nothing to with the question.

But the NARAL anti-Catholic strategy took hold. Catholics addressing the issue publicly faced a virtually uniform inquisition. As one Catholic pro-lifer in the early days described it to Gorney: "he learned to sense as if by instinct when someone in the audience was going to raise a hand and start in on the Church. *Isn't it a fact* – they were always grouped these questions, and usually phrased in the manner of a withering attorney on cross-examination – *Isn't it a fact that Catholicism condemns abortion? Isn't it a fact that you yourself are Catholic? Isn't it a fact that Catholics make up most of the membership of the groups that call themselves Right to Life? Isn't this whole issue simply a case of one religious group imposing its views on all the rest of us?*" As the pro-lifer described it, his answer in the early days was: Yes, Yes, Yes, No. Catholics addressing the issue were portrayed as "'practicing religion' – dispatched by the pope, as it were, to foist papal ideas on a secular democracy."<sup>55</sup>

From the late 1960s on, abortion was presented in the media as a peculiarly Catholic issue. In newspaper reports, pro-life legislators or pro-life spokesmen were consistently identified by their religion if they were Catholic, though no one else would be so identified. This became standard journalistic

practice in abortion coverage. If Catholic, those presenting a pro-life position in media were always identified by their faith. This religious identification was defended by media as being simply part of the story, reinforcing that abortion was predominantly a Catholic issue. To newspapers and television reporters, abortion was a “religious” rather than a social issue, and the pro-life movement simply the vanguard of a repressive Catholic Church hierarchy. “The result was a long-running media drama that pitted a hidebound institutional hierarchy against reformers from within and without. This portrayal was reinforced by the language used to describe the Church in media accounts. The descriptive terms most frequently applied to the Church emphasized its conservative theology, authoritarian forms of control, and anachronistic approach to contemporary society.”<sup>56</sup> Nathanson does believe that NARAL was instrumental – “it was insidiously NARAL’s idea”<sup>57</sup> – in forming this media portrait of the hidebound Catholic hierarchy as the sole opposition to abortion. “We had a woman who was very savvy and very close to a lot of young people in media, particularly the female radically feminized reporters who were reporting this whole scene. We didn’t have to convert them and we simply admitted them to the tent because they were already converted. And you know we basically told them what to print.”<sup>58</sup>

By the late 1960s and early 1970s, media was clearly in the hands of NARAL. NARAL sponsored a “Lysistrata Day” in Philadelphia in March, 1970. Getting their idea from the ancient Greek play about women withholding sex to stop war, members paraded in Philadelphia in togas and laurel leaf crowns and pledged to “abstain from love and love’s delights” to dramatize “the fact that our bodies are not our own so long as the law can dictate that we must bear unwanted children.” Though the abstinence was for only one day and the protest involved only six women it received prominent media coverage. As the NARAL member reported back, “everyone had such a good

time that the reporters and the demonstrators subsequently repaired to her apartment for wine and grass together.”<sup>59</sup> In Washington State, when a NARAL-proposed abortion repeal bill was blocked in 1969, a columnist for the *Seattle Post-Intelligencer* attacked “the seven Catholics who help run our state from the comfort and power of the Senate Rules Committee in Olympia...two more who are married to Catholics, and a handful of others who quiver every time they get a call from the local representative of El Papa (the pope)...Maybe someday the disciples of El Papa – at least those who sit on the Senate Rules Committee – maybe someday they’ll realize that their God may not be the god of the rest of us...that the voice of their celibate 70-year-old Papa sounds like a curse to the rest of us.” When a successful referendum campaign was underway, a prominent feminist announced that “I deplore the arrogance and presumption of the of the Catholic Church in this matter. You believe the fetus is a human being. Some people still believe witches ride around on broomsticks and a lot of other medieval, mystic hangovers.”<sup>60</sup> The co-opting of the media, the identification of opposition with Catholicism, and anti-Catholic invective as a prominent means of addressing the issue became commonplace. According to Nathanson, this is a strategy NARAL maintains to this day, though “they are more subtle about it now.”<sup>61</sup>

This identification by NARAL of the “Catholic enemy” would have impact on those who might have otherwise looked more objectively at the issue. Even after the 1973 *Roe v. Wade* decision, many potential pro-life supporters were unwilling to be identified with a Catholic issue, and there was “a thick strain of anti-Catholicism at work in the early post-Roe years. The evangelical magazine *Christianity Today* ran occasional editorials imploring its readers not to dismiss the right-to-life cause simply because Catholics had taken it up, and Richard Bott<sup>62</sup> recalls how readily he and many other evangelicals shrugged off the first decade of the abortion controversy as the

distant battle of an alien culture – which from the Protestant point of view took an obsessive and irrational position on contraception, too. ‘When *Roe v. Wade* hit, and the Catholics were so opposed to it, you just automatically assumed that it was something to do with their church, like the Eucharist, the way they give communion or absolution,’ Bott recalls. ‘As though – if the Catholics believe in it, why we kind of think they believe strange things anyway. So it was very easy to assume that if *they* believed in it, no one else did.’<sup>63</sup> Nathanson stated that this early avoidance of the issue by conservative Protestants “never occurred to us”<sup>64</sup> at NARAL, but was one side benefit to the anti-Catholic strategy.

Before *Roe v. Wade* rendered the state-by-state battles over reform or repeal academic, NARAL focused much of its attention on forcing through what would become a draconian change in abortion law in New York State in 1970. A milder abortion reform law had failed in New York in 1968, and a more extreme bill defeated as well in 1969 which would have simply eliminated abortion from the penal code entirely. The 1970 “Cook-Leichter” bill was basically the same as the 1969 bill, though it required that physicians conduct abortions. While NARAL opposed such restrictions (it wanted the right to perform abortions extended to paramedicals, midwives, nurses, technicians, etc. and would declare that as its ideal at its fall convention), it opted to support the bill. It did so even when a further amendment allowed abortion on demand up to the 24<sup>th</sup> week, and only to “save the life of the mother” thereafter. “It was a compromise,” Lader wrote, “perhaps slight, but still a wrenching compromise for a movement founded on the right of abortion without restriction.”<sup>65</sup>

NARAL pulled out all the stops in the New York campaign, constantly focusing on the Catholic nature of the issue and the Catholic make-up of its opponents. Because of the extreme liberalization of the bill, many opposed to abortion felt it had no serious chance of passing and it was only after the New York Senate surprisingly voted in favor of it, that forces in opposition mounted a counterattack. NARAL had organized

"Catholic support" for the bill that appealed to Catholic legislators. These Catholics announced that they would not "foist my religious beliefs on others."<sup>66</sup> NARAL complained that the Church harassed these pro-choice Catholics legislators. In "Abortion II" Lader created the image of an all-powerful Church threatening any Catholic legislator and "devout Catholics" forced to choose between freedom of conscience and Catholic power, a line that NARAL would hold throughout the campaign and Lader pushed hard in "Abortion II." Lader described a Catholic and Bronx Democrat, who "withstood church pressure": "Pastoral letters were read in all parishes. When he attended church on Sunday, April 5, with his family, the priest cited him by name as promoting 'murder.' His wife and children cried, and his twelve-year-old kept asking him if he really committed murder."<sup>67</sup> The coverage in the *New York Times* focused on this "Catholic" story, painting a portrait of brave Catholic legislators refusing to bow down to Church power: "It was very tough pressure," concluded a Brooklyn Catholic legislator who was attacked in his church while a young daughter sat at his side, "but I think the lay Catholic is far ahead of the church on this issue."<sup>68</sup>

NARAL's tactical assumption was that Catholics somehow had no right to organize on the issue, and to do so was an unconstitutional exercise of religious oppression manipulated by the hierarchy. It made a point of using this alleged threat of Catholic power on Protestant legislators. "Freedom of choice, unfettered by religious dogma, eventually swung the votes of a number of upstate Protestant Republicans like Senator Dalwin Niles who were 'big on freedom of the individual,' as a legislative aide put it. Niles concluded that 'A large proportion of women were in favor of this bill even though many of them were of the Roman Catholic faith.'"<sup>69</sup> This alleged Catholic women's support was an invention of the "New York State Catholic Women for Abortion Repeal," a NARAL front-group that existed solely for the purpose of one controlled telegram-mailing to senators.<sup>70</sup>

The Cook-Leichter bill passed by a one-vote margin and New York had the most liberal abortion statute in the United States. The bill was signed into law by Governor Nelson



Rockefeller on April 11, 1970 and created "abortion on demand" for pregnancies up to 24 weeks in New York State. NARAL had played the anti-Catholic card effectively and it would become foundational to its continued campaign, both before and after *Roe v. Wade*. A number of states moved to follow New York's virtual repeal of abortion restrictions and the NARAL campaign against the Catholic Church was the centerpiece of the debate. Quickly, Alaska, Hawaii and Washington State had similar repeal abortion legislation.

But a curiosity soon developed in the early 1970s. The irreversible tide of repeal legislation began to encounter defeats. Iowa, Minnesota and Michigan had rejected liberalizing abortion law and, by 1972, it appeared likely that the New York law would be overturned as well. NARAL's Lader was shocked at what he saw at a pro-life march in New York City in April, 1972: "We stood and watched the bands, the Knights of Columbus, the Right to Life and parochial school contingents pour down the avenue – 10,000 the newspaper reported. It seemed macabre, all this money, organization, and fanaticism unleashed against a law that simply gave women (about a third of them Catholic women) the right to decide whether to bear a child...We were faced with a religious crusade based on the assumption of the Catholic hierarchy that its survival depended on forcing everyone else to accept its dogma. The bands and marchers seemed surprisingly like the crusaders of eight hundred years before – the knights and ragged children who left Germany and France to pour across Europe to the Holy Land to convert the infidels by force or death." <sup>71</sup>

The legislature in New York would be reconsidering abortion under the Donovan-Crawford bill that would essentially repeal the New York abortion law. Lader wrote for NARAL a half-page ad for the *New York Times* screaming: "SAVE YOUR RIGHT TO ABORTION." The ad warned that the right to abortion was "being destroyed this moment in Albany," and called the Catholic

Church “the most powerful tax-deductible lobby in history” which “wants to dictate your beliefs...wants to force women to have children against their will.”<sup>72</sup> The *New York Times* referred to a “medieval form of coercion” and NARAL – through Lader – called the law “nothing but religious tyranny to impose one religious dogma on all women” and asked, “Is this abortion struggle part of a continuing battle in a religious war that is destined to divide or even destroy our country?” When President Richard Nixon wrote to New York’s Cardinal Terence Cooke in support of the legislation, the *New York Times* fumed about “a President openly working through a particular church to influence the action of a state government.” During floor debate in the Senate, the NARAL position was echoed with one senator stating that “you have no right to come to the floor of this body and ask us to enact into law church doctrine.” Both the Senate and the House, however, voted to overturn the New York law. But there were not enough votes to override Governor Nelson Rockefeller’s veto on May 13, 1972. Within eight months, the Supreme Court would wipe away the entire debate in the states by voiding every state law against abortion. In the majority decision in *Roe v. Wade*, Justice Blackmun would favorably cite Lawrence Lader’s 1966 book “Abortion” eight times.

At the end of “Abortion II” in 1973, the executive director of NARAL spelled out the attitude toward the Catholic Church. Quoting Mary Daly of Boston College, Lader saw the impact of legalized abortion as raising a challenge to the “patriarchal authoritarianism” of the Catholic hierarchy. “In its most vivid form, it symbolizes the struggle between the individual and the institution which has regimented and controlled much of society’s ethical choices for two thousand years...The struggle between individual and authoritarianism has already been accelerated ‘into a situation in which open war is declared between feminism in this country and official Roman Catholicism,’ Prof. Daley concludes. ‘As this issue surfaces more and more women are seeing the church as the enemy...

“Abortion has thus become the most volcanic ethical struggle of our time – incorporating an alliance far beyond feminism – simply because it threatens Catholicism more seriously than any other issue... The authoritarian control of the Church over family and procreation has been threatened on many levels. The termination of the fetus – or murder, as the Church sees it – is only a starting point. What the Church fears equally is the rejection of its dogma by a large proportion of its communicants and the increasing use of abortion by Catholics as a backup to contraception, Concomitantly, it fears a sharp decline in the size of Catholic families...The whole structure of authority is further threatened when the single Catholic woman need no longer be forced into marriage against her will, or bear an illegitimate child for a Catholic foundling home – children that often become priests and nuns, who, when adopted, become the source of considerable financial contributions to the Church from adopting parents.”<sup>73</sup>

This, a reduction of the Church’s position on the sanctity of life to a crass need to keep Catholic orphanages open to provide future nuns and priests, as well as hefty donations.

In 1975, Lader was forced out of his position as Executive Director at NARAL.<sup>74</sup> He would go on to organize Abortion Rights Mobilization (ARM) whose primary function in the beginning was to attempt to have the Catholic Church’s tax exemption removed because of its activities in opposition to abortion. The case was rejected for lack of standing by the Supreme Court in 1990. Lader then went on to campaign for the legalization and the distribution of the abortion drug, RU 486. His anti-Catholic strategies never left him, and he began to make a jumbled attack on a “Catholic-Fundamentalist” alliance which he claimed to have elected Ronald Reagan in 1980.<sup>75</sup>

NARAL, of course, has continued as the leading pro-abortion organization in the United States. After *Roe v. Wade* it changed its name to the National Abortion Rights Action League and now calls itself the National Abortion and Reproductive Rights Action League, but has always maintained the same

acronym. It is currently strongly involved in a series of attacks on Catholic hospitals for refusing “reproductive services” and has been fighting conscience clauses that would exempt Catholic organizations from being forced to provide abortion coverage in medical insurance.

## SOURCES

The primary source is the interview with Bernard Nathanson, conducted in New York by Louis J. Giovino of the Catholic League for Religious and Civil Rights on November 10, 2000. The definitive history of the legalization of abortion in the United States is yet to be written. The best book currently available is Cynthia Gorney’s “Articles of Faith.” Though focused primarily on the state of Missouri, Gorney’s book touches on the major developments in the abortion debate from the early 1960s through the Supreme Court’s 1989 *Webster* decision. Gorney’s account is as objective as possible from a secular journalist whose sympathies are pro-choice. While certainly not a pro-life work, it fairly presents the pro-life position. The other main sources are the works of NARAL’s Lawrence J. Lader, and “Aborting America” by Bernard Nathanson and Richard Ostling.

## SUMMARY POINTS

*The issue of abortion was critical in a resurgent anti-Catholicism in the mid-1960s. With the cooperation of media, abortion became an ongoing battle waged in a war of words based on anti-Catholicism. According to Dr. Bernard Nathanson, one of NARAL’s original members and a close confidant of NARAL founder Lawrence Lader, this anti-Catholicism “was probably the most effective strategy we had.”*

*Anti-Catholicism became a primary tactic through a planned effort by the National Abortion and Reproductive Rights Action League. Called by the acronym NARAL, the organization*

*began as the National Association for Repeal of Abortion Laws. It was a collective of pro-abortion groups, nascent feminist organizations, illegal abortion referral services, and various Zero Population Growth zealots in the late 1960s. Its fundamental goal was to legalize abortion and to repeal any restrictions on the practice that were in place in every state at the time.*

*Lawrence Lader was a co-founder of NARAL and its first Executive Director. As noted in Eleanor Smeal's introduction to Lawrence Lader's 1995 book on RU 486, Lader's most important contribution to the abortion debate was chronicling "the Catholic Church's continuing efforts to deny women their reproductive rights. He documents the tremendous power the Catholic Church wielded in state legislatures as activists worked to repeal laws restricting access to abortions." It was Lader who had a particular animus to Catholicism and would direct NARAL's anti-Catholic strategy.*

*It was natural to believe that average Catholics would be just as selective over the issue of abortion when it came to a head as Catholics were perceived to be over artificial birth control. Nathanson stated that making the target the hierarchy "was a piece of enormous political foresight." It was based on the perception that "the man on the street Catholic or the woman on the street Catholic were selective Catholics." They "didn't want to antagonize them...We left them alone because they would eventually come around to the NARAL point of view. One organization formed during those years was Catholics for a Free Choice, under Frances Kissling."*

*In his landmark best-selling 1949 book, "American Freedom and Catholic Power," Paul Blanshard argued that there was an ascendant Catholic Church in America, dominated by the hierarchy that was becoming a majority through the uncontrolled breeding of the laity. As Lader would state in developing NARAL, the enemy was not lay Catholics, but the hierarchy who dominated them. If Catholics "controlled their*

own Church, the Catholic problem would soon disappear because, in the atmosphere of American freedom, (Catholics) would adjust their Church policies to American realities," Blanshard contended.

Lader regurgitated Blanshard's thesis in the beginning of "Politics, Power & the Church": "The development of Catholic power – the influence of its religious morality and political aims on American society – has followed a careful design...By 1980, with the election of President Ronald Reagan, the Catholic Church achieved what it had only grasped for before: national power that gave the bishops more access to the White House than any other religion, and made them one of the most awesome lobbying blocs on Capitol Hill."

When the mainstream Protestant churches became enthusiastic supporters of the pro-abortion movement, the strategy of aiming the issue at the Catholic hierarchy, rather than the Catholic population as a whole, fell into place. As Nathanson explained: "We used the Catholic Church and that in turn stirred them up...We went after the Catholic hierarchy, the policy-making division of the Catholic Church. And after enough drubbing with them publicly and in media, they finally woke up and looked around and realized that there was a political and sexual revolution going on."

As many pro-life activists would discover early on, through Lader and NARAL the debate would not focus on abortion itself. Pro-abortion activists knew the subject to be distasteful and understood that their cause, particularly in the early years, was a minority position. But to raise the specter of "Catholic power" threatening civil liberties, and the machinations of the "Catholic hierarchy" and their "unquestioning constituents" marching in lockstep appealed to a visceral anti-Catholicism in American culture. It was more appealing to argue against Catholicism than for abortion.

Abortion, as Lader noted above in Margaret Sanger's early

reaction to it, was not considered an optional means of birth control but a dangerous underground medical practice conducted by unsavory abortionists. It would not be until the late 1960s that abortion would be seriously and widely postulated as a necessary backup for failed contraceptives.

For the most part, anti-abortion legislation came from a general reforming trend within American society that saw abortion and abortionists along the same lines as slavery and slaveholders – social evils to be addressed. The anti-abortion movement in the 19<sup>th</sup> century was spearheaded by the medical community, anti-prostitution efforts and reform movements meant to improve the life of single women in urban America and new immigrants. It was a liberal effort, and would receive strong support from the women's suffrage movement.

The laws against abortion had not been “imposed” by the Catholic Church, or any other church. The criminalization of abortion – aimed nearly uniformly at the abortionists – had been legislated by every state individually as reforming legislation under the guidance and support of the legitimate medical establishment and community improvement associations. While most churches – including the Catholic Church – were supportive of such efforts, the driving forces were secular and distinct from the institutional religious community, though certainly a shared moral perspective was involved.

The crusade for legalized abortion began in the birth control campaign, eugenics crusades, and Zero Population Growth movement of the first 60 years of the 20<sup>th</sup> century. While none of these movements shared widespread popular support in mainstream America – and were generally viewed as on the radical social fringes from the turn of the century until the early 1960s – they would lay the foundation for legalized abortion.

The chief spokesman for the opposition to these movements was the Catholic Church. Blanshard's obsession with "Catholic power" began with the issue of birth control. Earlier rhetoric about the imposition of "one religion's viewpoint" on American society was associated with the Catholic Church, not Christian churches in general. This allowed the debate to quickly descend into anti-Catholic rhetoric rather than analysis of the issue itself.

As Nathanson explained, in liberal circles anti-Catholicism would become a very effective tool. As leftists viewed the Church, "given the political climate of the times with the Vietnam War going on and the Catholic Church one of the few institutions which supported the war, and given its general history of having been politically extremely reactionary over the centuries and having committed anti-Semitic acts, and having been relatively passive during the Holocaust, we felt that an appeal to liberals particularly and others" would be an effective strategy.

Legally, the call for reform of abortion law began in 1959 when the American Law Institute, an organization of attorneys and judges determined to establish national legal norms for state laws, began to address the question. The ALI proposed legalizing early abortions and, more important, establishing a concept of legally justifiable abortion that was not "therapeutic" – obtaining abortions would not depend on an urgent medical need.

To Lawrence Lader and others on the more radical end of the abortion-rights movement, ALI-modeled laws did not go nearly far enough. They were aiming for the ultimate prize – complete legalization, not laws that were essentially, to their minds, minimal reform legislation that kept the state involved in the abortion decision and limited accessibility to abortion at any time. They saw these reform laws as merely legalization of the "therapeutic abortions" of old. Their goal was an immovable position – repeal or nothing.



*The National Association for the Repeal of Abortion Laws (NARAL) was organized at the First National Conference on Abortion Laws held in Chicago, February 14-16, 1969. It was a conglomeration of abortion referral services, interested state legislators, women's organizations, new feminists and old warriors from the birth control and eugenics crusades. The initial organization suffered from the usual ideological divisions encountered among true believers, but it was Lader's flamboyance that quickly established the public persona of the fledgling pro-abortion organization and helped to create the anti-Catholic terms of the debate.*

*Under Ladar's leadership, NARAL would quickly move to make the abortion debate appear to be a "Catholic" issue. The strategy was simple: convince the media and the public that this was a case of the Catholic hierarchy attempting to impose its will on America. Portray all opposition from Catholics to legalized abortion as a power play by the Church with the laity marching in lockstep to its clerical overlords. Accuse the Church of abusing its tax exemption for a political power-grab. Secure the right to unlimited access to abortion by painting the pro-life position as a peculiarly Catholic notion with no rights in a pluralistic society. Pull out all the old anti-Catholic canards and focus the debate as a church-state issue.*

*Nathanson does believe that NARAL was instrumental – "it was insidiously NARAL's idea" – in forming this media portrait of the hidebound Catholic hierarchy as the sole opposition to abortion. "We had a woman who was very savvy and very close to a lot of young people in media, particularly the female radically feminized reporters who were reporting this whole scene. We didn't have to convert them and we simply admitted them to the tent because they were already converted. And you know we basically told them what to print."*

*From the late 1960s on, abortion was presented in the media as a peculiarly Catholic issue. In newspaper reports, pro-*

life legislators or pro-life spokesmen were consistently identified by their religion if they were Catholic, though no one else would be so identified. This became standard journalistic practice in abortion coverage. This religious identification was defended by media as being simply part of the story, reinforcing that abortion was predominantly a Catholic issue.

Before *Roe v. Wade* rendered the state-by-state battles over reform or repeal academic, NARAL focused much of its attention on forcing through what would become a draconian change in abortion law in New York State in 1970. NARAL pulled out all the stops in the New York campaign, constantly focusing on the Catholic nature of the issue and the Catholic make-up of its opponents. NARAL complained that the Church harassed these pro-choice Catholics legislators. In "Abortion II" Lader created the image of an all-powerful Church threatening any Catholic legislator and "devout Catholics" forced to choose between freedom of conscience and Catholic power, a line that NARAL would hold throughout the campaign. NARAL's tactical assumption was that Catholics somehow had no right to organize on the issue, and to do so was an unconstitutional exercise of religious oppression manipulated by the hierarchy.

In 1972, the legislature in New York would be reconsidering abortion under the Donovan-Crawford bill that would essentially repeal the New York abortion law passed in 1970. Lader wrote for NARAL a half-page ad for the New York Times screaming: "SAVE YOUR RIGHT TO ABORTION." The ad warned that the right to abortion was "being destroyed this moment in Albany," and called the Catholic Church "the most powerful tax-deductible lobby in history" which "wants to dictate your beliefs...wants to force women to have children against their will." The New York Times referred to a "medieval form of coercion" and NARAL – through Lader – called the law "nothing but religious tyranny to impose one religious dogma on all

women” and asked, “Is this abortion struggle part of a continuing battle in a religious war that is destined to divide or even destroy our country?”

Both the Senate and the House, however, voted to overturn the New York law. But there were not enough votes to override Governor Nelson Rockefeller’s veto on May 13, 1972. Within eight months, the Supreme Court would wipe away the entire debate in the states by voiding every state law against abortion. In the majority decision in *Roe v. Wade*, Justice Blackmun would favorably cite Lawrence Lader’s 1966 book “Abortion” eight times.

In 1975, Lader was forced out of his position as Executive Director at NARAL. He would go on to organize Abortion Rights Mobilization (ARM) whose primary function in the beginning was to attempt to have the Catholic Church’s tax exemption removed because of its activities in opposition to abortion. The case was rejected for lack of standing by the Supreme Court in 1990. Lader then went on to campaign for the legalization and the distribution of the abortion drug, RU 486.

After *Roe v. Wade* NARAL changed its name to the National Abortion Rights Action League and now calls itself the National Abortion and Reproductive Rights Action League, but has always maintained the same acronym. It is currently strongly involved in a series of attacks on Catholic hospitals for refusing “reproductive services” and has been fighting conscience clauses that would exempt Catholic organizations from being forced to provide abortion coverage in medical insurance.

## ENDNOTES

<sup>1</sup>Nathanson interview, New York, November 10, 2000, by Louis J. Giovino, Catholic League for Religious and Civil Rights

<sup>2</sup>“Aborting America,” by Bernard N. Nathanson with Richard N. Ostling (Doubleday, 1979; Life Cycle Books edition, Toronto, Ontario)

<sup>3</sup> *ibid.* p. 33

<sup>4</sup> *ibid.* p. 51-52

<sup>5</sup> *Nathanson interview*, Giovino

<sup>6</sup> *Humanae Vitae* ("On Human Life"), Pope Paul VI, July 25, 1968

<sup>7</sup> *Nathanson interview*, Giovino

<sup>8</sup> *ibid.*

<sup>9</sup> Marcantonio never renounced his Catholicity, though he was not terribly observant. When he collapsed on a New York sidewalk on August 9, 1954, a priest administered last rites. But Cardinal Francis Spellman of New York considered him a communist and refused a Requiem Mass or Catholic burial.

<sup>10</sup> *Nathanson interview*, Giovino.

<sup>11</sup> "A Private Matter: RU 486 and the Abortion Crisis," by Lawrence Lader (Prometheus Books, 1995).

<sup>12</sup> *ibid.* p. 7.

<sup>13</sup> Paul Blanshard was also one of the original founders of Protestants and Other Americans United for Separation of Church and State, an anti-Catholic organization founded after World War II. Blanshard was a Congregationalist minister at the time of POAU's founding though he would later declare himself an agnostic.

<sup>14</sup> See "Anti-Catholicism in American Culture" (Our Sunday Visitor, 2000) pp. 39-45.

<sup>15</sup> "Politics, Power & the Church: The Catholic Crisis and its Challenge to American Pluralism," by Lawrence Lader (Macmillan, 1987).

<sup>16</sup> *ibid.* p. 1.

<sup>17</sup> *ibid.* p. 242-243.

<sup>18</sup> *ibid.* p. 8.

<sup>19</sup> *Nathanson interview*, Giovino.

<sup>20</sup> See "The Unholy Ghost," by Mark J. Hurley (Our Sunday Visitor, 1992) p. 74.

<sup>21</sup> "Abortion II: Making the Revolution," by Lawrence Lader (Beacon Press, 1973) p. 215.

<sup>22</sup> *ibid.* p. 217.

<sup>23</sup> *Nathanson interview*, Giovino.

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

<sup>26</sup> *ibid.*

<sup>27</sup> "Abortion in America," by James Mohr (Oxford University Press, 1978).

<sup>28</sup> "Quickening" was an archaic term referring to when a woman could feel movement in the unborn. It is not a scientific term, but was rather a popular means to determine advancing fetal life. Before the onset of modern biology and a scientific understanding of fetal life, a distinction was often held to exist between fetal life before and after quickening. St. Thomas Aquinas would argue, for example, that abortion, while still a serious sin, it was less grave prior to quickening. Aquinas, of course, had little knowledge of biology.

<sup>29</sup> "Abortion Rites: A Social History of Abortion In America," by Marvin Olasky (Regnery Press edition, 1995) p. 53.

<sup>30</sup> *ibid.* p 102.

<sup>31</sup> See *Lader*, "Politics, Power & the Church" p. 13.

<sup>32</sup> "Articles of Faith: A Frontline History of the Abortion Wars, by Cynthia Gorney (Touchstone Edition, 2000) p. 43.

<sup>33</sup> Dr. Frederick A. Taussig in "Abortion" (1936).

<sup>34</sup> *Gorney*, pp. 22-23.

<sup>35</sup> *Nathanson interview*, Giovino.

<sup>36</sup> *ibid.*

<sup>37</sup> *Lader*, Politics, Power & the Church, pp. 10, 11.

<sup>38</sup> Cited in *Olasky*, p. 246.

<sup>39</sup> *Olasky*, pp. 261-262.

<sup>40</sup> *ibid.* pp. 262-263.

<sup>41</sup> *Gorney*, p. 49-51.

<sup>42</sup> *ibid.* pp. 56-57.

<sup>43</sup> *Lader*, Abortion II, p. 70.

<sup>44</sup> *Nathanson*, p. 33.

<sup>45</sup> *Gorney*, pp. 87, 88, 89.

<sup>46</sup> *ibid.* pp. 75, 78.

<sup>47</sup> Cited in *Lader*, Abortion II, p. 81.

<sup>48</sup> *ibid.* p. 93-96.

<sup>49</sup> *Gorney*, p. 108.

<sup>50</sup> *Lader*, "Abortion II p. 133.

<sup>51</sup> *Nathanson interview*, Giovino.

<sup>52</sup> There are still those who believe that the Catholic hierarchy engineered growing Protestant opposition to abortion. Stephen Mumford, a population-control zealot and a fervent anti-Catholic who sees Vatican-controlled conspiracies everywhere, claims that Rev. Jerry Falwell's "Moral Majority" was actually a front group financed and founded by the American Catholic hierarchy.

<sup>53</sup> *Nathanson interview*, Giovino.

<sup>54</sup> *Gorney*, p. 108-109.

<sup>55</sup> *ibid.* p. 108.

<sup>56</sup> "Media Coverage of the Catholic Church: 1964-1988" (Center for Media and Public Affairs).

<sup>57</sup> *Nathanson interview*, Giovino.

<sup>58</sup> *ibid.*

<sup>59</sup> *Nathanson*, p. 65-66.

<sup>60</sup> Cited in *Lader*, Abortion II p. 171, 172.

<sup>61</sup> *Nathanson interview*, Giovino.

<sup>62</sup> Owner of Kansas City Christian Voice, an evangelical Christian radio station.

<sup>63</sup> *Gorney*, p. 340.

<sup>64</sup> *Nathanson interview*, Giovino.

<sup>65</sup> *Lader*, Abortion II, p. 136.

<sup>66</sup> *ibid.* p. 133.

<sup>67</sup> *ibid.* p. 140.

<sup>68</sup> *Lader*, Abortion II, p. 140, citing the *New York Times*, April 10-11 editions.

<sup>69</sup> *ibid.* p. 134.

<sup>70</sup> *ibid.* p. 133.

<sup>71</sup> *ibid.* p. 198.

<sup>72</sup> *ibid.* p. 201.

<sup>73</sup> *ibid.* pp. 216, 217.

<sup>74</sup> In “Aborting America” Nathanson describes Lader’s ouster as the result of his earlier successful demand that he be compensated by NARAL for his work in the organization. Lader himself described his exit as the removal of the “old guard militants,” as NARAL began to focus its efforts on lobbying and political action.

<sup>75</sup> *Lader, Politics, Power & the Church*, p. 24.

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# Does “Pro-Choice” Also Mean “Anti-Catholic”?

*by Kenneth D. Whitehead*

*(Catalyst 1/1999)*

A well-known contemporary American playwright publicly claimed that Pope John Paul II “endorses murder” and accused him and other religious leaders of being “homicidal liars” after the brutal murder of an admitted gay man in Wyoming. Merely by continuing to champion the Catholic Church’s teachings, apparently, the pontiff can get branded as himself virtually a murderer, and most people apparently find little or nothing amiss about the use of such language; at any rate, few are found to protest when it is gratuitously applied to the pope.

A pro-abortion activist in New York similarly declared that New York archbishop Cardinal John O’Connor was responsible (along with Protestant minister James Dobson) for the murder of an abortion doctor in upstate New York, who was shot with a high-powered rifle by an unknown assailant. “Without these [religious] leaders spewing hate,” the pro-abortion

activist said, "there would be no anti-abortion movement...Cardinal O'Connor is accountable for those religious followers who do pull the trigger."

A *Washington Post* cartoonist saw nothing untoward in depicting an armed killer standing behind an anti-abortion protester holding an "abortion is murder" sign; the whole scene was captioned "What, me, an accomplice?" The assumption, again, was that protesting legalized abortion makes one an accomplice in the murder of abortion doctors.

Just before the recent November elections, the *New York Times* featured a story quoting the president of Planned Parenthood calmly taxing Cardinal O'Connor with attempting to send "an electoral message" merely because he wondered aloud in a sermon at St. Patrick's Cathedral whether the accusation of murder that had been leveled against him was really aimed at him personally, or had reference to pro-life political candidates generally.

How is it that accusations labeling innocent people "murderers" are apparently considered acceptable in our public discourse when they are aimed at religious leaders opposing homosexual acts or abortion, but are suddenly found to be unacceptably "extremist" if spontaneously applied by average people reacting to the undeniable fact that every abortion performed actually does involve the killing of a baby? How can the violence and, yes, sadly, killing, always involved in an abortion ever be brought out if it can never be mentioned?

A question that may be more frequently asked as our current "culture wars" intensify is this: are Catholics even going to be allowed any longer by public opinion to express their opinions *as Catholics* on such public policy questions as legalized abortion? According to a widespread contemporary viewpoint which gets strong emphasis (and often virtual endorsement) in much of today's media, Catholics should not be allowed to oppose legalized abortion precisely because their opposition to it is presumably based on the Church's moral teachings, and hence must be considered an inadmissible "Church" interference in "state" affairs!

In view of the enormity of the evil of legalized abortion in America



today—it claims more victims *every year* than have been killed in all the wars of American history (1.3 to 1.5 million abortions per year over the past quarter of a century, compared to 1.2 million total American deaths in all of our wars)—it is a tribute to the Church that the pro-life movement in the United States was begun primarily by Catholics. Since then, thanks be to God, many Protestants and Evangelicals, Jews, Muslims, and others have joined the pro-life ranks.

Nevertheless, it remains true that no other political position except a pro-life position is even logically possible for a Catholic who properly understands and practices his faith. Moreover, the pro-life position is regularly articulated and re-enforced by such outstanding Catholic Church leaders as Pope John Paul II and Cardinal John O'Connor—rightly. No doubt this is exactly what the pro-abortionists find so galling and intolerable; these religious leaders thus become fair game to be branded as themselves “murderers.” “Pro-choice” *does* apparently also mean “anti-Catholic.”

The present writer has been proudly involved in the pro-life movement since around 1970, when I was one of the founders of the Maryland Human Life Committee, formed at that time to fight liberalized abortion in the Maryland General Assembly. In recent years, especially since my retirement from the federal government, I have been actively involved in the political campaigns of a number of pro-life political candidates.

In addition, since 1993, I have been regularly writing and publishing articles and commentary on the political aspects of legalized abortion and on the progress of the pro-life movement; these writings have been based in part on my knowledge of the Washington scene and of how Washington works—knowledge which came from many years as a federal official engaged in public policy questions, in testifying before congressional committees, and in monitoring and promoting legislation.

In October, 1998, New Hope Publications brought out as a quality paperback book a collection of my articles published between 1993 and 1998 dealing with the political aspects of legalized abortion and related topics. Entitled *Political Orphan? The Pro-life Movement after 25 Years of Roe v. Wade*, this book contains chapters dealing with the abortion

holocaust, Title X and other government-subsidized family planning and population control programs, U.S. government machinations against the pope and the Church in the international arena, the pope's encyclical *Evangelium Vitae*, the president's choices for surgeon general, partial-birth abortion, non-violence, and other topics—including especially the continuing efforts of the pro-life movement to deal with the enormous problem of legalized abortion in a climate in which even many declared “pro-life” politicians too often continue to try to run away from the issue.

The book also deals more seriously than almost any other current book with the volatile issue of the now well-established “linkage” between the abortion issue and the issue of government subsidized birth control. Anyone who has followed this knows how hard the pundits in the media have attempted to turn this into a purely “Catholic” issue, simply because of the Church's well-known teaching on the subject.

In general, *Political Orphan?* chronicles the fortunes of the pro-life movement during the Clinton years and lays out clearly where the pro-life movement needs to be going from here. In particular, the book makes a case—and a plea—for greater organized Catholic participation in the pro-life movement, this in spite of the opposition of bigots who would apparently deny Catholics any political voice on the most important political and moral questions of the day precisely because we are Catholics.

*Kenneth D. Whitehead is a former U.S. Assistant Secretary of Education, who now works as a writer, editor, and translator. He is a member of the Board of Directors of the Catholic League.*

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# Twenty-five Years After Roe: Sliding Into Infanticide

by Rick Hinshaw

(Catalyst 1/1998)

It is now 25 years since the Supreme Court declared unborn children to be non-persons, opening the floodgates to a slaughter of innocent human life unprecedented in our nation's history.

Pro-life people were horrified by *Roe vs. Wade*. They foresaw the mass destruction of pre-born life which it would unleash; and they also warned, as *National Journal* senior writer Michael Kelly recently recalled, "that the widespread acceptance of abortion would lead to a profound moral shift in our culture, a great devaluing of human life."

Senator James Buckley of New York asked on the floor of the U.S. Senate whether America would continue to uphold the "supreme value" of human life, or whether, in the wake of *Roe vs. Wade*, the sanctity of life would be "downgraded to one of a number of values to be weighed in determining whether a particular life shall be terminated?"

Others, however, dismissed such dire warnings, and until recently Kelly counted himself among those skeptics. "Why," he reasoned, "should a tolerance for ending human life under one, very limited, set of conditions necessarily lead to an acceptance of ending human life under other, broader terms?"

Now, however, he has awakened to the clear connection between unrestricted abortion and our growing culture of death—a connection which, sadly, many in our own Church still cannot grasp, as they continue to dismiss abortion as "only one issue". What has finally convinced Kelly that "the pessimists

were right"? Let him tell you in his own words (*Washington Post*, 11/6/97):

"On Sunday, Nov. 2, an article in the *New York Times*, the closest thing we have to the voice of the intellectual establishment, came out for killing babies." That's right, he's talking about killing babies *after* birth, as opposed to "terminating a pregnancy" by killing them before birth.

The column Kelly is referring to, by MIT psychology professor Steven Pinker, begins as an examination of the recent rash of killings of newborns by their mothers and, in at least one instance, by the father as well.

While conceding that he is "sensationalizing," but "only slightly," Kelly sees Pinker coming dangerously close to justifying, if not endorsing, infanticide. In Pinker's "modest proposal," writes Kelly, "mothers who kill their newborn infants should not be judged as harshly as people who take human life in its later stages because newborn infants are not persons in the full sense of the word, and therefore do not enjoy a right to life. Who says that life begins at birth?"

A reading of Pinker's column justifies Kelly's alarm, especially when we examine, step by step, the professor's "logic" in trying to define legal personhood.

He begins by dismissing the "anti-abortionists" who "draw the line at conception."

"That implies," he writes, "that we should shed tears every time an invisible conceptus fails to implant in the uterus." So if no one sheds tears at our death, you see, our life never really existed. By that utilitarian logic, there is no inherent value to human life; and our right to live is wholly dependent on the value which other people place on our existence.

Next, Pinker claims that "those in favor of abortion draw the

line at viability.” Not quite. *Roe vs. Wade* allows states to legalize abortion *up to the moment of birth*, and no less a force than the President of the United States, by his veto of a ban on partial-birth abortion, has upheld the unrestricted killing of children well past the point of viability.

Yet even this does not go far enough for Professor Pinker, who calls for a re-examination of the presumption that “the line must be drawn at some point before birth.” Instead, he writes, “the moral philosophers say” that “the right to life” must derive “from morally significant traits that we humans happen to possess. One such trait is having a unique sequence of experiences that defines us as individuals and connects us to other people. Other traits include an ability to reflect upon ourselves as a continuous locus of consciousness, to form and savor plans for the future, to dread death and to express the choice not to die. And there’s the rub: our immature neonates don’t possess these traits any more than mice do.”

The logic will be familiar to anyone who has argued the abortion issue: Life has no inherent value. Personhood, and thus one’s very right to exist, are dependent on a range of arbitrary factors—level of consciousness, connectedness to other people, awareness of life and death—that will be defined and determined by other human beings. Indeed, Pinker’s criteria for achieving personhood are very similar to those set forth by Mary Ann Warren in her 1973 essay “On the Moral and Legal Status of Abortion”: “consciousness,” of “internal” as well as “external” existence; “reasoning”; “self-motivated activity”; “the capacity to communicate”; and “self-awareness.”

Even Pinker’s use of semantics—labeling a newborn child a “neonate” rather than a “baby”—is of a piece with the pro-abortion strategy of dehumanizing the unborn child through the use of terms like “conceptus” or “fetus.”

Of course, Pinker, while not disputing this logic, distances

himself from it somewhat by attributing it to unnamed “moral philosophers.” And indeed, what is perhaps most sobering about his column is that the ideas he expresses are *not* new, nor are they unique to him. They have long been standard fare among some in the intellectual and medical elite, who have advocated infanticide as a logical corollary to legalized abortion.

Dr. Joseph Fletcher, for instance, in his 1979 book, *Humanhood: Essays in Biomedical Ethics*, stated unequivocally that “both abortion and infanticide can be justified if and when the good to be gained outweighs the evil—that neither abortion nor infanticide is as such immoral.”

When would the “good” to be gained by killing a newborn infant “outweigh the evil” of such an act? Well, when the baby had been so uncooperative as not to die during an attempted abortion, for one thing. Such babies should be given neonatal care only if the parents wish them to survive, said Dr. Mary Ellen Avery, chief of Boston Children’s Hospital, back in 1975. “There must be a right to dispose of an infant survivor of abortion,” agreed abortionist Dr. Warren Hern (*Denver Post*, 2/2/77), who has since authored the leading textbook on late term abortion procedures.

Destroying children born with disabilities would be another “good” derived from infanticide. James Watson, Nobel laureate for DNA discovery, declared in 1973 that he would not “declare (a child) alive until three days after birth,” in order to allow for the killing of newborn children with birth defects. His co-discoverer of DNA, Sir Francis Crick, concurred, stating that newborns should have to pass certain genetic tests before being granted the right to live. Geneticist Colin Austin said that personhood should not be declared until some time after birth, to allow for killing the deformed. John Lachs, Ph.D., Vanderbilt University, wrote in the *New England Journal of Medicine* that some defective infants are “beings that are only human-looking shapes,” and should be put to

death like animals.

University of California attorney F. Raymond Marks, speaking at the 1976 Sonoma Conference on Ethical Issues in Neonatal Intensive Care, asserted that the state's interest in maintaining the lives of defective newborns was offset by the high cost of keeping them alive. "We would prefer a system that broadly defined a class of infants declared as non-persons who could be disposed of by their parents," he declared.

This brings us back to Pinker's central theme, which is the key link between legalized abortion and legalized infanticide: de-humanizing those whom we wish to kill, in order to deny them legal personhood.

In the Aug. 11, 1969 issue of the *Journal of the American Medical Association*, Dr. Robert Williams of Washington State Medical School said that he would not consider infants to be persons until near the end of their first year outside the womb, and that until that point he would justify infanticide. Nuclear physicist Winston Duke compared killing an infant to killing a chimpanzee.

In 1979 Michael Tooley, author of "A Defense of Abortion and Infanticide," flatly declared, "Since I do not believe human infants are persons, but only potential persons, and since I think that the destruction of potential persons is a morally neutral action, the correct conclusion seems to me to be that infanticide is in itself morally acceptable."

Mary Ann Warren reached the same conclusion, writing that "killing a newborn infant isn't murder." And, despite her extensive list of attributes necessary for personhood, she ultimately decides that the right to kill a newborn infant depends, like abortion, solely on one factor: whether or not the child is "wanted." "When an unwanted or defective infant is born into a society which cannot afford and/or is not

willing to care for it," she writes, "then its destruction is permissible."

Nor have such ideas been consigned solely to the realm of idle theorizing. Even before *Roe vs. Wade* there were reports of handicapped newborns being left to die without medical treatment.

"In 1973 I expressed the concern that abortion of somewhere between a million and two million unborn babies a year would lead to such cheapening of human life that infanticide would not be far behind," Dr. C. Everett Koop, later U.S. Surgeon General, said in a 1977 speech to the American Academy of Pediatrics entitled "The Slide to Auschwitz." "Well, you all know that infanticide is being practiced right *now* in this country...I am concerned that there is no outcry...I am concerned about this because when the first 273,000 German aged, infirm, and retarded were killed in gas chambers there was no outcry from that medical profession either, and it was not far from there to Auschwitz."

Incredibly, Professor Pinker warns in his column that we must establish "a clear boundary" for conferring personhood, lest "we approach a slippery slope that ends in the disposal of inconvenient people or in grotesque deliberations on the value of individual lives." He somehow fails to realize that we have long since begun our descent down that slippery slope, and that his column is itself one of those "grotesque deliberations."

Twenty-five years and more than 30 million deaths later, Michael Kelly is right to be alarmed. *Roe vs. Wade* has brought us to where we stand now. Either we restore protection to the unborn, or ultimately no human life will be safe.

(A shorter version of this article previously appeared in *The Long Island Catholic*)



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# Catholic Women and Abortion

*by William A. Donohue*

*(Catalyst 10/1996)*

In a study by the Alan Guttmacher Institute, it was reported that Catholic women have an abortion rate 29 percent higher than Protestants. The study also concluded that about half of American women will have an abortion at some point in their lives. The gist of the findings is that a) the Catholic Church's teachings on abortion are falling on deaf ears and b) abortion is becoming a common procedure among women. But there is more to this than what the public has been left to believe.

To begin with, in virtually every newspaper account on this story, there was no mention of the fact that the Alan Guttmacher Institute is the research arm of Planned Parenthood, the nation's leading abortion rights organization that receives tens of millions each year from the federal government to service its mission. This is not to say that the Guttmacher researchers "cooked" the data, but it is to say that readers should be as suspect of their work as they would if the Pentagon had a research arm that produced studies indicating the need for an arms buildup.

If the Guttmacher Institute were truly interested in assessing the relationship between religion and abortion, it would have asked the women who listed a Catholic affiliation whether they were regular Church-goers. But they didn't. Nor did they ask those women whether they agreed with the Church's teachings on abortion. It is not unreasonable to assume that had such questions been asked, the results would not have been quite so dramatic.

It is well-known that non-white minority women have pressures on them that make comparisons with white women somewhat difficult. The report is not entirely useless in this regard, though more data would allow for a more complete conclusion. Now consider the following.

The report says that although black women are 14 percent of the age-bearing class between the ages of 15-44, they make up 31 percent of all the abortions. Hispanics are 11 percent of the age-bearing segment yet they account for 20 percent of all the abortions. This is important because fully 20 percent of Catholics belong to minority groups: 14 percent of Catholics are Hispanic and 5 percent are black. As John Leo of *U.S. News and World Report* discovered after he examined this data, when black and Hispanic women are factored out, "Catholic women have an abortion rate 37 percent lower than average."

It must also be said that the 1 percent abortion rate among Jewish women is suspect. The majority of Jews profess no religion, and therefore it is entirely likely that when Jewish women were asked to choose which religion they belonged to, the majority checked off "None" as opposed to "Jewish," thereby underreporting their actual abortion rate.

The study does show that although only 6 percent of non-believers are between the ages 15-44, they account for 24 percent of all the abortions. Now if the researchers, as well as the media were fair, they would have highlighted this finding: women who have no religious affiliation are four times more likely than other women to have an abortion. But owing to bias, this was not done.

Finally, the data show that the abortion rate is not only declining, it is at the lowest rate since 1979 (the highest rates were born between 1983-1985). The present rate, 27.5 percent (and dropping), makes nonsensical the Guttmacher conclusion that half of all American women will have an abortion sometime in their life.

What this tells us is that if you start with a politicized agenda, you get a politicized outcome. In the end, there is no substitute for independently checking the findings of any research report, especially those that are produced by highly politicized organizations that have a vested financial interest in the conclusions.