

# the HUMAN LIFE REVIEW



FALL 2013

*Featured in this issue:*

William Murchison on . . . . . The Willfully Childless  
John M. Grondelski on . . . . . *Gosnell's Babies: The E-Book*  
George McKenna on . . . . . Peter Steinfelds' Bad Bargain  
David Quinn on . . . . . The Truth About Abortion in Ireland  
Anne Hendershott on . . . . . Is the IRS Targeting Prolifers?

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2013 GREAT DEFENDER OF LIFE AWARD DINNER

REVEREND VICTOR AUSTIN • MARIA MCFADDEN MAFFUCCI

NICHOLAS SALVATORE DI IORIO • SUSANNE METAXAS • ERIC METAXAS

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Mary Meehan on . . . . . What Adoption Looks Like Today  
Matthew Hennessey on . . . . . The Abortion Stalemate  
Stephen Vincent on . . . . . A Tale of Two Wombs  
Donald DeMarco on . . . . . Keeping Up with The Times  
Leslie Fain on . . . . . Sperm Donation in the Wild, Wild West

*Also in this issue:*

Pope Francis • Jacqueline Harvey • Betsy Woodruff • Alan Sears • Alana Newman • Kristen Hatten • and Kathryn Lopez on *Abuse of Discretion*

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ABOUT THIS ISSUE . . .

. . . last summer Peter Steinfels, former editor of *Commonweal*—considered by many the flagship of the Catholic opinion fleet—published an essay in that magazine’s pages (“Beyond the Stalemate,” June 23) in which he urged the Church to modify its strategic position on abortion. Instead of insisting on conception as a legal marker for such a pluralistic society as ours, the Church, Steinfels argued, ought to accept, for public purposes, a later gestational cutoff date, one more agreeable to greater numbers of people. *Review* contributor George McKenna wasn’t persuaded. We posted his insightful essay, “A Bad Bargain” (page 21), on our website ([www.humanlifereview.com](http://www.humanlifereview.com)) on September 18. It was widely linked to and by the end of the day I’d heard from Steinfels himself, who told me in an email that “several people” had alerted him to McKenna’s critique and that he “would like to continue this discussion.” I await the article that Steinfels, in a subsequent communication, assured me he was preparing for us and look forward to including it in our Winter issue. Meanwhile, the current editor of *Commonweal*, Paul Baumann, *did* post a rather unfriendly response to McKenna (and the *Human Life Review*) on his magazine’s website. McKenna answered it with “A Bad Bargain, A Postscript,” which can also be found at [www.humanlifereview.com](http://www.humanlifereview.com).

As it happened, the day after McKenna’s critique of the Steinfels essay went online, Pope Francis’ interview in the Jesuit journal *America*—the one in which he cautioned clerics about “obsessing” over social issues—went viral. We include here the text of an address the Pope gave at the Vatican after he did that interview which should make clear—even to the *New York Times*—that Francis isn’t scheming to jettison Catholic doctrine (*Appendix A*). But perhaps the new pontiff is not entirely up to speed on what’s going in the United States. Anne Hendershott, professor at Christendom College and a new contributor, reports on government efforts to intimidate the pro-life community (“Is the IRS Targeting Prolifers”?) page 52). She has a new book out, *Renewal: How a New Generation of Faithful Priests and Bishops Is Revitalizing the Catholic Church*, coauthored with Christopher White, a sometime contributor to these pages. Welcome Dr. Hendershott. And welcome back David Quinn, our Irish correspondent who relates how lies and propaganda following the death of a pregnant woman led his country to legalize some abortions (“The Truth About Abortion in Ireland,” page 45).

Speaking of books, our senior editor William Murchison recently received a very good review in the *Wall Street Journal* for *The Cost of Liberty*, his new biography of John Dickinson, an unsung Founder of our Republic. Congratulations, Bill.

Finally, thanks to Alan Sears, president of Alliance Defending Freedom, for giving us permission to publish an excerpt from “Manhattan Declaration Comes Home,” an address he gave at Columbia University in September. The ongoing *loss* of American liberty that Sears describes would surely astound John Dickinson et al.

ANNE CONLON  
MANAGING EDITOR



# the HUMAN LIFE REVIEW

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# INTRODUCTION

With this issue, we complete our 39th year of publishing. This fall we also marked the 15th anniversary of the death of our founding editor, my father J.P. McFadden. He created the *Review* to educate people about the life issues, to persuade them to fight for the defenseless, and to create a record of our nation's struggle to restore protection to the vulnerable. In an interview back in the 80s with Patrick N. Allitt, author of *Catholic Intellectuals and Conservative Politics in America, 1950-1985*, J.P. said something that struck me as an appropriate introduction to the issue you are holding. He said, simply, "I don't think you can win the abortion question until once again people want children."

Senior editor William Murchison, in his lead article, reflects on "The Willfully Childless," people like those interviewed for a recent *Time* magazine cover story who "don't want kids." Child-free existence, he writes, "fits the 21st century ambience . . . Child-free, like gluten-free, places a high-gloss frame around the hard-driving, hard-relaxing modern man or woman; highlights his or her commitment to a lifestyle that, frankly Jack, is nobody else's business." But, asks Murchison, "Is the environment really so open and airy that it accommodates consequence-free rejection of the oldest human instinct, that of living in a circle of love and respect that broadens as new generations arise?"

In a word: No. And it *is* our business. There are many serious consequences to a society experiencing the "collapse of the family ideal." Fewer people of course, fewer "workers and producers, fewer moms and dads," and the most awful consequence, abortion—killing those children not "wanted" but yet conceived. On abortion, we go next to the very dark side. Just when you thought the Kermit Gosnell story couldn't get any worse, contributor John Grondelski reports on an e-book, *Gosnell's Babies: Inside the Mind of America's Most Notorious Abortion Doctor*, written by *Philadelphia* magazine writer Steve Volk, in which Gosnell "justifies his butchery of women and children as 'deeds . . . in a war against discrimination, disenfranchisement, under-education and poverty.'" Author Volk goes out of his way, writes Grondelski, to paint Gosnell as a regular guy who believed he was performing a service, even suggesting that Gosnell maintains a "sense of spiritual innocence." True evidence of his "spiritual" state, we'd say, is his diabolical twist of the Good Samaritan parable: "I did not choose abortions," Gosnell proclaims, "[a]bortions chose me."

The beautiful story of the Good Samaritan was recounted at our 11th Annual Great Defender of Life Dinner by our MC, Nicholas Di Iorio, because my father often referred to it as *his* inspiration for answering the call to defend the unborn. Reverend Victor Austin, in his Invocation, remembered J.P.'s warm welcome to him and his wife when they arrived in New York in 1982: At the "heart" of the journal J.P. founded, he said, is "the grace of welcome, an openness to every human being, even those who are smaller than your thumbnail." This brings to mind one

of the arguments made by Peter Steinfels in a *Commonweal* cover essay last summer titled “The Abortion Stalemate,” to which Professor George McKenna responds in an essay here. (See Anne Conlon’s “About this issue” for the details.) Steinfels—arguing that Catholics should *privately* believe that life begins at conception but *publicly* argue for a later point of protection (yet to be agreed upon)—wrote that it is hard (for others, or for him?) “to imagine that anything so small can be the bearer of rights that would outweigh the drastic impact that its continued existence might have on the life of its mother or her family.” (So, *rights* and importance depend on *size*? Really? Can we see our DNA?) As McKenna so brilliantly puts it, conception is “the big bang. It is what sets off the whole continuum of growth toward an adult human being.” McKenna’s critique of Steinfels’ article is spot-on, and really gets to the heart of the *psychological* reasons why many Catholics, who should know better, “go wobbly” on abortion.

Like Steinfels, others are looking to end the abortion stalemate: one such is a friend of contributor Matthew Hennessey (his article begins on page 71), who wishes the issue would “go away” because it’s “drowning us” on so many political levels. He offers his “workable plan: No abortion anywhere after 20 weeks, with a blanket exception for rape and health of the mother.” But Hennessey doesn’t buy it: In most cases, issues go away from our politics when “one side deals the other a clear and unambiguous defeat,” because “some issues are immune to compromise.” Those on the polar opposite sides of the abortion issue are not about to give in. Some moral issues are also outside of time, something contributor Donald DeMarco stresses in his engaging essay, “Keeping up with The Times” (page 83). He reminds us that in 2009 President Obama was at Notre Dame, pleading for “Open hearts. Open minds. Fair-minded words,” and urging us to “honor the consciences of those who disagree with abortion . . . without reducing those with differing views to caricature.” But times change, and in 2012 Obama “ridiculed pro-life people for wanting ‘to turn back the clock on policies more suited to the 1950s than to the 21st century’”—the war-on-women canard. DeMarco cautions those who would relegate the truth about life and death to cultural trends: “The person who is anxious about always being in step with the times will find himself always out of step with higher values.”

This is a packed issue, so I will briefly mention other featured articles: We have an original report on the likely possibility that the IRS targeted pro-life as well as Tea Party groups for “special investigation.” Professor Anne Hendershott, who shares her own story, presents highly persuasive anecdotal data (empirical data on the rate of IRS investigation of pro-choice groups vs. pro-life groups is not available) establishing that the work of several pro-life groups has been harmed by the IRS’ delay or refusal to grant them tax-exempt status. In our dinner section, you will read the remarks from our 2013 Great Defenders of Life, Susanne Metaxas, executive director of the Midtown Pregnancy Support Center, and Eric Metaxas, bestselling author and champion of religious liberty. Irish journalist and media commentator David Quinn gives us the truth behind the tragic death of a pregnant

## INTRODUCTION

woman, Savita Halappanavar, in Ireland—and how false versions of her story led to greater tragedy: the liberalization of Ireland’s abortion law last summer. In an essay on another news story from “across the pond,” Stephen Vincent writes eloquently about the happy hoopla surrounding the unborn life and birth of one royal baby, Prince George Alexander Louis, compared to the long covered-up violent deaths of the babies slaughtered in Philadelphia. “The contrast was vivid,” he observes, “if largely unremarked upon, between the value placed on the child of the royal line and the line of poor young women entering Kermit Gosnell’s abortion mill, where their lives were weighed as worthless and their offspring tossed on garbage heaps . . . Charles Dickens could not have created a more poignant contrast between ‘the best of times’ and ‘the worst of times.’” Along with Murchison, two other authors draw a contrast between those who want children and those who do not: Senior editor Mary Meehan contributes a report on the state of adoption today, an overview of the “radical change in U.S. adoption practice over the past 30 years.” Being up-to-date on the changes is crucial for proliferators so that they can support this life-giving choice. And it is hard to find a better example of Murchison’s “collapse of the family ideal” than the subject covered in Leslie Fain’s article on sperm donation: wanted children sired by fathers who don’t want/aren’t expected to be real fathers—except that their offspring *do* want and need fathers.

So many of the real-life tragedies explored in this issue were created by that fateful decision over 40 years ago, *Roe v. Wade*. In Booknotes, Kathryn J. Lopez contributes an excellent review essay on an important new book by Clarke Forsythe: *Abuse of Discretion: The Inside Story of Roe v. Wade*. This is a book to be read by “anyone who wants to make sense” of the “madness of the Supreme Court decision” that has been “poisoning American life and culture.”

\* \* \* \* \*

We finish up with several terrific appendices, but I will end here with our first, an address by Pope Francis. While Pope Francis’ words in an interview for *America* magazine were controversial (taken out of context by the major media and trumpeted as permission for Catholics to “go wobbly” on abortion), in his subsequent message to the International Federation of Catholic Medical Associations (Appendix A), he said: “Every child who, rather than being born, is condemned unjustly to being aborted, bears the face of Jesus Christ, bears the face of the Lord, who, even before he was born, and then just after birth, experienced the world’s rejection.” Powerful imagery for any Christian tempted to see abortion as permissible. As we in the Christmas season remember birth and vulnerable new life, we *can* imagine even the  *tiniest child at the moment of conception* as a light that, if not unjustly extinguished, might bring us joy and peace.

On that note, we wrap up this year, with thanks to our friend, cartoonist Nick Downes, and to all of you, our faithful readers.

MARIA MCFADDEN MAFFUCCI  
EDITOR

# LETTERS

TO THE EDITOR:

I want to thank you for the article, “Why Do It For Free?” in the Summer edition of the *Human Life Review*. I had a personal reason to find it an uncomfortable thing to read, but it was a kind of discomfort for which I am grateful.

I have a cousin who was the district attorney of Virginia City, Nevada, in the 1970s. Now, he writes a column about the good old days of Virginia City for the town’s weekly newspaper. A recent column was about the “good old days” when brothels were legalized in the county. It was good to be reminded that there is another side to the story. I am glad that that column seemed much less amusing after I read your article.

It probably should not have taken your article to bring me to feel that way, but again, thank you.

—Albert Alioto  
San Francisco, CA

\* \* \*

TO THE EDITOR:

I enjoyed reading Leslie Fain’s well-written article on the SeekingArrangement.com website and her rich depictions of Elizabeth and Monica, two of its users. The article raises many questions but I want to offer just a few of observations and a correction.

First, the correction: prostitution is not legal in Las Vegas. By Nevada state law, prostitution cannot be practiced in any county with a population greater than 400,000. That rules out Las Vegas, Reno, and Carson City. Otherwise it’s up to the counties to decide, and a handful of rural counties permit highly regulated brothels to operate.

Second, Fain quotes liberally from Julie Debbs, a former prostitute, including the claim that only 2 percent of prostitutes ever escape prostitution’s clutches. As Fain discovered in her own futile efforts to track down some numbers, nobody knows how many prostitutes ply their trade in the United States. On what basis, then, does Julie Debbs make her 2 percent calculation? Fain should have challenged her to put numbers on the table. Debb’s limited personal experience is hardly sufficient for a sweeping claim about prostitution in general. This is an important point because contemporary commentary on prostitution and trafficking abounds with specious numbers.

Third, Julie Debb’s personal experience—she was stabbed seven times, raped too many times to count, tortured, held hostage—is offered as what lies in wait for any would-be prostitute. Is it? Readers might want to look at this study that suggests it isn’t: Tamara O’Doherty, “Victimization of Off-Street Sex Industry

Workers,” *Violence Against Women*, vol. 17 (2011), pp. 944-963.

Fourth, Fain puts heavy emphasis on Christian Smith’s observations about the changing circumstances in which young adults grow up and make choices. These are real changes in American life that reflect material and structural transformations, including the rise of the internet, which makes sites like SeekingArrangement.com possible. In the early 1900’s another transforming change came on the scene: the automobile, and it had a big effect on the sexual practices of adolescents and young people. Before the automobile most dating took place in a parent’s house or at social functions, where daters were always under observation. The automobile changed that. It provided a private refuge, where teens could “make out” with impunity. The automobile let a sexual genie out of the bottle, and once out of the bottle, there was no putting it back in. Similarly, the internet breaks down all kinds of barriers to various markets. Just as a used book store in Little Rock now can sell to the whole country via Amazon.com, individuals who want to buy and sell sex can link up with ease across space. A California sugar daddy and a University of Tennessee coed can “meet up” and try out an “arrangement.” Or, via Backpage and dozens of other services, local potential buyers and sellers of sex can identify one another, connect, and transact business with amazing expedition. That genie is not going back in the bottle either. The readership of *Human Life Review*, of course, entertains various moral objections to prostitution, but I’m afraid the choice is no longer prostitution-or-no-prostitution but what forms prostitution will take.

Those who look to the “Nordic model” as a magic bullet should think again. It has had little impact in Sweden. Although many extravagant claims have been made on its behalf, the Swedish government’s own evaluation in 2010 (the Skarhed Report) noted that street prostitution had diminished (though it still exists) and that internet-based prostitution *had grown no faster* in Sweden than in other European countries—where, of course it has grown immensely. To make the “Nordic model” really work, especially in a country like the United States, would require a level of repression and police surveillance that even opponents of prostitution would find hard to stomach.

—Robert Fullinwider  
Hyattsville, MD

**W**e welcome letters to the editor. If published, letters may be edited for space. Please write to us at *Human Life Review*, 353 Lexington Avenue, Suite 802, New York, NY 10016. Or email the *Review*’s managing editor, Anne Conlon, at [anne@humanlifereview.com](mailto:anne@humanlifereview.com)

# The Willfully Childless

William Murchison

**D**on't want kids?

Why, darling, we understand; we all do. So many commitments these kids bring, and so much cost. Not that kids are exactly going away—ha, ha. Some people will keep having them. You know how some people are! Kids will always be around to ring doorbells when it's time for a Girl Scout cookie fix or that sort of thing. Such cute little critters, kids (or so we always say when speaking in public). Many want 'em, many don't, and that's fine. We're all about personal choice in these times of ours.

Would that clarify matters just a bit, gentle reader—the word “choice” floating to the surface of a discussion about the ongoing flight from parenthood? As to which—I interrupt the flow of discourse to recall erupting journalistically on this topic 30 years ago—there's nothing shockingly new or fresh, just more and more commonplace. Thirty years later, we're making fewer voters, fewer workers and producers, fewer moms and dads than seemed likely even then.

“Child-free” existence, as a topic, fits the 21st-century ambience and, to be sure, the ambience that predated the present century. Ours is an era devoted to the deeply personal. What we like is what we like society to guarantee us in the way of lifestyle. What we don't like, or what annoys us—well, that, too, is personal.

*Roe v. Wade* affirms what is known as “reproductive choice”—the choice to reproduce or not reproduce, just as you like, in the exercise of guaranteed constitutional rights. The idea is that, fundamentally, having a kid is up to the mother and, more fundamentally yet, not having one is no worse or less honorable than going through the dreary if familiar exercise: birthing lessons, hot bottles in the middle of the night, potty-training, one-way conversations heavy on formulations such as nee-nee-nana; the whole range of maternal and, to a slightly lesser extent, paternal activities.

“Child-free,” like “gluten-free,” places a high-gloss frame around the hard-driving, hard-relaxing modern man or woman; highlights his or her commitment to a lifestyle that, frankly, Jack, is nobody else's business. Conscience is always to be respected. And there we are.

But where are we really, in the child-free environment so many appear to

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**William Murchison** writes from Dallas for Creators Syndicate and is a senior editor of the *Human Life Review*. His latest book is *The Cost of Liberty: The Life of John Dickinson* (ISI Books).

crave? Is the environment really so open and airy that it accommodates consequence-free rejection of the oldest human instinct, that of living in a circle of love and respect that broadens as new generations arise? A lot of Americans, a lot of Westerners appear to think so. Their premises require inspection and reappraisal.

Not that a movement to suppress childbirth exists somewhere in Manhattan or San Francisco, with PR staff and fund-raising apparatus. The child-free movement is informal, proceeding from the entirely personal. No one's permission is required not to bear and raise children.

*Time* magazine rubbed readers' noses in the present, and apparently spreading reality with a cover story in the summer of 2013. Lauren Sandler's article was more anecdotal than analytical: a rehash, really, of notions and reasonings dating back to the post-countercultural years. Rachel Agee, in Nashville, quit attending an "oppressively family-friendly" church. Childlessness, according to Laura Kipnis, is "a lack. I'm not lacking anything." "If it's the hardest job in the world," says Jena Starkes, "I'm damn happy I don't have to do it." Laura Scott, professional coach, writer, and filmmaker, says she "loved my life the way it was," namely, babyless. As for Leah Clouse, "It takes all of you, and I don't know that I want to give it all." More trips and more scheduling flexibility come the way of such women. We have heard all this before. We have not, perhaps, read the latest statistics. "From 2007 to 2011, the most recent year for which there's data, the fertility rate declined 9%. A 2010 Pew Research report showed that childlessness has risen across all racial and ethnic groups, adding up to about 1 in 5 American women who end their childbearing years maternity free, compared with 1 in 10 in the 1970s. . . . These statistics may not have the heft of childlessness in some European countries—like Italy, where nearly one-quarter of women never give birth—but the rise is both dramatic and, in the scope of our history, quite sudden."

And so on. *The Weekly Standard's* Jonathan V. Last published early in 2013 an informative, strongly argued book, *What to Expect When No One's Expecting*, whose forecast is "demographic disaster," absent some as-yet-unforeseeable recovery from present trends. The point is, you get in trouble when you start running low on people. Last confessed he was trying to argue people into having babies; nevertheless, "if you believe in anything seriously enough—God, America, the liberal order, heck, even secular humanism—then eventually babies must follow," sealing your commitment to these objects of affection; ensuring their permanence through replenishing the supply of future believers.

Two other new books—Charles Murray's *Coming Apart* and Mary

Eberstadt's *How the West Really Lost God*—focus on the matter we might describe as pre-conditional to the collapse of the birthing instinct: namely, the collapse of the family ideal.

We cannot be oblivious to the—well, if you don't like “collapse,” how would “grave deterioration” do?—of the understanding that at the bottom of all our social arrangements reposes the ideal of husband, wife, and children, living in organic harmony. The decline in births, it would be fair to say, is consequent upon the growth and spread of the countervailing idea that prior to these social arrangements comes little me. What do *I* want? And how did it get to be someone else's business how I answer such a question? These days, avers Robert Coles, we may think of “each self” as “a sovereignty”—exercising, presumably, sovereign judgment, with scarcely a thought for adverse consequences.

**T**o Last, it seems plain that “our modern world has evolved in such a way as to subtly discourage childbearing.” Abortion is a part of that picture. Over the first decade after the *Roe v. Wade* decision, Last says, 34.19 million children were born; 13.62 million weren't. In other words, “reproductive freedom” cost these short-term citizens their futures. Still, and generously granting the horror of the practice, abortion is best called a tributary reason for the birth dearth. It is the same with our era's ever-tighter embrace of homosexuality and lesbianism—dead ends, both, in terms of the call to conceive. (Gay couples claim and often these days exercise the right to raise children—someone else's children, adopted or produced by artificial insemination.) The principal barrier to the reconstruction of family life, thus to the instinct to collaborate with God in the act of creation, is the individualism that marks, and pockmarks, our time, dating back at least to the Enlightenment if not to Eden. We want what we want, and we don't care who says we should want something else (the nosy, interfering blankety-blanks!).

The consequences of self-willed sterility barely engage the author of the *Time* cover story, who prefers to sort out the reasons modern women might not wish to become mothers: cost, for instance. A quarter of a million bucks to raise a kid? Where's it going to come from? From hard work and diligence? From postponement or down-sizing of personal delights, such as ski trips and frequent turnover of Jeep Cherokees?

Jonathan Last, who argues stirringly for child-bearing, notes that population decline normally presages war, economic stagnation, and the like. He sees Russia headed toward “national suicide” as abortions exceed live births by 30 percent, alcoholism burgeons, marriage falls apart, and the culture decays.

There is much to be said, and studied, in terms of what happens when vitality of all kinds goes out of nations burdened by too many geezers (including, I suppose, regretfully, the World War II baby writing these lines). Who's going to cover my Medicare, Sonny? You and who else? And who's going to come up with the new ideas on which every culture—apart from stagnant pools like North Korea—necessarily depend? Last—by the way, what an appropriate cognomen for the author of a book with so heavy a valedictory component—is a first-rate source for consideration of the problem as a whole.

I want to draw attention, at the same time, to the analysis of Mary Eberstadt, as she reminds us of the “fundamental connection between strong religion and strong families, or weak religion and weak families.” She sees family decline as instrumental in religious decline. That is to say, family influences do more than support religion. They lead the way to it, shining flashlights on the pathway, thrusting aside overhanging branches.

“Evidence from all over,” she writes, “suggests that understanding Christianity requires understanding the natural family—and a world where natural families are often weak is one in which the very language of Christian belief, literal and figurative, is destined to be less well understood than it was before.” I would say, “less well understood” because less observed and lived into. Seeing is believing, we hear; not seeing can result in yawning or scoffing; the shutting of eyelids; the emission of snores. “Is it not possible,” says Eberstadt, “that the family is a bridge of sorts between its members and the transcendental world represented by church—and that burning this bridge also annihilates the main thing that once joined the two sides and made it possible for traffic to pass back and forth?”

Certainly the Lord—in terms made plain by Scripture and experience—presided over the creation of the family. Certainly he gave the command to become fruitful—to multiply across the land. The promise to make Abraham the father of many nations would make no sense to a culture or civilization given over largely to kid-free indulgence at the expense of commitment to the future. Nothing against Abraham, but who needs a bunch of nations? Would that query not arise? I think it would more than arise. It would present itself in unanswerable form to men and women more eager for a golf game or another Caribbean cruise than for participation in the enterprises of an unseen deity.

The production of children is a sign of trust and anticipation. Thus the populational downsizing of which we are presently part could be said to have its principal effects on morale and *esprit*. Who cares? So what? Does it matter? To whom? Why? Aren't these the essential questions society asks, silently or out loud, plainly or inferentially, in the contemplation of matters

large and small? A society without much sense of what's in store, or what ought to be, is a society treading water, waiting to get it all over with—whatever “it” may be.

Progress is an amorphous word, too much used, too loosely used on most occasions—a bit like “iconic.” Witness its kidnapping by American liberals, under the noses of such conservatives as might have thought they had useful things to say about human advances. Possession of the word in the wrong hands doesn't impeach the word's usefulness. Not to move forward is not to move at all: wheels turning and turning without effect. Faith in the future—possibly any future at all—would seem essential to the whole human enterprise. Those who renounce childbearing for the sake of immediate satisfactions confine themselves to whatever *presently* seems to yield the most pleasure. No more, thanks, we're happy! It's what you say to the waiter when he asks, hopefully, whether you've saved room for dessert. Time to produce the credit card, figure the tip, and go home. And so to bed—civilizationally speaking.

No family, no future; no kids, no family. None? What about those other people—the ones with the rug rats who run around restaurants making a commotion and put silly stickers on their cars, like “Baby on Board”? Won't these folk do the heavy lifting—the necessary procreating? Some of it, certainly. The love of life, manifested in the desire to introduce new life into the world, is certainly hard-wired into human nature. Babies won't cease being born in the way P. D. James represents in her marvelous novel, *The Children of Men*, concerning a dystopic world lacking hope on account of losing suddenly the ability to conceive any more children. Women wheel dolls around in carriages, and the last generation actually to be born demonstrates unsated appetite for anarchy. In the mode of Flannery O'Connor, James paints grotesquely in order to draw attention to her subject; that is, the self-willed, self-imposed sterility of men and women indifferent to their role as participants in the creation of life. Babies there will always be in our own world—tiny, squawling elements of human renewal. Of families in the classic sense there will be fewer and fewer, pending general recovery of the truth that where there's life, there's life and where there's not, there's not.

Meanwhile the example set by the willfully childless is a drag on that recovery. If personal joys lacked rewards of a certain kind, not many would clamor for a societal consensus that upholds and highly approves of joy. Peace around the house; leisure time galore; no anxieties about others, apart from a spouse or partner; extra bucks in the bank, owing to the absence of college-bound kids—couldn't you fall in love with it? Of course you could; which is why so many do. Against advantages of this sort the pleasure of

passing on to a younger generation values and norms and hard-won understandings—not to mention habits, songs, funny stories, and memories—may not rate highly. It's not written in the Constitution that the ordinary American must imbue succeeding generations with particular views of citizenship. We might all agree, nonetheless, that such views find particular resonance when they originate with one's own flesh and blood.

It's too often overlooked that the family is one of our society's three great teaching institutions (the other two being schools and church). To say we don't necessarily need families is to say we don't necessarily need to be taught anything. Perhaps we can pick it up on the fly, whatever it is we need to know.

The raw sociological statistics and observations that Charles Murray brings to his tale of cultural degeneration and institutional collapse shock, and should. Too many births (despite births being a good thing) take place outside the bonds of wedlock. Single prime-age males work less hard than married ones. Unmarried males come and go in single-mom households where responsibility and educational success are on the wane. It's a mess. Murray writes: "Marriage is a strong and vital institution not because the day-to-day work of raising children and being a good spouse is so much fun, but because the family has responsibility for doing important things that won't get done unless the family does them." Whereupon the job of satisfying basic human needs devolves upon "bureaucracies—the bluntest, clumsiest of all tools for giving people the kind of help they need."

The restoration of the family ideal—and I don't mean the "Father Knows Best" ideal either—presses hard upon us as a social imperative: encompassing, possibly at the very foundation of that effort, the restoration of love for children. "Love" would indeed be the word. Not just tolerance, endurance, or resignation. "Love." This is because the restorative task at hand is chiefly theological—a realization that always brings out the worst in those good self-regarding secularists who appear most unfriendly to whatever imposes restraints on human appetite. Imagine!—some God or other wanting all of us to love life for its own sake, day in and day out, Saturday mornings not excluded.

Um, yes. I fancy that's exactly what He wants.

*Apologia Pro Vita Sua:*

***Gosnell's Babies: The E-Book***

*John M. Grondelski*

Convicted murderer Kermit Gosnell, who is now serving a life sentence for the murder of three babies, the involuntary manslaughter of a Bhutanese refugee woman, and more than 200 other violations of Pennsylvania's Abortion Control Act, is talking. In an e-book authored by *Philadelphia* magazine writer Steve Volk,<sup>1</sup> Gosnell justifies his butchery of women and children as "deeds . . . in a war against discrimination, disenfranchisement, undereducation and poverty," while maintaining what Volk calls "a sense of spiritual innocence."

In the aftermath of Gosnell's conviction, the pro-abortion establishment sought to paint the Philadelphia abortionist as an outlier, while simultaneously claiming that the right to life movement was responsible for Gosnell's butchery. If only abortion were more freely legal. If only it enjoyed social support and subsidy. If only some states were not so rigorous in adopting tough anti-abortion restrictions that have to be filibustered by brave state senators sporting pink sneakers (professing no knowledge of the Gosnell case<sup>2</sup>), we wouldn't have any Kermit Gosnells.

Reading Kermit Gosnell's *apologia pro vita sua* disperses the illusion that he was an outlier. He was part and parcel of the abortion movement even before *Roe*, and he drank deep of its philosophy.

Gosnell wants us to believe that "I did not choose abortions. Abortions chose me." He would have us believe that his filthy clinic, his bizarre collection of baby body parts in bottles, and his preying on women were all just aspects of his "Christian" social justice mission among the poor of Philadelphia, for whom abortion is "a requirement for the educational and fiscal futures of women . . . and—by extension—the well-being of all the people in their circle of family, friends, neighborhood and society." He really seems unable to understand why he's gotten jail time instead of a medal for his social work. (Too bad he didn't ply his trade further north—he might have received the prestigious "Order of Canada," like abortionist Henry Morgentaler. Now, he can't even get the Clinton Foundation to answer his letters.)

Gosnell himself wasn't even an obstetrician or gynecologist, but merely a

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general practitioner. He never acquired ob-gyn certification. As the Grand Jury report stated:

Kermit Gosnell himself was not qualified. Under Pennsylvania law, an abortion facility must have at least one doctor certified by the American Board of Obstetrics and Gynecology, either on staff or as a consultant. Gosnell, the only licensed physician associated with the Women's Medical Society [his clinic] is not an obstetrician or gynecologist, much less a board-certified one. In fact, 40 years ago, he started but failed to complete a residency in obstetrics and gynecology.<sup>3</sup>

Despite the effort to paint Gosnell as an aberration in the wake of his conviction, however, lack of ob-gyn or even physician's credentials is not unusual. At Gosnell's mill, non-physicians performing abortions was the rule rather than the exception: As the Grand Jury put it bluntly, "None of Gosnell's employees were licensed or properly trained."<sup>4</sup>

While abortionists claim that Gosnell was the exception, they in fact are pushing to make delivery of abortions by non-physicians the rule. On October 9, 2013—five months *after* Gosnell's conviction—Governor Jerry Brown signed legislation, ardently promoted by Planned Parenthood, to allow an entire range of non-doctors to perform abortions in California.<sup>5</sup> Iowa is being challenged for adopting restrictions on abortion by video conference, i.e., where a doctor "examines" a patient he never meets in person via DVC, then remotely releases a drawer at the site where the woman is located, giving her access to abortifacient drugs (like RU-486) to induce her own abortion.<sup>6</sup> Among the burdens imposed by the abortion regulation bill that now-Texas gubernatorial candidate Wendy Davis unsuccessfully filibustered was a provision that a doctor who performs abortions "have admitting privileges at a hospital within 30 miles of the facility where he or she performs abortions."<sup>7</sup>

Gosnell's own selective approach to the laws he chose to obey traces back to the 1960s, when he performed his first abortions. Abortion was illegal back then in Pennsylvania, but a neighbor came to him wanting to end her fourth pregnancy, and Gosnell—with no experience and improvised equipment—killed the 15-week-old child. That abortion was succeeded by others.

As the effort to legalize abortion in New York State heated up, Gosnell went to New York City to perform abortions. Volk describes the period as follows:

This time in American history might best be remembered as a kind of Wild West period for abortion rights. Breaking abortion law amounted to a form of political insurrection. People who could provide safe abortions were considered heroes of good conscience to some, even if they or their support staff lacked appropriate credentials to be engaged in any sort of medical procedure.<sup>8</sup>

From the very start, abortion has always justified every exception. If the law banned abortion except to save a woman's life, abortionists had psychiatrists ready "to certify that women coming there to receive abortions were 'suicidal.'" As Bernard Nathanson (another abortion "pioneer" who later abandoned the lies) admitted, there were plenty of other lies done in the name of the "greater good" of abortion: grossly inflated claims of the number of women who died from illegal abortions, produced from whole cloth; recasting of abortion as "medical care" and normal pregnancy as pathology; playing on residual anti-Catholic prejudices to paint opposition to abortion as a "Catholic" thing.<sup>9</sup> (Gosnell also believes that he was a victim of Catholics gone wild. "Were you aware that Seth [Williams, Philadelphia's district attorney] was an altar boy?" Gosnell asks in his correspondence with Volk.)

In his quest for social-improvement-through-abortion, Gosnell, too, has had no scruples about lying. Indeed, he has rationalized his lies as truth. Although Pennsylvania banned abortions after 24 weeks (6 months of pregnancy), Gosnell, when confronted by a later pregnancy, abandoned ultrasound and reverted to more unreliable methods to certify all his intended unborn victims as "24.5 weeks gestation." (Gosnell also insisted, contrary to other Pennsylvania abortionists, that a ban on abortion at 24 or more weeks gestation *meant* abortions during week 24 were still legal.) He admitted never complying with Pennsylvania's 24-hour interval between counseling and abortion because "his patients knew their own hearts when they walked in the door."

**I**ndeed, back in the 1970s, Gosnell was already involved in dissimulating butchery of women: experiments with Harvey Karman's "super coil." Karman, who killed his first woman while attempting an abortion using a nutcracker (he also had no medical license<sup>10</sup>), developed various abortion technologies. He intended the "super coil" to be the standard method for inducing second- and third-trimester abortions. Here is how Volk describes it: "[The coil] consisted of a ball of spring-loaded plastic razors sealed with a gel . . . . Karman thought the 'super coil' could be inserted into a pregnant woman's uterus. Her body temperature would then melt the gel, freeing the blades to cut the fetus into pieces that could be easily expelled." Gosnell agreed to test it on 15 women on Mother's Day 1972 (leaving out the slight detail of obtaining informed consent to an untested experiment). Alas, Karman's device for surgery by Roto-Rooter "proved entirely indiscriminate," i.e., tearing flesh, be it the child's . . . or mother's. Gosnell left nine women with "serious complications." Although Karman "stayed and faced legal charges,"<sup>11</sup> Gosnell decided it was better in the Bahamas, where he laid low for a year until—

even four decades ago—Pennsylvania proved ready to overlook his malpractice, a negligence that eventually paved the way for his house of horrors at 3801 Lancaster Avenue, Philadelphia, PA 19104.

Later, while confessing that *The Silent Scream*<sup>12</sup> disturbed him (and that, using his own ultrasound, he replicated the results), Gosnell hardly turned from abortion. Like abortionists who claim the pro-life movement was responsible for Gosnell, Gosnell suggests that the film may have led to his famous “snipping” technique: cutting the spinal cords of babies born alive through partial-birth abortion. Volk presents it as Gosnell’s desire to “end every sensation of the fetus, quickly and in the most humane manner possible . . . . And in this way he made his peace with what he had seen six years earlier on ultrasound.”<sup>13</sup>

Although babies were born alive as a result of Gosnell’s late-term abortions, the fact that he had previously injected them with digoxin—essentially to induce a heart attack—meant he considered them to be “fatally blighted.”<sup>14</sup> In other words, because they would die anyway, what difference at this point does it make? But, lest abortionists be accused of lacking compassion, remember what abortionist Karen Feisullin testified under oath at the Gosnell trial when asked by the prosecution: “What is your obligation if, in fact, a baby is born alive?” “Comfort care,” she replied. “Keep it warm, you know. It will eventually pass.”<sup>15</sup>

Digoxin began being used in the 1970s as a drug for certain cardiac patients. Late-term abortionist George Tiller supposedly began using digoxin to stop the fetal heartbeat (fetal heartbeat begins 18 days after conception), which prevents the “complication” (legal as well as medico-moral) of a live birth during or as a result of a late-term abortion. Guided by ultrasound monitoring, the drug is injected by needle either directly into the fetal heart or the amniotic fluid. The Volk interview leaves the impression that Gosnell somehow never got the technique quite right: “But even guided by ultrasound, he often seemed to miss. Sometimes, afterward, the fetus emerged, and . . . . The arm just jumped.”<sup>16</sup> The truth is that Gosnell’s technique, like his clinic, was generally sloppy. As the Grand Jury noted:

Cross said that Gosnell then tried a few times to use a new procedure: He tried to inject a drug called digoxin into the fetus’s heart while it was in the womb. This was supposed to cause fetal demise in utero. But because Gosnell was not skillful enough to successfully administer digoxin, late-term babies continued to be born alive, and he continued to kill them by slitting their necks. Cross testified: “So he tried to do the needle in the stomach and that’s what was supposed to have killed the baby before the baby came out, but if it didn’t, he’ll say, oh well, the law says that I can do it. I can still slit the baby’s neck because it didn’t work. The needle didn’t work.” And according to his staff, *the needle never worked. So Gosnell stopped trying and reverted to his*

*old system of killing babies after they were born.* Gosnell's staff testified that he constantly tried to explain to them why what he was doing was legal—even though it clearly was not legal. Severing the spinal cord of viable, live babies after they have been delivered is simply murder (*emphasis added*).<sup>17</sup>

In the course of the Grand Jury proceedings, testimony was given that Gosnell had slit necks in the case of “‘Most of the second tris [trimester, i.e., over 5 months of pregnancy-JMG] that were over 20 weeks.’ . . . [T]his happened dozens of times, maybe more. She described at least 10 babies as big enough to buy clothes for . . .”<sup>18</sup> Steve Massof, a graduate of a Grenada medical school whom Gosnell hired to perform abortions in his clinic despite his lack of a medical credential, admitted to the Grand Jury that “. . . there were about 100 instances in which he severed the spinal cord after seeing a breath or some sign of life . . .”<sup>19</sup> and that “Gosnell cut the spinal cord ‘100 percent of the time’ in second-trimester (and, presumably, third trimester) . . . abortions.”<sup>20</sup> The Grand Jury concluded: “We believe, given the manner in which Gosnell operated, that he killed the vast majority of babies that he aborted after 24 weeks. We cannot, however, recommend murder charges for all of these cases . . . . Because files were falsified or removed from the facility and possibly destroyed, we cannot substantiate all of the individual cases in which charges might otherwise have resulted.”<sup>21</sup> Gosnell pretended to his staff that the jerks of children dying in front of him “wasn’t a real movement”<sup>22</sup> because, as Volk summarizes it, “[o]nly in his mind, because he had injected them with digoxin, they were going to die anyway. To him, their weak movements weren’t signs of life . . . .”<sup>23</sup>

Gosnell's defense knew that his butcher shop was brutal, so their strategy was “eager to convey to the jury that abortion is always brutal. ‘[T]hat’s a process where tools are actually [inserted] up into the uterus and basically pulling parts out and you may pull out an arm or a leg or some portion of that?’” asked the defense attorney. “Feisullin, with distaste evident on her pursed lips, concurred.”<sup>24</sup>

The more one reads this document, the more one wonders where lies the greater evil: Gosnell, safely locked behind bars, or the abortion establishment eager to hush up these same procedures occurring elsewhere under sometimes more antiseptic conditions. But in Gosnell one sees the logic of the abortion establishment carried to its logical extension, though shorn of the mellifluous *faux* compassion masquerading as a verbal fig leaf that covers up what we want to do but not to admit.<sup>25</sup> One is left to wonder where conscience has been more completely deadened: in the Philadelphia abortionist, who pretends his activities served the good, or in a country eager to ignore the dirty little secrets the Gosnell trial let slip. Like that of the plumber who,

summoned to unplug Gosnell's toilet, plunged up "a tiny arm."<sup>26</sup>

Volk notes that plenty of commentators have branded Gosnell a "monster." The author goes out of his way to show another side of Gosnell: the family guy who mowed the lawn, dressed fastidiously, took kids down to the Jersey Shore, and played Chopin. As if this somehow affects our judgment? No doubt SS-men also went home, after a tough day of gassing, shooting, and hanging people, to wash up, put on clean clothes, play a little Richard Wagner on the old Victrola, and weed the garden. At least in their case, we still don't think that their "good ole boy next door" habits had anything to do with their being evil men. But, unlike Kermit Gosnell, I am no "big believer in situational ethics."<sup>27</sup>

### NOTES

1. Steve Volk, *Gosnell's Babies: Inside the Mind of America's Most Notorious Abortion Doctor* (Philadelphia: Metro Corp., 2013). Available as "A Philadelphia Magazine E-Book" at [www.amazon.com](http://www.amazon.com). All quotes are to this text. A more abbreviated article appears in the October 2013 issue of *Philadelphia* magazine, and additional information on their website: <http://www.phillymag.com/news/2013/09/23/convicted-abortion-doctor-kermit-gosnell-spiritually-innocent-ebook/>
2. See John M. Grondelski, "The Wendy Davis Boomlet," available at: <http://www.humanlifereview.com/index.php/component/content/article/4-blog/260-the-wendy-davis-boomlet>
3. "Report of the Grand Jury," available at: <http://www.scribd.com/doc/135646678/Grand-Jury-Report-Kermit-Gosnell-Womens-Medical> (accessed October 5, 2013, 1100 GMT), p. 38. As will be noted below, abortion proponents never really scrupled about the qualifications of abortionists. Indeed, many of the heroes of the early abortion movement—like Harvey Karman (see below)—were unqualified. According to Volk, Gosnell sometimes comes across as just another doctor set in older, more quaint ways: "The doctor who launched his career as an abortion provider pre-*Roe*, when proper staffing was a luxury, never saw any need to change" (locations 496-97 of 708, emphasis added, Kindle edition).
4. Report of the Grand Jury, p. 24. Indeed, when two of Gosnell's own employees sought abortions, they went to other clinics (p. 24).
5. See Ian Lovett, "California Expands Availability of Abortions," *New York Times*, October 9, 2013 online edition, at: <http://www.nytimes.com/2013/10/10/us/california-expands-availability-of-abortions.html?hp> Planned Parenthood officials in California crow that while many other states are enacting abortion restrictions, California is loosening its requirements: "'Californians have always liked to think of ourselves differently,' said Kathy Kneer, president and CEO of Planned Parenthood Affiliates of California, adding that she hopes the bill 'truly does signal a turn of the tide against these state restrictions all across the country. Hopefully this will send a message to go in the opposite direction.'" See Josh Richman, "California Bill Would Let Non-Physicians Perform Abortions," *San Jose Mercury News*, August 27, 2013 on-line edition, available at: [http://www.mercurynews.com/nation-world/ci\\_23953915/bill-would-let-non-physicians-perform-abortions-california](http://www.mercurynews.com/nation-world/ci_23953915/bill-would-let-non-physicians-perform-abortions-california). One source pointed out that now in California, an abortion on a dog can only be performed by a veterinary surgeon but an abortion on a human being by a non-surgeon: See "Taking Baby Killing to a New Low," <http://townhall.com/columnists/michaelbrown/2013/09/16/taking-baby-killing-to-a-new-low-n1701343>
6. See "Planned Parenthood Asks Court to Block Ban on Telemedicine Abortions," *Iowa City Press Citizen*, September 30, 2013, online edition, available at: [http://www.press-citizen.com/apps/pbcs.dll/article?AID=2013130930016&nclick\\_check=1](http://www.press-citizen.com/apps/pbcs.dll/article?AID=2013130930016&nclick_check=1)
7. Manny Fernandez, "Abortion Restrictions Become Law in Texas, but Opponents Will Press Fight," *New York Times* (on-line edition), July 18, 2013, available at: [http://www.nytimes.com/2013/07/19/us/perry-signs-texas-abortion-restrictions-into-law.html?\\_r=0](http://www.nytimes.com/2013/07/19/us/perry-signs-texas-abortion-restrictions-into-law.html?_r=0) Similar opposition

- arises from the abortion establishment when it comes to holding abortion clinics to the same standards as other out-patient surgical centers: Virginia has been locked in litigation for more than two years over abortion clinic standards: See “Challenge to Virginia Abortion Regulations Moves Forward,” *Washington Post*, October 9, 2013 on-line edition, available at: [http://www.washingtonpost.com/local/crime/challenge-to-strict-regulations-for-virginia-abortion-clinics-moves-forward/2013/10/09/05d22860-30fd-11e3-89ae-16e186e117d8\\_story.html](http://www.washingtonpost.com/local/crime/challenge-to-strict-regulations-for-virginia-abortion-clinics-moves-forward/2013/10/09/05d22860-30fd-11e3-89ae-16e186e117d8_story.html) The Virginia regulations, for example, specify the width of hallways in clinics (among the violations at Gosnell’s Philadelphia clinic were locked emergency exits), which abortionists call “onerous.” The Falls Church, VA, clinic driving the suit called the state judge’s decision to move the case forward “spiritually uplifting” (ibid). According to a 2012 Virginia report, however, while the clinic was being “spiritually uplifted” it was also in violation of numerous personnel and medical standards requirements of the Virginia regulations they now seek to block. Their violations included: dried blood on examination tables and walls; dried blood on examination table stirrups because “[t]hey couldn’t have been cleaned last night,” substandard disinfection and lack of disinfection protocols, and outdated supplies/medication (including an IV line that was nine years out of date): See “Statement of Deficiencies and Plan of Correction,” at <http://abortiondocs.org/wp-content/uploads/2013/03/Falls-Church-Healthcare-Center-Initial-LIC-POC-09-17-2012.pdf> (accessed October 12, 2013, 1400 UTC).
8. Volk, *Gosnell’s Babies*, location 152-55.
  9. “Bernard Nathanson: A Life Transformed by Truth,” in Robert P. George, *Conscience and Its Enemies: Confronting the Dogmas of Liberal Secularism* (Wilmington, DE: ISI Books, 2013), pp. 220-26.
  10. Another illustration of abortion double-speak: In the abstract to an article discussing the “super coil,” Karman is described innocuously—42 years after causing a woman’s death—as “a lay California abortion provider.” See “Abstract” to Tanfer Emin Tunc, “Harvey Karman and the Super Coil Fiasco: A Forgotten Episode in the History of American Abortion Technology,” *European Journal of Contraception and Reproductive Health Care*, 2008, available at: <http://www.ncbi.nlm.nih.gov/pubmed/18283597> (accessed October 12, 2013, 1415 UTC). His obituary described him as a “flamboyant psychologist” and “activist, inventor, educator, and rogue.” It quoted a “feminist women’s health clinics” founder calling Karman as “a real change agent” — see “Creator of Device for Safer Abortions,” *Los Angeles Times*, on-line edition, May 18, 2008, available at: <http://articles.latimes.com/2008/may/18/local/me-karman18>
  11. All quotes from Volk, *Gosnell’s Babies*, locations 151 and 161. What Volk doesn’t add is that Karman was arrested and convicted only for practicing medicine without a license, a relatively minor charge pressed by then-Philadelphia District Attorney/late-U.S. Senator Arlen Specter. See “Gosnell and the Super Coil,” *American Spectator*, April 19, 2013, available at: <http://spectator.org/archives/2013/04/19/gosnell-and-the-super-coil>
  12. *Silent Scream* is a 28-minute American documentary film, released in 1984, produced by former abortionist Bernard Nathanson. With the advent of ultrasound technology, which for the first time enabled a view of what happens inside the womb, Nathanson documented the abortion of an eleven-week old unborn child who, in his narration, he describes as appearing to open its mouth in a “chilling silent scream” as the uterus is entered by the abortionists’ instruments. Ronald Reagan screened it in the White House. In 1987, Nathanson made a similar film with Charlton Heston, *Eclipse of Reason*, documenting a later-term abortion. Both remain available from [www.amazon.com](http://www.amazon.com)
  13. Volk, *Gosnell’s Babies*, locations 274-77. Pro-abortion orthodoxy contends, of course, that no unborn child could ever experience any pain, or at least (as in the beginning of life) feign agnosticism on the point (“... [T]he science of fetal pain remains unsettled”—Volk, location 247). Yet, despite the *de fide definita* contention that the unborn are insensate, Gosnell reflects the schizophrenia of abortion by claiming to have snipped babies’ spines to spare them painful sensations of which they were supposedly incapable after already having administered digoxin to kill them. Asked by Volk to explain this conundrum, Gosnell seems to tell us simpletons we just don’t get it: “It will take me some time to articulate my answer.” (location 550).
  14. *Ibid.*, Location 494. See also location 530-34.
  15. On September 27, 2013 the Polish Parliament rejected (182-233, 6 abstentions) citizen-initiated legislation to delegalize abortion for eugenic purposes in that country. During the debate, the fate of deformed children born alive through abortion was read into the record: “This is what is done in the case when a child is born alive after such an abortion. It is put into a bowl or on a

surgical cloth and dies there. It dies of cold and also because it does not have sufficiently developed lungs, so it suffocates. All of this occurs because eugenic abortion, which we are discussing today, takes place in the fifth and sixth months of pregnancy, because that is when one receives the results of prenatal tests.” (At least abortionist Feisullin provides warm “comfort care.”) Another case involved an unborn child found developmentally deformed at 23 weeks. “The decision was for an immediate termination of pregnancy. The child was born deformed. Immediately after being born it was treated as a specimen for research. It only hadn’t yet been decided whether it should wind up in the refrigerator or in formaldehyde. Right after the decision, look! It’s alive! It lies in a metal bowl and, along with the placenta, one can clearly see how its heart is beating, contrary to predictions and the diagnosis. After a few minutes, the child dies and winds up in the refrigerator. The clinic’s midwives’ efforts to oppose such procedures are treated as manifestations of insubordination and threatened with dismissal, which the clinic management clearly and emphatically stresses.” *Sejm Rzeczypospolitej Polskiej Kadencja VII Sprawozdanie Stenograficzne, 50. posiedzenia Sejmu Rzeczypospolitej Polskiej w dniu 27 wrze[ń]ia 2013 r.(trzeci dzień obrad)* [Parliament of the Republic of Poland—8th Parliament, Stenographic Report of the 50th Meeting of the Sejm of the Republic of Poland, September 27, 2013, Day III of the Meeting], pp. 319, 325. All translations the author’s, available at: <http://www.sejm.gov.pl/sejm7.nsf/stenogramy.xsp>. Feisullin’s response further reflects the schizophrenia of abortion: If one truly believed an unborn child is but a “tumor” or “growth,” why would one testify under oath of “comfort care?” Surgeons do not usually “comfort” a removed appendix.

16. Volk, *Gosnell’s Babies*, location 302.
17. Report of the Grand Jury, p. 111, emphasis added. Of course, this prompts the question: What about plunging scissors into babies’ necks during a partial birth abortion to collapse skulls while *in utero*, designed to make removal of the child easier? Only in abortion does the scene of the crime determine whether a crime has even been committed. Volk captures a sense of this when, writing about our distaste for Gosnell’s actions but our acquiescence in the abortion license, he observes: “For him, for us, the difference between being a doctor just doing his job and first-degree homicide was, first, a matter of geography: Did he kill the baby in utero, or outside the womb? And, second, a matter of execution: A 5.5-inch-long pair of surgical scissors, or a blanket and time?” (*Gosnell’s Babies*, locations 455-57). Of course these tortured distinctions, relevant to legal status though irrelevant to biological fact, are the outcome of supposedly specific Constitutional demands imposed by a “right” based on gaseous penumbrae.
18. Report of the Grand Jury, p. 114.
19. *Ibid.*
20. *Ibid.*, p. 112.
21. *Ibid.*, p. 115.
22. Volk, *Gosnell’s Babies*, location 302.
23. *Ibid.*, location 539.
24. *Ibid.*, location 440-444.
25. Volk concludes: “I came to see him [Gosnell] as dissembling, searching for some way to align the practices he believed in with the laws as they stand” (Location 552-53). One must, therefore, ask: Is Gosnell’s problem that he was not quite so deft at dissembling as other abortionists, especially those in the treacherous minefield of late-term abortions?
26. *Ibid.*, location 317-18.
27. *Ibid.*, location 478-79. Gosnell raises other issues in his *apologia* that are not treated here, e.g., Gosnell plays the race card by raising “the racial implications of being an abortion provider” (location 404-405). His remarks bring to mind the revisionist rehabilitation of Dr. Kenneth Edelin, the Massachusetts obstetrician found guilty of manslaughter (reversed on appeal) of the child in connection with a hysterotomy in 1975. See, e.g., Edelin’s own *apologia pro vita sua* in *Broken Justice: A True Story of Race, Sex, and Revenge in a Boston Courtroom* (Ramsey, NJ: Arbor Books, 2008). Gosnell seems to identify himself with another late-term abortionist, George Tiller (see Volk, chapter 7 and locations 48-51). He even framed his own bizarre exegesis of Exodus 21:22 to paint himself as a soldier in the war on poverty, contributing to its eradication through abortion (see Volk, locations 626-34). And, in his spare time, he now writes (bad) poetry: Volk, location 605.

# A Bad Bargain

George McKenna

In his 1858 debates with Senator Stephen A. Douglas, Abraham Lincoln argued not for an immediate national abolition of slavery but for preventing its spread into the new territories. Lincoln understood that if slavery's growth were arrested as the rest of the nation expanded, it would eventually die on the vine. His argument was aimed at voters in northern and western states who, while not ready for abolition, were either morally uneasy about the extension of slavery or worried about its economic effects on their states. Lincoln spoke to these concerns. At the same time, he was forthright in expressing his ultimate goal: to put this evil institution "in the course of ultimate extinction."

In a 1995 article I wrote for *Atlantic Monthly* (later republished in the *Human Life Review*), I suggested Lincoln's strategy as a model for how we should approach abortion: not by seeking the politically impossible goal of an immediate abortion ban but by pushing various means of limiting it, including parental consent laws, tough regulation of abortion clinics, and 24-hour waiting periods. Above all, I urged, we must do as Lincoln did, speaking out publicly against a grave moral wrong.

On my first reading of "Beyond the Stalemate," Peter Steinfels' article in the June 23 edition of *Commonweal*, it seemed similar to mine, at least in its overall approach to the issue. Recognizing abortion as a moral wrong, it nevertheless warns of the futility of seeking an immediate ban, arguing instead for a pragmatic strategy. Steinfels professes to be an orthodox pro-lifer, fully grasping the biological fact that human life begins at conception. But, he contends, in a pluralist society not everyone agrees with that belief. Some believe that life begins later, at three months, or six months, or at birth, or even later. In recognition of this great diversity of opinion, he thinks that "individual Catholics," while holding to their own "moment of conception" line with "family and friends," would be wise to draw its political line in the sand at a later period, when an unborn child begins to take on recognizably human features. He recalls that "many years ago" he suggested eight weeks, implying that he may now be more flexible.

This is what I got from the first reading. But successive readings revealed other themes in this lengthy essay. I will try to pry them out by using a single

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line of inquiry. Here is the question, stated simply and ungrammatically: Who's he talking to?

An essay implies a proposition, something “put forth” in public, and that always implies an audience worth appealing to—an audience of friends, or at least potential friends. My article, for example, was aimed at two distinct but overlapping audiences: my friends in the pro-life movement and those in the “mushy middle,” Americans uneasy about abortion but reluctant to overturn *Roe v. Wade*. To the former I offered a practical political strategy, and to the latter an invitation to ride with us as far as they felt comfortable. Where is Steinfels' audience? To whom is he directing his advice to drop the public insistence that life begins at conception, moving it instead to a later point?

He couldn't be appealing to the pro-life movement, and here is the reason: He doesn't like the pro-life movement. He is disdainful of it. In his article it is always a “they” and a “them,” never a “we.” Indeed, he has drawn up a bill of indictment against it. It has never properly distanced itself from “confrontational, authoritarian, and even misogynist” spokesmen. Pro-life activists spout “harsh rhetoric, political absolutism, moral righteousness,” and harbor retrograde “attitudes toward women and sexuality.” The movement has allowed “aggressively evangelical and sometimes antifeminist militants” to become its “public face.” It has handed the news media “images of angry people blocking clinics and shouting at women.” At one point he seems to link the entire pro-life movement to the gaffes of a couple of Republican Senate candidates in 2012, probably referring to Missouri Senate candidate Todd Akin's assertion that a woman's body can prevent pregnancy in a “legitimate rape” and Indiana Senate candidate Richard Mourdock's calling a pregnancy resulting from rape a “gift from God.” Painting with a very broad brush, Steinfels claims that the ideas voiced by Akin and Mourdock “have long floated around anti-abortion circles.”

And those circles, Steinfels believes, are entangled with the highest circles of the Republican Party. “Was it necessary for the National Right to Life Committee to make Karl Rove its July 4 keynote speaker in the midst of the 2008 presidential election?” The answer to Steinfel's rhetorical question appears a few pages earlier in his article. It is a photo, in 1980, of two very earnest-looking women, “Democrats for Life,” typing out pro-life delegate lists for the upcoming Democratic Convention. That turned out to be an historic convention, because it was the first time the national Democratic Party gave a full-bore endorsement of abortion. Calling abortion “a fundamental human right,” it insisted that any funding for “reproductive” procedures must include abortion. Since then, the party has increasingly hardened its position and muzzled its pro-life voices. The last chapter of the “Democrats for Life”

played out in 2010 when its tiny remnant in the House of Representatives caved in to pro-abortionists in the fight over the Stupac amendment to Obamacare. Led by Michigan Representative Bart Stupac, they tried to insert into the bill an amendment barring any use of the funds to finance abortion. Ground down by an incessant barrage of threats and enticements, they ended up settling for a weak, virtually meaningless executive order whose enforcement rests with the most radically pro-abortion president in our history. Feeling betrayed, pro-life voters defeated some of these congressmen in the 2010 primary elections (which Steinfels characterizes as retaliation “for not toeing the right-to-life” line).

Looking again at that photo of the “Democrats for Life,” I wonder if those two dedicated women, if they are alive today, are still Democrats. What I know for certain is that most like them have been driven out of the party and into the waiting arms of Karl Rove and other GOP organizers. If “Democrats for Life” has become an oxymoron, the responsibility rests mainly with the Democrats.

So it doesn’t seem that Steinfels is directing his heartfelt appeal to pro-life leaders. And he is certainly not going to waste his time talking to Republican leaders. Is he perhaps seeking a conversation with his Church? Here the answer is more complicated. On the one hand, Steinfels professes loyalty to the Church’s teaching on abortion, even suggesting that this loyalty has created many tensions in his friendships and his career. On the other hand, his essay is peppered with little asides about the Church, most of them uncomplimentary. He complains about its “closed all-male clerical leadership,” its “prudery” and hypocrisy during his childhood, and its continuing “male bias.” He longs for the days when the bishops hewed to the “consistent ethic of life” or “seamless garment” of Cardinal Joseph Bernardin, without acknowledging how well this served pro-abortion Democrats who could now call themselves “pro-life” because, while consistently supporting abortion, they also supported nuclear freezes and welfare programs. He has very slight regard for the present crop of American bishops, whom he accuses of misinterpreting church “prudential” doctrine and meddling in electoral politics.

If Steinfels is disdainful of pro-life leaders, scornful of Republicans, and angry at his Church, where is his intended audience, the people to whom he is appealing? Who’s he talking to?

### **Steinfels’ Audience**

He’s talking, of course, to the regular readers of *Commonweal*. *Commonweal* Catholics are Catholics of a certain age whose liberal or progressive worldview was shaped by paradigms derived from the Civil Rights

period of the early 1960s, with subsequent antiwar, feminist, and environmental tracks layered on over the next 10 years. Its politics are liberal or progressive, and in this respect it is at about the same place in the ideological spectrum as certain other Catholic magazines, such as *America* and the *National Catholic Reporter*. Its views are also similar to those taught in Catholic theological schools and the liberal arts departments of almost all Catholic universities today.

I do not speak disparagingly of *Commonweal* Catholicism. I once shared its political outlook, though I no longer do because I have come to believe that it trusts too much in big government. But I respect it for its vision of what a good society should look like. It is a noble vision, and I would be happy to live in such a society if it were attainable by the means it proposes.

It has two prominent features that I want to discuss. They are in tension with one another, and it is this tension, I believe, along with Steinfels' attempt to resolve it, that provides the key to understanding the subtext of his article.

The first is what I will call ecumenism. In the strict sense, ecumenism means dialogue and cooperation between different religious faiths. And in that sense it squarely fits the socially committed Catholics who once marched with equally committed Protestants and Jews, protesting Southern segregation and the Vietnam War. These reform movements seemed to fit their faiths as easily as the antislavery movement fit the Second Great Awakening of American Protestantism in the nineteenth century. The inspiring biblical tropes of black preachers, so familiar to the adherents of all three faiths, sacralized social reform. "Let my people go," was the demand alike of Moses and Martin Luther King.

But as the years went by, an ecumenism of a broader, more dubious kind began to emerge. It started becoming clear that many of the marchers for peace, civil rights, women's rights, and the other rights were not adherents of any religion; some of them, indeed, probably shared Gloria Steinem's hope that religion would just go away, so we can "raise our children to believe in human potential, not God." But by this time there was so much solidarity among the liberal reformers that even profoundly different attitudes toward religion couldn't spoil the music. And why should they? "They have their own reasons, maybe Marxism or secular humanism, but what does it matter? *We have ours*. Ours come directly out of our Catholic faith." They could then point to the Church's long tradition of helping the downtrodden, seeking peace, respecting strong women, welcoming the sojourner, freeing the imprisoned, and seeing the goodness of God's creation. By 1970 it appeared that the entire agenda of the American left, from black liberation to

environmentalism, could be fitted into a framework of orthodox Catholicism. *Nihil obstat!*

Then came *Roe v. Wade*. The regular readers and writers of *Commonweal* were dismayed and hurt when so many of their friends on the left cheered the decision and joined the movement to expand and subsidize it. (Some of this hurt is evident in Steinfels' allusion to the "many tensions" in "my personal relationships.") This brings us to the second earmark of the kind of Catholicism I am describing. Whatever else they are, *Commonweal* Catholics are not Pelosi Catholics. They have enough moral intelligence to know that there is something seriously wrong about killing children in the womb. They also know that you can't honestly search through centuries of Catholic teaching and find anything but the harshest condemnation of abortion. They know that abortion is a plank that cannot be nailed to even the most liberal Catholic platform.

At first they tried reasoning with their secular friends, appealing to their better angels. "Who is more vulnerable than a little baby in the womb?" Tugging at the heartstrings didn't work, because, their friends said, "We don't think it's a baby." So they pulled out their biology books, showing them that the moment a sperm cell penetrates an ovum there appears a new, genetically unique human being. But none of it worked, not even with the new sonograms. Their friends adamantly refused to acknowledge the fetus as a baby because, to them at least, *it doesn't look like a baby*.

So now we come to the underlying point of Steinfels' argument. Addressing a *Commonweal* audience, he is setting forth the following proposition: In order finally to resolve the unfortunate tension that has arisen between ourselves and our pro-choice brethren on the left, let us offer them a grand bargain. Henceforth, we will eschew any more public rhetoric about a "moment of conception"—if you will just agree with us that at *some* point in the pregnancy the occupant of the womb can be called human and thus entitled to the same legal protections we give to the already-born.

"I am not backtracking," he insists. He's still convinced, by science and faith, that new human life emerges from the union of sperm and egg. It's just that—well, everything's more ambiguous than he used to think. Each stage in embryonic development brings important transitions, so there is, he says, no "magic moment." Our pro-choice friends are right, maybe not philosophically but in terms of "our everyday sense." The fetus is so small! Using a simile commonly found in pro-choice literature, he compares the fertilized ovum to the dot at the end of a sentence, adding his own intensifier: Even when the embryo gets a heartbeat, it's still no bigger than a quarter-inch space inside a parenthesis. He finds it hard to imagine "that anything so

small can be the bearer of rights that would outweigh the drastic impact that its continued existence might have on the life of its mother or her family.” It looks like even the eight-week marker he once proposed is no longer good enough to justify the child’s “continued existence.”

But “I’m not backtracking.” He insists that he still holds to his original view that life begins with conception. But it won’t sell. It’s “counterintuitive.” His solution, then, takes the form of bifurcation. At home, among ourselves, our family, and close personal (presumably Catholic) friends, we should stick with the “moment of conception.” That’s fine. But out in our “diverse, pluralist” society, we should settle on some (admittedly arbitrary) date later in the pregnancy, when the baby takes on a more human appearance.

The attentive reader may be reminded of the famous bifurcation proposed by New York Governor Mario Cuomo at Notre Dame University in 1984, when, after insisting that as a Catholic he was “personally opposed” to abortion, Cuomo declared that he had no right to force non-Catholics to observe precepts more or less peculiar to his religion. But Steinfels is not putting abortion in the same category as missing Sunday Mass. He recognizes it as a killing procedure. It’s just that he’s not quite sure what it is it is killing. Is it a dot at the end of a sentence, or a baby, or something in-between, like a parenthesis? He just doesn’t know anymore. So he wants to keep everything as loosey-goosey as possible: Make the legal protection of human life “not from conception but from the point where not one but a whole constellation of converging arguments and intuitions can be brought to bear.” Whatever that means.

### **The Grand Bargain**

Thus the bargain he thinks he and his *Commonweal* Catholics should strike with liberals of the abortionist persuasion. We will lay off “moment of conception,” if you will agree that there should be *some* restrictions on abortion at *some* later stage of pregnancy.

It is, I believe, a bad bargain, and for three reasons. First, it is logically flawed. If, as he says at the outset, he sees no philosophical reason to depart from his original pro-life position, why is he departing from it now? Because of intuitions, feelings? Do feelings trump reason? Then why argue reasonably?

Second, it underestimates the dramatic significance of conception. Conception is the big bang. It is what sets off the whole continuum of growth toward an adult human being. Conception begins it all, and what follows is just a matter of growing up, which has a decent chance of occurring if the child is fed and watered and not put to death. Conception *is* a “magic moment,” and if we deny or belittle the significance of that moment, we start

down the familiar slippery slope. Why forbid the killing at eight weeks? Why forbid it at 24 weeks, or 28? Why not go all the way with Kermit Gosnell?

Third, Steinfels' proposal is futile. The bargain will have no takers. The activists on the other side will never, never agree to support meaningful limits on abortion. Earlier in this essay I noted Steinfels' reference to the insensitive and/or ignorant remarks of Republican politicians like Todd Akin and Richard Mourdock when discussing abortion. Now, listen to the Democrats. In 1996, then-Senator Rick Santorum (R-Pa.) debated partial-birth abortion with then-Senator Russ Feingold (D-WI). In the course of the debate, Santorum asked a hypothetical question: Suppose a baby targeted for abortion were accidentally delivered alive. "Would you allow the doctor to kill the baby?" Feingold's reply was that this "should be answered by the doctor, and by the woman who receives advice from the doctor." (Feingold later altered his answer in the *Congressional Record*, then accused the National Right to Life organization of misquoting him. He backed off when Douglas Johnson, Legislative Director of National Right to Life, offered to play a C-SPAN tape of his actual remarks.) Three years later the topic came up again in the Senate, and this time Santorum questioned California Democrat Barbara Boxer about when legally protected human life begins. Boxer, unconsciously recalling the practice in pre-Christian Rome, said it begins "when you bring your baby home."

A final example (though others can be cited) involves a young Democratic senator in the Illinois state legislature that was considering a bill to ban the killing of babies born alive after failed abortions. The senator voted twice against the bill and verbally assailed it as "an undue burden" on the woman. That legislator is now President of the United States.

If this is where leading Democrats draw the line—*outside* the womb, with a baby you *want*—what are the chances of bipartisan compromise on limiting abortion to any month in pregnancy? Meantime, we will have signaled them that we aren't really serious about our long-held commitment to protect human life "from conception to natural death." They will pocket our concession and use it to advance their cause. We will have given away the store and incentivized them to ask for more.

Despite his criticisms of the pro-life movement and the present leadership of the Catholic Church in America, Steinfels acknowledges that they have achieved "something remarkable. Four decades after *Roe*, abortion remains a serious moral issue despite a concerted effort to have it accepted as a routine medical procedure." The pro-abortion forces "are morally committed, ideologically single-minded, well-organized, well-funded and well placed in the nation's cultural and socio-economic elites." If, despite these great

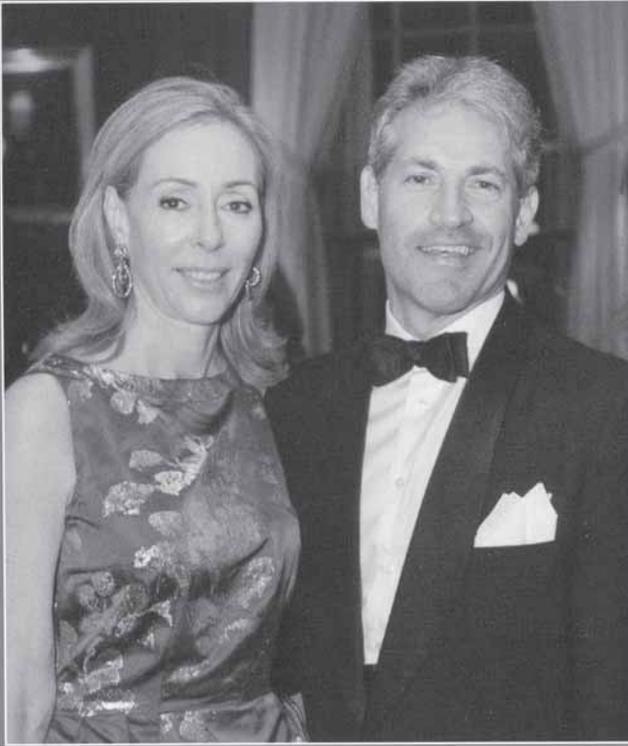
odds against the pro-life cause, abortion still remains morally questionable, “Catholic teaching and the Catholic bishops deserve a great deal of the credit.” This is undoubtedly true. I remember one of my students in the fall of 1973 telling me that on the previous week she had gone in for “a routine abortion.” I cannot imagine her, or anyone else, using that kind of language today.

But if the Church and the pro-life movement deserve credit for keeping the life issue alive, one has to ask this: Could they have done it if they had compromised and watered down their commitment to protecting life “at all stages”? Could they have won this crucial battle if they had played “let’s make a deal” with the pro-abortion forces, working out some day, or week, or month, when human life begins—like politicians bargaining over numbers on a tax bill? Moral absolutism, holding fast to what is doctrinally and biologically certain, has held the line against the abortion lobby for the past 40 years. Today—with an Administration wholly committed to routinizing abortion—is no time to go wobbly.



*“For the plaintiff in this case, Your Honor, the product’s bold assertion: ‘easy-opening lid,’ was a cruel and vicious lie.”*

**THE ELEVENTH ANNUAL . . .**



**GREAT DEFENDER OF  
LIFE DINNER**

**THE UNION LEAGUE CLUB  
NEW YORK CITY  
SEPTEMBER 26, 2013**



**THE HUMAN LIFE FOUNDATION**

*journal cover design by Stylistic Press*

*Eric and Susanne Metaxas, Great Defenders of Life*

FALL 2013/29

***Reverend Victor Lee Austin:***

It is my joy to invoke God's blessing upon our evening together. We are all deeply proud of the work of Susanne and Eric, practical, vibrant, witty, and sacrificial. We are also deeply proud of the work of the *Human Life Review*.

My wife, Susan, and I moved to New York City from Santa Fe in 1982 when I started seminary. Earlier that year she had had her first article published. It was in the *Human Life Review*, and so right upon our arrival the editor, J. P. McFadden, invited us to lunch, and then on subsequent occasions to his home. His hospitality was gracious and ecumenical and open-armed; in a hostile world, in a harsh city, at a difficult time, Jim's humane virtues provided for us a haven of peace.



Last year—as it happened, in a providential lull in the midst of her final illness—Anne and Maria reprinted that 1982 article of Susan's. Although she was no longer in a state to write such a thing, and in fact could not remember ever having been able to write as she did in that piece, upon reading it Susan radiated joy. She experienced once again what I think of as the heart of the *Human Life Review*.

And that is the grace of welcome. Of course, and thankfully, the *Review* does not print bad stuff; it is not welcoming in that sense, and Susan experienced welcome here because she wrote something well that was also true. But behind all the arguments (which must be mustered), behind the unflagging commitment to language that is elegant and skillful and powerful, behind the vigilant opposition to those who advocate inhumane practices, the little journal that brings us together tonight has at its heart the grace of welcome, an openness to every human being, even those who are smaller than your thumbnail. In this enterprise we may lose friends; we do risk social ostracism; and we will be called upon to sacrifice. But in its heart, the *Human Life Review* is not exclusive or oppositional or agonistic or pugnacious. The humane virtue of this enterprise is the gracious provision of space for one another. For the side of life is, in the end, nothing but the side of humanity.

And so we pray God's continued blessing upon Susanne and Eric, and upon everyone in this room tonight who is engaged one way or another in

the struggle to defend the dignity of every human being, and upon the good and humane people who produce the *Human Life Review*. May all our hearts continue to be broken open by the Holy Spirit, so that the day foreseen by the prophet Ezekiel may come closer, so that all stony hearts are turned into hearts of flesh, and that every human being is welcomed into our friendship, and none is ever turned away from our embrace. May God make space in our earthly city for every human creature he creates. And may God, who once sought out for himself space and friendship in the earthly city, bless the good food we are to enjoy this evening and our time together. Amen.

***Maria McFadden Maffucci:***



Welcome to all our friends—I see many beloved faces here, and many new ones as well; I am so grateful you are all here tonight to help us honor Susanne and Eric Metaxas.

This is our 11th annual dinner, and we have just about a sell-out crowd! As you know, events like this take a terrific amount of work, and I thank all our staff and volunteers. A warm thanks to our board members, table sponsors, and dinner guests; and special thanks to Sean Fieler, Chairman of the Host Committee, and to Greg Pfundstein and the Chiaroscuro Foundation, as well as to Supreme Knight Carl Anderson and the Knights of Columbus, for supporting this dinner at the Ronald Reagan level.

In my welcome to you in this year's dinner journal, you will read a bit about each of the "greats" we remember at this event—President Ronald Reagan, journalist Malcolm Muggeridge, Congressman Henry Hyde, Ambassador

Clare Boothe Luce, and Rev. Harold O.J. Brown—and the integral roles they played in the *Human Life Review*'s history.

Also, in your gift bags, you will receive a copy of our latest book, *The Reach of Roe*, edited by our managing editor Anne Conlon, and the latest issue of the *Human Life Review*, with contributions by honoree Eric Metaxas, Anne Conlon, and John Burger, all here tonight. Other *Review* authors with us this evening are Senior Editor Mary Meehan, Brian Caulfield, and George McKenna. Our staff is small but mighty: In addition to myself and Anne, we have Rose Flynn DeMaio, our financial manager, and Christina Angelopoulos, my beloved sister, who is our production manager and IT expert. Our most amazing volunteer, Pat O'Brien, knows ALL of you by name. And a special thanks to Jennifer Lahl, founder and president of the Center for Bioethics and Culture Network, who you will hear from later tonight, and who has brought you DVDs of her important documentary, *Eggsploitation*.

Part of the Foundation's mission is to support pregnancy centers with matching grants, and that is how I met Susanne Metaxas, soon after she became the executive director of the Midtown Pregnancy Support Center in 2006. But I really came to know Susanne when we were both asked by the Family Life/Respect Life office of the Archdiocese of New York and the Sisters of Life to collaborate on a project with Michaelene Fredenburg and her ministry, "Abortion Changes You." Our role was to help raise awareness and funds for a campaign to put "Abortion Changes You" ads on the New York City subways. Working with Susanne was a joy: She is smart, funny, compassionate and generous. It was her generosity that really impressed me: As a busy woman and mother, she took on this extra, volunteer project because of her overriding concern for women—both women facing unplanned pregnancies and women who have had abortions. Last year, we made a visit to the center after Susanne had it renovated, and I was really struck when I walked in. Let me put it this way—there can be an element of "do-gooding," where the focus is on the good done and not the person being helped. Susanne's philosophy is completely the opposite. The minute you walk in to MPSC, you feel so welcome and special—it feels calm, and safe, and designed with the client in mind. I think the care Susanne put into this welcoming demonstrates her witness that each person who walks in that door is a child of God who deserves to know that they are loved by God—and if they can feel that love, then they can be open to the help they so sorely need.

The first time I remember being keenly aware of Eric Metaxas was also in 2006, when someone passed on to me his spoof of Dan Brown's novel *The Da Vinci Code*, a blockbuster bestseller which made offensive claims about Jesus. The book's popularity was a sore spot for me . . . and Eric skewered it,

in the form of a letter to the devil Wormwood, recalling C.S. Lewis' wonderful *Screwtape Letters*. As a New Yorker, I do not like to call attention to myself, but I began chortling on a city bus, and could not stop. And this brings me to a great gift of Eric's, his humor, which he often uses in defense of an important truth. Laughter itself is a great gift, taking the edge off pain. I used to work for the Christian sociologist Peter Berger, who wrote a book about humor and Christianity (*Redeeming Laughter*), and he refers to humor as one of the "signals of transcendence." I agree.

After that I became an Eric Metaxas fan, and was delighted to learn more about him through my friendship with Susanne. What made me think of Eric for this award was when I watched his National Prayer Breakfast Speech on YouTube. When I saw him speak about the humanity of the unborn—with President Obama and Nancy Pelosi seated nearby—he spoke the truth with love and compassion for those who disagreed. That was quite a feat.

Eric and Susanne together are especially appropriate to be honored tonight, because they represent both programs of the Human Life Foundation. Eric writes: And, like us at the *Human Life Review*, he knows the power of the word, for good or ill. And he has devoted himself to bringing great witnesses for life to our attention. Susanne runs a life-saving pregnancy center. These two missions were the vision of my late father, J.P. McFadden, who founded the *Review* in 1974. He once wrote that we would not be like Nazi Germany; no one should be able to say they didn't know what was going on. One mission of the *Review* is to create an historical record. But that is just one facet: The *Review* exists to reach minds and hearts with the truth, to persuade, to strengthen, and to create a community to proclaim, against the media bias of today especially, that the intelligent, scientific, and moral position, whether you are religious or not, is to be pro-life, to defend life. And for those of us who are Christian, well, as Dietrich Bonhoeffer said, the church "must be the voice of the voiceless."

Eric's latest book of course is *Seven Men and the Secrets of Their Greatness*—the point being that we need to learn from heroes who have gone before us. It is in this spirit that I welcome our Emcee tonight, Nicholas Salvatore Di Iorio, as the inaugural James P. McFadden Fellow. One of the most hopeful changes I have seen in my lifetime is the increase of pro-life interest and fervor among the young. Soon upon learning about the *Human Life Review*, Nicholas was captivated by my father's story, and he believes that other young men and women will be likewise inspired. He has initiated the creation of a junior board, whose members are with us this evening.

Finally, to our loyal supporters here tonight—some of you have been to every one of these dinners, *and* you answer my fundraising letters—you do

so much. You know well that there have been times over the last years when I wondered if we would make it, and if it were not for you, and your sacrificial generosity, we would not have. This dinner marks a new strength for us, and, I hope and pray, a period of growth. So to our new friends, we invite you to be part of the fellowship represented here tonight—we hope you will want to join us and help us keep the *Human Life Review* speaking the truth about human life to a world that longs to hear it. Thank you.

***Nicholas Salvatore Di Iorio:***

The drive and inspiration that sustained Jim McFadden and his Foundation can be understood by what he revealed to a friend in 1998 as he approached the end of his life. On August 23rd, he wrote to Bill Buckley—in 1998 August 23rd was a Sunday, and this would be one of McFadden’s last earthly Sundays. He had been diagnosed with throat cancer in 1993 and lost his ability to talk, to eat, and to do that which he loved most: smoke his pipe. On that Sunday afternoon, he wrote to Buckley, describing his love for the Parable of the Good Samaritan.

As recounted by his wife, Faith, Jim said:

No other parable had so great an effect on me . . . We don’t know anything about the Samaritan . . . all we know is, he had “compassion” and did what he did well . . . did more than the minimum . . . and was ready to do more if necessary. That is what I have tried to do all my adult life, do whatever came to me and do it as well as I could.

The Good Samaritan parable reflects the ethos of Jim McFadden and captures the spirit of the *Human Life Review*, for this passage from Luke emphasizes the universal and unifying virtues of reason and reconciliation. Before men and women are born free, we are conceived equally.

No person determines the estate to which he is born or dictates the willingness of his parents to conceive; our conception is the first unity among us. This truth is a matter of reason and science.

The conceived child is a new person set apart from mother and father, a unified and new life in every way. The beauty of life in the womb is part of



the natural order observed in reason and proclaimed with the language of science. These facts of our human nature are often lost on those who promote abortion. Thus it must be natural compassion and theological charity which shape our discourse with the culture.

Only in these virtues will we achieve that which is our goal: reconciliation. Reconciliation is not giving in. Reconciliation is owning up to the truth and being humble enough to submit to reality.

We who are pro-life must be humble enough to admit that the abortion issue is not about victory or defeat. Abortion is a matter of physical life and cultural death. Our culture is at stake and those in this country who falsely defend abortion today must realize they are welcome to stand for innocent life tomorrow.

Over the last four decades, the *Review* has supported innocent life through reason and has encouraged reconciliation through compassion and mercy. Tonight we affirm our commitment to share this message with those who promote innocent life *and* those who accept abortion. All of us together are members of the human family and some of us are citizens of this country. Therefore, it is our responsibility, beholden to the truth, that we allow our hearts and minds to reconcile with our brothers and sisters, always ready to welcome them back, welcome them home.

It is an honor to be named the Inaugural James Patrick McFadden Fellow. My gratitude for this opportunity lies with Maria and the board of directors. I welcome all of you to share in this fellowship. We will promote the legacy of James McFadden in order to advance the mission of the *Human Life Review*. The treasure of McFadden must be shared with both the readership of the Review and with those who stand apart from us.

In light of this goal, the fellowship will take on three responsibilities: direct the Human Life Foundation Junior Board; create a video archive commemorating the *Review's* legacy; and most importantly, the fellowship will publish the official biography of James McFadden.

We are a community and this *Review* is both an expression and a witness to the goodness, beauty, and truth of our lives together. Over the course of every person's life, we share in the experience of both the Good Samaritan and the man he saved on the road. Jim McFadden knew of his need for salvation in Christ and this confession led to his ability to live the life of the Good Samaritan.

Tonight, we remember this lesson of Jim McFadden and we continue with our work, inspired to speak with reason and love, so as to reconcile.

Thank you.

*Susanne Metaxas:*

This is just tremendous. Over the years, Eric and I have been so honored to be a part of this community, and to be at these extraordinary annual dinners. Learning that we were chosen to be this year's honorees took our breath away.

So let me first say THANK YOU *Human Life Review* for this tremendous honor. I especially want to thank Maria and her wonderful team of staff and volunteers. The Midtown Pregnancy Support Center, which I have had the privilege of running for almost eight years, has had a long relationship with the *Human Life Review*. It began when MPSC was founded, 17 years ago. Maria's father, Jim McFadden, understood the importance of the local pregnancy center and he graciously reached out to us. And when I started at MPSC in 2006, Maria and I connected and the *Human Life Review*/Foundation has continued to be a tremendous resource for us ever since.



Let me say here that as far as I am concerned, I am accepting this award on behalf of MPSC. I accept it joyfully and gratefully for all those who have over the years given of their time, talents, and treasure, to do God's work here in Manhattan. Since this award is in acknowledgement of the work we do at MPSC, I wanted to take a moment to tell you about that work.

MPSC is located right here in the heart of midtown at 40th between Lexington and Park—three blocks from where we are sitting. It was started by a group of women in a Bible study who were overwhelmed by the number of

abortions in New York City. They decided to open a center that could help women navigate the difficult choices that arise when confronted with an unintended pregnancy. They wanted to provide them with a safe place where they could receive the support they needed to continue their pregnancy.

For most young women, an unintended pregnancy is a crisis. Contrary to what they've been told, there is no easy way out. They quickly learn that what they've heard over and over—that abortion is no big deal—is simply not true. Most of them know that the life forming within them is their child. And now they feel forced to choose between that life and the life they had been planning for themselves. It's a choice no woman should have to make. They are scared, sometimes panicked; and they feel alone, and lost. Often the only advice they ever hear is the simplistic suggestion that they should end their pregnancy.

MPSC—indeed all local pregnancy centers—exist to support these women. To be a safe and loving environment in which they can process their circumstances and get the help and support they need to carry their pregnancies to term.

A pregnancy center should empower, educate, and equip women to make the best choice. No woman should feel that she doesn't have choices. No woman should feel that she *has to* have an abortion. Yet we hear that comment over and over from our post-abortive clients, that they felt that abortion was their only choice. They felt trapped by their circumstances, whether it was financial, timing, or the pressure from their partner, family, or friends.

At MPSC we pride ourselves on providing a safe, supportive resource center with a friendly, caring, non-judgmental atmosphere. We seek to serve young working women and college students, but of course we welcome everyone. We don't charge our clients for our services and do not profit in any way from a woman's choice. Our skilled client advocates provide one-on-one emotional, mental, and spiritual support paired with practical services such as healthy relationship coaching, pregnancy and parenting classes, doulas, and extensive resource referrals that help our clients face the future with hope.

And this year I am thrilled to announce that we are now able to offer FREE sonogram scans through our new partnership with The Gianna Center, a women's healthcare center just down the street from us. We know this key service offering has been a catalyst to us reaching and serving more women this year, and the reason we are seeing more abortion-minded women choose to continue their pregnancies. On behalf of all the women whose lives have been changed because of this service, let me extend our gratitude to everyone at the Gianna Center and to Dr. Ann Nolte, who is with us this evening. MPSC also offers hope and healing to women who have had abortions. We know many women in our city are struggling with the devastating emotional

after-effects of regret and grief after having an abortion. Our center offers one-on-one counsel and an opportunity to join a support group that facilitates healing and forgiveness through an 8-week biblically based study. MPSC continues to grow in its client numbers every year. Nonetheless, there is tremendous work yet to be done in NYC. We have plans to reach more women through a re-branding strategy that will help us more effectively connect to young women making pregnancy decisions in our city. Our hope is to partner with others to devise advertising strategies that will position our center as “the first place to choose when faced with an unplanned pregnancy.”

We also hope to open multiple locations throughout the city in the next five years, replicating our model of love, support, and education.

Women who find us often say that they are surprised that there is an organization right in the heart of midtown ready to help them. Our clients often say things like . . . “I can’t believe a place like this exists” or “MPSC is a caring safe haven for women.” By God’s grace, we’d like to come to the point where no one is surprised that we exist, where everyone knows that if they or someone they know is faced with an unplanned pregnancy, there is help and hope. In the end, MPSC seeks to inspire multitudes of women to view their pregnancy as a gift, not a crisis.

In your gift bags tonight is a DVD with short videos telling the stories of two of our recent clients. Please watch them to meet two of the people whose lives have been changed. I think you’ll be encouraged.

Once again, thank you all so much for this great honor. God bless you.

***Eric Metaxas:***

First of all, let me say from the bottom of my heart that I bitterly, bitterly resent having to share this award with my wife.

It’s bad enough that this is not a cash prize, which I was sure it must be, but whatever it is—whatever we are getting this evening—to have to share it this way is not just wrong, but disturbing.

It’s disturbing because when the *Human Life Review*/Foundation of all organizations—a champion of conservatism and the individual—should come to the point where even they feel the need to be politically correct and do a his-and-hers award, I know things have come to a very sorry pass indeed.

But it’s worse than mere political correctness. I put it to you this evening that by dividing this award between two people, HLR is also tipping its hat toward a kind of socialistic redistributionism. Cannot the individual triumph without others losing? Does not a rising tide lift all boats? Ladies and gentlemen, I ask you!

And there’s more. I further put it to you this evening that the sharing of this honor between two people is not only politically correct and socialistic.

I put it to you that it may in fact signal a disturbing trend. Hear me out. If traditionally the award went to one person and this year it goes to two, what might follow? Might HLR next year give this award to some kind of three-person couple—or throuple as they are now being called? Can such a nod toward polyamory be far behind?

And finally—since in this grim downward rainbow spiral toward the multicultural abyss, ethnic diversity must needs be satisfied too, must not this so-called “throuple” contain a “wise Latina”? So let me here and now join with Mr. Buckley, and stand athwart history and shout stop! Let us together look this ugly trend in the eye and say “Hold it right there, pal. Where do you think you’re going?” There, I’ve said my piece.



Okay, having delivered myself of this motherlode of negativity, let’s now shift and see if perhaps I can focus on something positive. Alas, I cannot. I just can’t . . . Wait, yes I can! *Sí se puede! Sí se puede!*

All right then. So on the positive side of things, I’ve been joking. Yes! Not only was most of what I said a joke, it was also a lie, an ugly lie. And I apologize.

And so how about some truth? Can you handle it? Ok, the truth is that when I heard that Susanne and I were being chosen for this year’s award, I was about as thunderstruck as one can be, without being literally thunderstruck, which is usually fatal.

But why was I thunderstruck, astonished, staggered, stymied, and buffaloeed by this honor? Because my wife and I have come to these dinners for a

number of years now and have seen and heard the honorees in all those years. We have seen and heard Nat Hentoff, Bill McGurn, and Rita Marker and others, and to be in any way included in that august company is a bit more than we can bear, quite honestly.

Let me go further: A few years ago I was at this dinner sitting where you are sitting and listening to the speeches. And I tell you that I was overwhelmed with gratitude to God that Susanne and I should be in the room at all. To simply be invited to these dinners and in some way to feel a part of the great community that was begun by the great Jim McFadden so many years before was powerfully humbling to me. I said that to Maria a number of times and I meant it. This organization and this community is a visible manifestation to me of God's work in dark places, and simply to be at these dinners in the company of this community of heroes, much less awarded this great honor, is truly almost more than I can bear. That's how much I think of the *Human Life Review* and the community around it.

So in all seriousness, sharing this honor with my wife is perhaps the only way that I *could* bear it.

But since HLR did choose us, let me say again thank you. I know why you would choose Susanne, for all the good work that she is doing as she just told you, a few blocks from here. I'm not sure why I should be included, except perhaps because I've publicly said a few things that aren't very much being said these days.

Probably the most noted instance of my saying such things was at the 2012 National Prayer Breakfast, attended by the President and First Lady and Vice-President and so many others, including Hillary Clinton and Nancy Pelosi.

In preparing for that event and what I might say that day, I watched some previous years' speeches. And among them was the one that everyone had mentioned to me, Mother Teresa's speech in 1994, when she said to the audience, with the Clintons a few feet away, that abortion was the greatest threat to peace in the world, because it was the taking of an innocent life. What interested me particularly was how many people thought what she said courageous. But for Mother Teresa it was simply obvious and all in a day's work. She could hardly refrain from saying it. But if you are deathly afraid of saying such things, words like that from Mother Teresa can seem very courageous indeed. Speaking truth can have a powerful effect, both on those who disagree with it and with those who agree with it.

In his 1970 Nobel Prize acceptance speech, the great Alexander Solzhenitsyn said that one word of truth outweighs the world.

But what exactly did he mean? Why should one word of truth outweigh

the world? Was that just a figure of speech, as with Archimedes who said “Give me a lever and I can move the world?” I think not. Because Truth comes from outside this world. Because it comes from beyond this world. Christians believe that Truth is a Person. Capital P. We believe that Jesus is the Way, the Truth, and the Life. And so yes, if He is truth, all truth indeed comes from beyond this fallen world and is in fact, divine. So one grain of it outweighs all the fallen matter inside this broken world. And so yes, truth is very, very powerful.

One of the principal effects of truth spoken is that it encourages others to speak truth. It emboldens and encourages and inspires. So yes, when I heard those words from Mother Teresa, I was encouraged and thought that I must say something as she had done. Why would God allow me to have such an extraordinary platform? To say nothing?

So I referenced the subjects of my two biographies and I simply said that I thought that just as African slaves had been considered subhuman in Wilberforce’s day, and just as Jews were considered subhuman in Bonhoeffer’s day, so the unborn were in our day sometimes thought of as subhuman. And I simply said that those of us who know they are in fact human must pray for those who don’t yet see that. Those of us who know Truth is a person are commanded by that person to love our enemies on the other side of this issue, and to disobey that command is no different than being on the other side of this issue.

Facts can be spewed hatefully, and they are still facts. But truth must be communicated in the spirit of truth—which is to say in love—or it is no truth at all.

So tonight I just want to say that we must always speak the Truth in love. We must speak to those on the other side of this issue just as we would want someone to speak to us if we were on the other side of this issue. And we must know that only then can God honor our efforts.

And I want to say on the other hand that we must not shrink from speaking the Truth. Solzhenitsyn did not and Mother Teresa did not.

As I say, something happens when we speak the truth. Others notice and it emboldens them to speak out a little bit too. As I have said, Mother Teresa’s words emboldened me and I pray that my words embolden others, who in turn embolden others. And on and on it goes. To quote George W. Bush’s favorite philosopher, “A little leavening leaveneth the whole lump.” And we should all know that the Truth always wins. The idea that a lie can win, can stand forever, is itself a lie. It cannot. It is by nature a temporary thing, destined to die. We must know that, or we will never fight hard enough against it. We will despair.

All lies—whether communism or the culture of death or the idea that sexuality and gender are whatever we might like them to be—are facades, Potemkin villages. A tottering, rotten facade that with one good shove might come down. When President Reagan said what all the State Department people told him he could not and must not say—when he said “Mr. Gorbachev, tear down this wall”—the demons who upheld the tottering wall of communism trembled. And all those who heard of his words inside the Gulag Archipelago rejoiced and found new hope and strength. And soon enough that rotten, teetering, and tottering wall came down. Truth has power. Speaking truth, when we can, brings hope and encouragement. It changes things.

All of which brings me to the subject of Religious Freedom. It’s one thing to live in a country where we can speak the truth, even though it be unpopular. But what happens if it becomes culturally uncomfortable to speak some truths, as it has on the issue of life, and on the issue of traditional marriage. And what if that leads to the State outlawing some truths—whether spoken or lived.

Which finally, brings me to the Manhattan Declaration. My friend, the late Chuck Colson—who with Fr. Richard John Neuhaus in 1991 started something called “Catholics and Evangelicals Together”—began to see a few years ago that we were moving as a culture toward a time when Christians might bump up against real problems. And so he and Robert George of Princeton and Timothy George (no relation) of Beeson Divinity School wrote something that came to be called the Manhattan Declaration, which dealt with the issues of “Life, Marriage, and Religious Freedom.” That was all in 2009 and yet suddenly we are there, at a place where these things are under serious threat in the United States of America.

Let me mention, first and foremost, the life issue. Most of you are familiar with the HHS Mandate which is a part of so-called Obamacare. That mandate stipulates that whatever your belief is on abortion and contraception, you must provide health insurance to your employees that covers those things, even if you consider them deeply immoral. For the government to demand that American citizens violate their consciences and as it were “stuff their religion” and do as they are told, is a tremendously grievous thing. And so we are in a new place in this country. I’ve happy to say that many corporations are bravely fighting this unAmerican and immoral mandate.

And on the issue of marriage, we have a similar problem. People may think what they like on this issue and good people will differ—but when the government takes a stand and says “we opt for this view over that one,” we are in trouble. Because at that point religious liberty is threatened. And when that first of all liberties is eroded, all liberties will soon suffer. And America

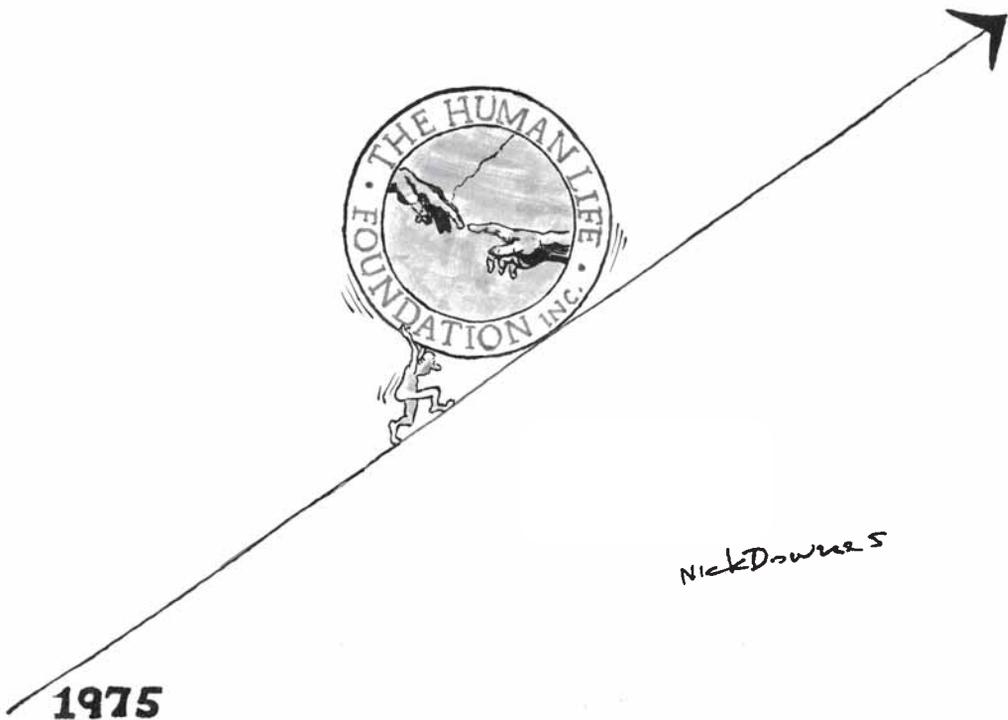
as we know it cannot any longer exist. That is the road to serfdom, my friends.

Because to “pick winners” in economics and in the market—for the state to favor one over another—is the end of the free market. And to pick a winner in the world of religion, to say that the state gives preference to one way of answering the ultimate questions over another way, is for the government to do something manifestly unconstitutional—to “establish a religion,” albeit in this case a religion of secular humanism. But for the government to “pick a winner” in that sphere is as grievous and even more grievous than when it picks winners in the world of business. The freedom of all markets, the economic markets and the free market of ideas, is threatened. And all freedom is threatened.

So to you brave people here in this room I say, please take courage. Speak boldly. Speak the truth in love. Cherish your liberties as an American and teach others how rare and fragile those liberties are. My parents who are here tonight and many others have lived in places where the liberties we take for granted did not exist. And so they do not take them for granted. And neither must we. On a closing and very practical note, please sign the Manhattan Declaration and tell others about it.

And know that your one word of truth can outweigh the world.

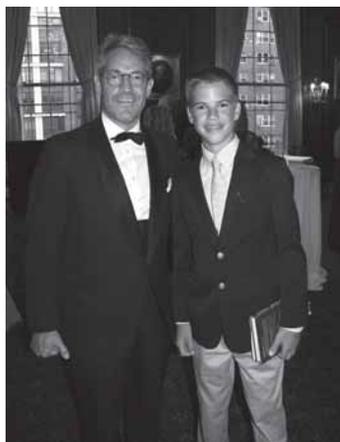
God bless you.



2013 GREAT DEFENDER OF LIFE DINNER



*Brian Caulfield (Knights of Columbus), Liza Agana and Jeff Smith*



*Eric Metaxas and William Blackburn*



*Our awardees with Timothy Cardinal Dolan*

*Longtime Foundation friend Barbara Ann Connell with Fr. Justin Wiley*



# The Truth About Abortion in Ireland

David Quinn

Last October a pregnant woman died in an Irish hospital in circumstances that made headlines all around the world. The woman in question was Savita Halappanavar, an Indian woman working in Ireland who was admitted to Galway University Hospital while miscarrying. Tragically, she died a few days later, 17 weeks into her pregnancy. The *Irish Times* broke the story the following month.

Savita's husband, Praveen, said his wife had asked for a termination, but this was refused. A nurse told him why: She said, "This is a Catholic country." Praveen was informed that a termination could not take place while there was a fetal heartbeat present, that is to say, while the baby was still alive. The story quickly developed that she died because of Ireland's "pro-life" law. We were led to believe that had she been admitted to a hospital in a country with a more liberal abortion law than Ireland's—a country like England or the United States, say—she would be alive today. This was the message broadcast to the whole world. Ireland stood indicted in the court of world opinion.

The death of Savita gave huge added impetus to demands that Ireland liberalize its abortion law, something that happened just this summer after a national debate that lasted for months and drew tens of thousands of people out onto the streets, mainly in opposition to the law. Unfortunately, this particular case drove legislation that almost certainly belied the true state of public opinion. Taken in by the original media presentation of the Savita Halappanavar case, most members of the public believed our law had to be liberalized to ensure that there would be no such cases in the future.

Indeed, it can be argued that the "debate" over liberalizing abortion was done and dusted the very day the story broke because of the way it broke. The idea that Savita died because "This is a Catholic country" became indelibly impressed on the public mind. By the time the results of official investigations into her death were published, it was too late. (As will be explained in more detail below, the main reason she died is because her medical team did not spot until it was too late the fact that she was developing a deadly infection.)

But first, let's go back 30 years to the 1983 abortion referendum. This

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inserted into the Irish Constitution Article 40.3.3, which protected the right to life of the unborn with due regard for the equal right to life of the mother.

Nine years later the Irish Supreme Court decided the X-case, which involved a 14-year-old girl who became pregnant as a result of statutory rape. To cut a long story short, she was told she could not travel to England for an abortion and could not have an abortion in Ireland because her life was not in danger. The case was appealed to the Supreme Court, which heard that she was suicidal. It ruled that this threat of suicide constituted a real and substantial risk to her life, and therefore she could have an abortion under Article 40.3.3. In the event, she had a miscarriage.

As a result of the X-case ruling, an Irish woman can have an abortion if it is ruled that there is a “real and substantial risk” of her committing suicide if she does not have one. Since then, there has been intermittent pressure to introduce statute law to give effect to the X-case ruling. Successive governments have failed to do so, until now.

Three things happened in rapid succession to ensure that this time the X-case ruling would be given effect in statute law. The first was the 2011 election of a new government consisting of Fine Gael as the senior coalition partner and Labour as the junior partner. These parties had not been in power together since 1997, and Labour had long ago committed to legislating for X. In the meantime, Fine Gael had become “pragmatic” on the issue. If they saw the tide of public opinion shifting in a pro-choice direction, they would go with it.

The second factor was a finding against Ireland by the European Court of Human Rights (ECHR). Again to cut a long story short, the ECHR ruled that Irish law was not sufficiently clear about when a woman could and could not have recourse to an abortion under Article 40.3.3 of the Constitution and under the terms of the X-case. The government could have responded to this ruling in several different ways. For example, it could have completely ignored it. Other countries have ignored rulings of the ECHR, including Britain, and suffered no legal consequence because of it. The Irish government could also have appealed the ruling, which it did not do. There was a third option open: Instead of introducing a law permitting abortion in certain circumstances, the government could have clarified the existing medical guidelines. It didn't do this either.

What the Irish government decided to do was to go down the legislative route, which included the introduction of the threat of suicide as a ground for abortion. This was despite the fact that in the General Election of February 2011, Fine Gael explicitly promised not to legislate for abortion. Pro-life groups (rightly) feared X-case legislation because they knew from the experience of other countries that once you open the door to abortion at all, and especially

on psychological grounds, it becomes harder and harder to control.

If the first development that paved the way for this legislation was the election of a new government, and the second was the decision by the ECHR, the third was, of course, the death of Savita Halappanavar. As presented in the media, the Savita case seemed to prove yet again that Catholic moral theology is very dangerous for pregnant women, because it places the lives of the babies above the lives of mothers. This is why international pro-choice organizations were also very keen to highlight this case. Ireland has long stood out on the international scene because Irish law on abortion is so restrictive. If our law isn't endangering women's lives, then this becomes a very useful piece of propaganda (in the best sense of that word) in the arsenal of the pro-life movement everywhere. On the other hand, if our law is endangering women's lives, then it becomes instead a very useful piece of propaganda for the pro-choice movement.

**F**or this reason it became of the utmost importance to suppress the fact that Ireland is one of the safest countries in the world for a woman to have a baby. However, this vital piece of information barely registered with Irish public opinion, let alone international opinion, despite the best efforts of pro-life commentators and pro-life groups. Back in India, Savita's homeland, the press were loudly broadcasting that for pregnant women, Irish hospitals were extremely dangerous. This was despite the fact that a pregnant woman in India is about 50 times more likely to die than a pregnant woman in Ireland.

There are various ways of measuring maternal deaths (for example, some countries count a death that occurs within six months of having a baby as a maternal death and others do not). However, no matter how maternal deaths are calculated, Ireland's annual maternal death rate is very low by international standards. It stands at between four and eight deaths per 100,000 live births, depending on the time period under examination. This means that our maternal death rate is lower than that of either Britain or America, which have very permissive abortion laws.

Some might suggest that the rate of maternal deaths in Ireland is artificially low because Irish women whose lives are in danger due to their pregnancy travel to England for terminations. But according to this argument, British and American maternal death rates ought to be lower than the Irish one, because British and American women don't have to travel outside of their respective countries for an abortion. The truth is that it is very hard to reduce our maternal death rate much lower than it is; unfortunately, a certain number of women are going to die in even the best-run medical systems in any given year no matter what.

Also, what deaths occur in Britain or the United States or Ireland have little or nothing to do with our respective abortion laws and more to do with simple human error on the part of doctors and nurses, as well as the fact that some deaths are tragically unavoidable. In Britain, as elsewhere, a certain number of pregnant women die from sepsis each year, just as Savita did. No one can claim that those women are dying in Britain because of its abortion law. Official investigations have shown that in general these women died because the sepsis wasn't treated on time, because it wasn't spotted on time.

The fact that our maternal death rate is low disproves the appalling calumny that our anti-abortion law made Ireland an unsafe place for pregnant women. On the contrary, the Irish system should be held up to the world as an example of how to respect the lives of both mothers and their unborn babies. I made this point recently to a Swedish journalist who came over to Ireland to write about our new law. I told her that our maternal death rate was roughly comparable to Sweden's. I told her that our abortion rate of 6 percent (expressed as a percentage of live births and taking into account the 4,000 or so Irish women who have abortions in England each year) is less than a fifth of the Swedish abortion rate of 33 percent. I asked her which law was more humane, the one that produced a low maternal death rate and a low abortion rate, or the one that produced a similarly low maternal death rate but a far higher abortion rate? The question answers itself. But somehow this message that the Irish law is head and shoulders above that of other countries is not reaching the public, or even very many of our politicians.

Let's return now to the Savita case. As has been mentioned, she died of an infection. This was known from the moment this story first broke. But the impression given in the media was that despite knowing her life was in danger, the hospital would not terminate the pregnancy because "this is a Catholic country." What was not known when the story broke is that the staff treating her were unaware of just how badly she was infected until it was too late. This crucial fact emerged following several official inquiries. Essentially, the hospital missed several chances to diagnose just how seriously sick she was becoming.

When the nurse told Praveen Halappanavar that an abortion could not be carried out because Ireland is "a Catholic country," the hospital at that point mistakenly believed Savita's life was not at real and substantial risk. At the time Praveen was told this, the baby was miscarrying but a fetal heartbeat could still be detected. The hospital was waiting for nature to take its course, as normally happens when a woman is miscarrying. If it had really been the case that Savita's life was not in danger, then a termination at that point would indeed have been illegal. But if the hospital had judged that her life

was at real and substantial risk, then it could have terminated the pregnancy, which is to say, expedited the miscarriage.

In other words, the law and medical practice as it existed in Ireland in October 2012 when Savita died was almost certainly not the problem. The problem was the failure to spot on time just how deadly her infection was. No law can ensure that a medical team will always properly diagnose an infection on time. Only good clinical practice will do that. Therefore, Ireland was wrongly indicted and Ireland's new abortion law was introduced based on a faulty public understanding of what really happened in the Savita case.

Our new abortion law, the Protection of Life During Pregnancy Act, gives a statutory footing to the X-case, as I have mentioned. To the extent that this simply codified existing medical practice, even pro-life groups had no objection. Pro-life groups knew that in Irish hospitals it was already the practice to end a woman's pregnancy if that was the one and only way to save her life. They had no real issue with this. What they had a very big problem with was a law that would also permit a suicidal pregnant woman to have an abortion if two psychiatrists and an obstetrician agreed. As they correctly pointed out, in what way would such a law have even theoretically saved Savita? No one claimed she was suicidal. Pro-life groups strongly opposed the suicide ground because it would lead to the death of an unborn child when alternative treatments were readily available.

Since the outbreak of the current economic crisis, several people in Ireland have committed suicide because of their severe economic difficulties. But no one has suggested that they should simply be given money by the taxpayers to solve their economic problems. Why then should abortion, a far more drastic "remedy" than a cash transfer, be deemed a more acceptable "treatment" for suicidal intent? The typical response when a person is deemed to be suicidal is to give them proper psychiatric care until the suicidal feelings abate. The pro-life movement in Ireland knew perfectly well that the suicide ground is effectively a psychological ground. They knew that in other jurisdictions the psychological ground has eventually led to widespread abortion.

Furthermore, and as became abundantly clear during the debate over the abortion law, no medical evidence has ever been produced to show that conducting an abortion can save the life of a pregnant, suicidal woman. It is quite remarkable that the government paid so little attention to this fact. Indeed, they were told that psychiatrists successfully predict suicide in only about three percent of the cases. Law should be founded on sound moral principles and on evidence. The Protection of Life During Pregnancy Act is based on neither.

There is another aspect of our new law that must be pointed out: namely, its attack on the ethos of pro-life hospitals. The law names a number of hospitals that must perform terminations on the grounds now allowed for, including the suicide ground. Two publicly funded Catholic hospitals are named in this list: the Mater Hospital and St. Vincent's Hospital. Both the Mater and St. Vincent's have agreed to comply with the law. They have said they will perform abortions as permitted under the new law. They are probably hoping that in practice they will never have to. But it was extremely disappointing that neither hospital stood up to the government and defended their ethos.

**W**hat will happen now? One possible silver lining is that we see the setting up of a new political party. Seven Fine Gael TDs (our version of MPs) and senators were expelled from the Fine Gael parliamentary party for voting against the abortion bill. The most high-profile of these was Lucinda Creighton, a young, charismatic, and highly articulate politician who was Minister for Europe and was touted one day to lead Fine Gael and possibly become Taoiseach (Ireland's term for the Prime Minister).

In all good conscience, Creighton and her six colleagues decided they could not vote for abortion. They are now outside the Fine Gael parliamentary party and contemplating their futures. They have already formed themselves into a group called the Reform Alliance, and there is a fair possibility that they will set up a new party which, among other things, will represent pro-life voters. They certainly have a "market opportunity," because about one-third of all Irish voters don't want to vote for any of the existing parties.

What happens now? Members of the Labour party have made it perfectly clear that they see the new law merely as a stepping stone to further liberalization. Pro-choice groups have said the same thing. They want abortion-on-demand. However, Article 40.3.3 of the Constitution still stands in their way. Therefore, they are already highlighting the hard cases our new abortion law can't cater to, including the aborting of babies whose mothers have been raped and are not suicidal or the aborting of babies with "fatal fetal abnormalities," again whose mothers are not suicidal.

Article 40.3.3 prevents abortion taking place in either of these cases. Pro-abortion campaigners know there is a lot of public support for extending abortion to cover these categories, and that this support is likely to grow given the eagerness of the media—especially our national broadcaster RTE—to highlight these undoubtedly hard cases. When public opinion has been softened up still further, I believe it will then be proposed that we hold a referendum to delete Article 40.3.3 altogether. It may take an actual hard

case, in the public eye, to give public opinion that last push over the line.

The government that proposes deletion of Article 40.3.3 is likely to tell the public that it will at the same time introduce what it will call a “restrictive” abortion law that will be less liberal than the one in the UK. However, this will simply be to allay the fears of those members of the public reluctant to take too big a leap at one go. But once Article 40.3.3 is gone, it will then be far easier for future governments to further liberalize the law, because they will no longer need to go to the people for permission to do so through a constitutional referendum. After that would come abortion on “health” grounds. Other hard cases would be given the required amount of publicity to make this happen.

American and other readers know that once this occurs, Ireland will have abortion-on-demand. As it is, Irish abortion campaigners have been able to make huge progress in persuading the Irish public to support abortions in certain cases. They will keep up the pressure. For its part, the pro-life movement is working hard to further galvanize and motivate its support base and to expand it to make it as difficult as possible for the abortion movement to get to the next stage.

In other words, the abortion battle in Ireland continues, but with the passage of the Protection of Life During Pregnancy Act, pro-choice campaigners have won a truly significant victory.

# Is the IRS Targeting Prolifers?

Anne Hendershott

**W**hile it is clear that the IRS has targeted Tea Party groups for special investigation, it appears that the agency may also have focused on religious, pro-life, and pro-marriage groups and individuals—refusing them tax-exempt status, and sometimes, as in the case of the Coalition for Life of Iowa, demanding that they discontinue some of their pro-life activities.

According to a *World Magazine* report, Susan Martinek, the founder of the Coalition for Life of Iowa, attempted to expand the pro-life movement in Cedar Rapids, Iowa by coordinating the resources of the churches and other pro-life organizations. She sought tax-exempt status with the Internal Revenue Service in October, 2008. In April, 2009, the IRS requested additional information—including “advertisements, schedules, syllabi, handouts, and summaries of the speeches given by those in the Coalition.” After complying with the IRS request for the records, Martinek called the IRS on June 6, 2009, and was advised by an IRS agent that in order to be approved for tax-exempt status, she and her board had to pledge—in writing and under the threat of perjury—that they would not organize groups to picket or protest at any Planned Parenthood office or clinic.<sup>1</sup>

Christian Voices for Life in Sugar Land, Texas faced similar demands for additional documentation from the IRS when they applied in 2010. An IRS letter dated March 31, 2011, asked Marie McCoy, the founder of the pro-life group, whether she provided education on both sides of the issue of abortion. This request was a clear violation of IRS guidelines. In 1980, the Court of Appeals for the D.C. Circuit ruled that groups did not have to present both sides of an issue to qualify for tax-exempt status. According to IRS guidelines, organizations have to be charitable, educational, religious, or some combination of the three in order to qualify for tax-exempt status. But Christian Voices (like Coalition for Life of Iowa) was required to meet a much more restrictive requirement—one that went far beyond what the law required. In the denial of their IRS application for tax-exempt status, the IRS questioned their involvement with “40 Days for Life” and the “Life Chain” events.

To help them respond to these demands, McCoy and Martinek enlisted

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the help of Attorney Sally Wagenmaker of the Thomas More Society, a Chicago-based public interest law firm which has found itself on the front lines in what appears to be the IRS war on pro-life groups.<sup>2</sup> Established in 1997 in order to defend the historic *National Organization for Women v. Scheidler* case, the Thomas More Society continues to litigate cutting-edge cases, including those concerned with protecting the First Amendment rights of those who pray and counsel outside abortion facilities. In the *Scheidler* case, the National Organization for Women attempted to gag pro-life activism at abortion clinics nationally through the use of federal antitrust and racketeering statutes. The Thomas More Society won that case—twice—in the U.S. Supreme Court: 8-1 in 2003 and 8-0 in 2006. Today, Thomas More attorneys spend most of their time defending laws that protect human life from conception to natural death, ensuring the free expression of religion in the public square and restoring respect for marriage as the sacred union of one man and one woman. They have defended some of the nation’s most highly respected pro-life and religious leaders, including David Bereit, the co-founder and leader of the 40 Days for Life initiative; Lila Rose and Live Action; the Joseph Scheidler family and their Pro-Life Action League; Troy Newman and Operation Rescue; Former Kansas Attorney General Phill Kline; the United States Conference of Catholic Bishops; and what the society describes as “thousands of clients” whose First Amendment rights have been threatened.<sup>3</sup>

### **IRS Targeting of Pro-Life Groups Continues Today**

On August 1, 2013, the Thomas More Society submitted a memorandum to Congressman Aaron Schock (IL-18) of the House Committee on Ways and Means, detailing additional evidence of continued IRS targeting of pro-life organizations. This was a follow-up—and an extension—of an earlier memorandum the society sent to Rep. Schock in May, 2013, when the Thomas More attorneys documented what they described as “harassment” of three pro-life groups.<sup>4</sup> The August memorandum documented six different groups that have experienced viewpoint-biased discrimination by the IRS, dating back to 2009 and involving multiple IRS offices and agents, including those in El Monte, California; Chicago, Illinois; and Cincinnati, Ohio.

In their August memorandum to Congress, attorneys for the Thomas More Society revealed that, “Despite claims by the Obama Administration that the harassment has ceased, the Society produced over 230 pages of documentation showing that the federal government is still interrogating pro-life groups beyond the scope of its legal authority, infringing upon these organizations’ First Amendment rights of assembly, free speech, and religious liberty.”<sup>5</sup>

According to Peter Breen, vice president and senior counsel of the Thomas More Society, “We have now produced irrefutable evidence of six clients whose First Amendment rights were trampled upon by the IRS because of their position upholding the sanctity of life. Even after public disclosure of this wrongdoing, the Obama Administration’s IRS has refused to cease its illegal activity.” Breen has promised to “continue to aid Congress in its investigation until those responsible are brought to justice and the IRS is made to respect every American’s constitutional rights.” Since the release of their May memorandum to Congress, the Thomas More Society has been contacted by “additional organizations seeking legal counsel related to IRS issues.” Their August memorandum to Congress highlights three of these entities as having experienced illegal targeting by the IRS: Cherish Life Ministries, LIFE Group, and Emerald Coast Coalition for Life. According to their press release on August 1, “the recent experience of several pro-life organizations applying for 501c(3) charitable recognition reveals blatant bias on the part of the IRS agents assigned to process these applications.”<sup>6</sup> Repeatedly these pro-life groups were subjected to what society attorneys have identified as “lengthy unconstitutional requests for information about the viewpoint and content of its educational communications, volunteer prayer vigils and other protected activities.” In addition, these groups were advised that they must educate and advocate on abortion from both sides of the issue. In other words, the pro-life groups were told by the IRS that they must present a pro-abortion message as part of their educational mission.

#### **Pro-Life Groups Must Stay “Neutral on Abortion” to Qualify for Tax-Exempt Status**

Confirming the disclosures by the Thomas More Society that pro-life groups were advised by the IRS that they must present a “balanced” approach to abortion, the Christian legal group Alliance Defending Freedom has released audio clips of a telephone conversation on March 8, 2013, in which IRS Exempt Organization Specialist Sherry Wan told Ania Joseph, president of Pro-Life Revolution, that in order to obtain a tax exemption, “you cannot force your religion or force your beliefs on somebody else . . . You have to know your boundaries, you have to know your limits.”<sup>7</sup> The IRS has approved applications for tax exemptions for pro-abortion groups including Planned Parenthood and Life and Liberty for Women, yet it demands neutrality on abortion from Pro-Life Revolution.

Pro-Life Revolution is a faith-based organization providing support to pregnant women. Working closely with local pregnancy resource centers, churches, and other pro-life groups, the organization sought tax-exempt status in order to expand their educational activities. But during the recorded phone

conversation, the IRS agent is heard advising Joseph that “your action is based on more blind, emotional feelings,” concluding that “you cannot force your religion or force your beliefs on someone else.”<sup>8</sup> When Joseph protested that her organization was distributing educational brochures and not forcing anyone to do something they did not want to do, the agent disagreed, claiming that “asking people to take action against an abortion clinic is not educational.”<sup>9</sup>

Similar experiences were reported by Peter Shinn, founder of Cherish Life Ministries, a pro-life coalition of churches that “support mothers struggling with unexpected pregnancies, promotes abstinence and advocates for an end to abortion in the community, state and nation.”<sup>10</sup> In an interview published at *WorldNetDaily*, Shinn disclosed that his application for tax-exempt status by the IRS was declined: “The representative was telling me I had to provide information on all aspects of abortion. I could not just educate the churches from the pro-life perspective . . . . Every time I pressed her on this issue and asked her to clarify her position, she would state that it wasn’t what she was saying, and then, she would repeat it almost the same way.” Shinn claimed that the IRS was accusing him of setting up a political organization: “I asked her why she said we were a political organization and she said it was because we had said in our application that we did less than 5 percent political activity. I explained to her that this was what was stated in the application and all we were doing was acknowledging that we were doing less than 5 percent political activity.” Shinn also said that the IRS agent accused him of having links to political activity on his website, even though he said he did not.

In his interview with *WorldNetDaily*, Shinn alleges that the “IRS had rewritten his proposed bylaws to paint our organization as a political organization.”<sup>11</sup> Shinn concluded that the agent did seem to “get nervous though in the end when I pressed her that I wanted specific information about why I had to educate from a pro-abortion perspective, not just pro-life . . . . I explained to her that the Pro-Life Action League even has pro-life in their title and they certainly don’t teach pro-abortion topics and they are still 501c(3). I also told her that Planned Parenthood does not teach about pro-life issues yet they are also still a 501c(3).”<sup>12</sup>

### **Pro-Life Organizations Have Been Damaged by the IRS Delays**

Even though the June, 2013, report by J. Russell George, Treasury Inspector General, claims that the harassment of Tea Party groups ended in 2012, it is clear that the harassment of pro-life groups continues today. In their August 1 memo to Congress, the Thomas More Society detailed the unusually lengthy application process for pro-life groups. While Cherish Life Ministries and

LIFE Runners eventually received tax-exempt status, it took more than a year—including appeals and legal action—to finally receive their 501c(3) status. According to National Review Online reporter Katrina Trinko, LIFE Runners had initially received a letter from the IRS stating that they were not eligible for 501c(3) status. And, although they appealed and finally won their appeal in July, 2013 (they finally received their tax-exempt status on August 3), LIFE’s co-founder and president Pat Castle said he found the process “shocking” and damaging to the organization’s finances. Castle claims that the IRS agent asked them whether “their organization provided information regarding other alternatives to ‘pro-life.’” LIFE was judged to need an “Exempt Organization Specialist” to review its application—creating unnecessary delays. According to Castle, the “long delay hurt the group financially . . . LIFE anticipated winning approval by October, 2012, when the group held one of its biggest events. But they had not received any answer from the IRS by then.” Nor had the group yet received tax-exempt status when it held other large events in January, March, and April, 2013. “It hurt us . . . . We would have been able to say, ‘Hey sponsors, contributors we’re tax-exempt.’ We weren’t able to do that.”<sup>13</sup>

While Cherish Life and LIFE Runners finally received their exempt status after legal interventions, as of this writing, Emerald Coast Coalition for Life is still waiting for their response from the IRS. According to Katrina Trinko, the IRS letter to Emerald Coast stating that the organization would need the Exempt Organization Specialist was signed by Lois Lerner—the infamous IRS official who had formerly been in charge of tax-exempt organizations until she was placed on administrative leave for refusing to testify before Congress on whether the IRS inappropriately targeted conservative groups. The letter from Lerner, which Emerald Coast received September 7, 2012, informed the group that the IRS would be in touch in approximately 90 days. The IRS did not contact Emerald Coast, however, until June 19, 2013—285 days later.

#### **Anecdotal Evidence Abounds but Comparative Data Needed to Confirm Bias**

While we do not have access to empirical data—beyond anecdotal data—documenting that pro-life groups were targeted by the IRS at a greater rate than pro-choice groups, the IRS has released overwhelming evidence that conservative groups applying for tax-exempt status have been unfairly targeted by the Obama administration. According to *The Hill*, J. Russell George, Treasury’s Inspector General for Tax Administration, told Rep. Sandy Levin (D-Mich.) in a letter dated June 26, 2013, that although 100 percent of conservative organizations with “Tea Party,” “Patriots,” or “9/12” in their

name were targeted for special inspection by the IRS, the agency did not use inappropriate criteria to scrutinize groups seeking tax-exempt status with “progressive” in their name: “Our audit did not find evidence that the IRS used the ‘progressives’ identifier as selection criteria for potential political cases between May 2010 and May 2012.” The Inspector General stressed that 100 percent of the conservative groups with the “tea party” type names were flagged for extra attention, while only 30 percent of the groups with “progress” or “progressive” were highlighted as potentially political.<sup>14</sup>

Until the Inspector General is willing to release data on the percentage of organizations seeking tax-exempt status with “Life” in their name, we will be unable to conclude that these organizations were systematically targeted. However, the anecdotal evidence gathered by the Thomas More Society and the Alliance Defending Freedom appears to show bias against the pro-life groups—requiring them to produce evidence that other organizations have not had to produce.

Some groups and individuals have attempted to file Freedom of Information requests to determine whether their organization was unfairly targeted by the IRS. In many cases, however, the agency has been slow to respond to these requests. Lynn Walsh, an Investigative Producer at WPTV at NewsChannel 5 in West Palm Beach, Florida, wrote of her experiences in attempting to file a Freedom of Information request on behalf of someone who was applying for non-profit status for a constitutional law organization in Columbus, Ohio, in 2010:

While going through the process the applicant received a letter from the IRS asking for more information, including an answer to the following question: “Please explain in detail your organization’s involvement with the Tea Party.” He had concerns that the IRS may have been employing an “anti-tea party” policy and contacted me. I was curious. I drafted a FOIA request and sent it along. I received several letters from the IRS stating it would need more time to find the information I was asking for. Finally a response came in the mail saying it did not have any documents responsive to my request. I set the FOIA aside and moved on to other stories. But, after reading the Treasury Inspector General report released last week and reviewing my FOIA request, I now have more questions . . . . Did the agency do its due diligence to find documents responsive to my request? I have made calls to the contact person listed on my FOIA letter but have yet to hear back. I am re-submitting the original request to the IRS.<sup>15</sup>

### **A Personal Addendum**

Two years ago in May 2010, when Michael Iannotti, an IRS agent with the New Haven IRS office, called my home to notify me that I was being audited, I was not terribly surprised. While my husband and I had never been audited throughout our 39-year marriage, I knew that the Obama administration had greatly expanded the offices of the IRS, hiring additional personnel; I just

assumed that we were among the many more audits the agency was doing that year.

But, when the agent said that it was I who was being audited—and not my husband—and refused my request to have the CPA who has done our family's taxes for 20 years meet with him as my representative, I began to wonder why I was being singled out. I make a small fraction of our family income. When the agent informed me that it was my business income and expenses—my writing income—that was being investigated, I began to worry that I might have published something that triggered this audit.

After all, I had been critical in my publications of the public funding for abortion that was very much a part of the Affordable Care Act. In March 2010, I had published a piece in the *Wall Street Journal* entitled “Health Care Reform and the President’s Faithful Helpers,” which identified progressive Catholic groups such as Catholics United—a 501c(4) organization—and its sister organization Catholics in Alliance for the Common Good—a 501c(3) organization—that were helping to pass the health-care law, replete with funding for abortion. I pointed out that George Soros was supporting Catholics in Alliance for the Common Good—which was sharing money with Catholics United in what appeared to me to be a kind of money-laundering scheme. I also published articles describing these groups in *Catholic World Report* and in the online publication *Catholic Advocate*.

Chris Korzen, president of Catholics United, and formerly an organizer with SEIU, was especially angry about the articles I was publishing. In late March, he called in to a radio station (Al Kresta’s program on Ave Maria Radio) while I was being interviewed on the air to say that I was “lying” about the fact that Soros was supporting him. Fortunately, I had the IRS 990 forms (from GuideStar) from Catholics in Alliance for the Common Good and Catholics United in front of me during my interview with Korzen and pointed out that during the same year he was working full-time for Catholics United, he was being paid \$84,900 from Catholics in Alliance for the Common Good, a Soros-supported organization.

In May, when the telephone call from the IRS came, I did not identify a possible connection to my publications—until the requests for documents began. Almost all of the requests focused on deposits into our bank accounts—payments for articles or speaking engagements. The actual audit occurred in the federal offices in New Haven. I was allowed to have my tax accountant on speaker phone (he is out of state) to help. The agent was polite and the process was not onerous but again, it was focused primarily on deposits into our bank accounts—most of them very small deposits. He demanded to know

the source of one larger deposit (a \$12,000 deposit), but it turned out that the deposit was actually a refund check from the IRS itself.

The agent continued to ask for documentation for additional deposits for several months in 2010. And, when it was over, I began to wonder if I had been chosen by the IRS for a reason. I never made my concerns public—except with family, friends, and a few of my colleagues and students. I did tell the staff at the *Catholic Advocate*, because I decided that it would be best for my family if I did not write for them anymore. It seemed like a more political site—they are a 501c(4) organization—than I usually write for, and I decided to stop writing for them because of the audit.

Since that time, I have learned of others—some of them pro-life advocates—who have been similarly chosen by the IRS. It seemed to me to be related to activities related to the passage of the Affordable Care Act. Most notably, Bill Donohue, the president of the Catholic League for Religious and Civil Rights, was notified by the IRS that he had been selected for an audit. But, unlike me, Bill Donohue has proof that it was Chris Korzen of Catholics United—the same Chris Korzen who called in to the Kresta radio show to accuse me of lying about his income—who triggered the audit.

According to an article Donohue published on *Newsmax* in May, 2013, he wrote that he received this proof from *CNN*. *CNN* had received a copy of the letter Korzen's lawyers had written to the IRS that Donohue believes triggered the audit of his organization. *CNN* got the letter from Korzen himself because Korzen was attempting to prevent *CNN* from interviewing Donohue after he had published several articles revealing the role that Catholics United was taking to promote the Affordable Care Act. According to Donohue, Korzen claimed that Donohue was not “an authentic Catholic commentator and representative of the Catholic Church” and said “that they should either drop me altogether or put me on with Alexia Kelley of Catholics in Alliance for the Common Good”—the sister organization to Catholics United. According to Donohue, Korzen's lawyers at Catholics United asked the IRS to question the source of funding that the Catholic League was receiving.<sup>16</sup>

It was courageous of Bill Donohue to come forward to describe the targeting of his organization by the IRS. Unlike Mr. Donohue, I have no proof that my audit was politically motivated. Like many others, I, too, am awaiting the results of a Freedom of Information request that my attorney filed in early June, 2013. Letters we have received from Ron Mele, IRS Disclosure Manager, Disclosure Office 1, on July 9 and August 7 asked for extensions because the agency claims to need “more time to obtain the records requested.” The last letter we received from the IRS (dated August 7) stated that they were “still working on the request and need additional time to August 30, 2013.”

Finally, on September 10 my attorney received a letter from the IRS stating that it was a response to my FOIA request. They noted that their FOIA response was a “partial denial” of my request to determine why I was chosen for audit, adding that they were “withholding 18 pages in full and 4 pages in part.” The letter from Mr. Mele, the Disclosure Manager, stated that “the FOIA exemption (b)(5) exempts from disclosure inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” Mr. Mele also wrote that “the redacted portions of each page are marked by the applicable FOIA exemptions. This constitutes a partial denial of your request. I have enclosed Notice 393 explaining your appeal rights.”

It is likely that we may never know who or what triggered our audit without a lengthy appeals process—but like many of those in the pro-life community, we are not inclined to pursue litigation with the IRS at this point.

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## **Adoption:**

# **Where Is Solomon When We Need Him?**

*Mary Meehan*

**A**doption is an ancient and honorable institution. It has provided safe harbor for countless children through the ages. Its oldest form is informal adoption, when family or friends take care of children whose parents have died or have special problems. Today's formal adoptions include independent or private ones arranged through attorneys and agency adoptions done by professional adoption agencies. There has been radical change in U.S. adoption practice over the past 30 years. The twentieth-century version was a neat package that was meant to be one-size-fits-all, but often failed to fit. Adoption today is a kaleidoscope of brilliant colors and patterns. It is much richer and more interesting, though sometimes confusing.

### **A Bit of Background**

In early United States history, informal or “kinship” adoption often prevailed. Legal guardianship, orphanages, and apprenticeships were also used for children whose parents had died or were unable to care for them. In the twentieth century, a system of formal—but closed or secret—adoption prevailed for many years. As one longtime adoption worker wrote, the secrecy was meant “to protect adoptees and birthparents from the censure of their communities”<sup>1</sup> at a time when pregnancy outside of marriage was considered a life-shattering disgrace. Deception often protected the secrecy. A family told friends and neighbors that their teenage daughter had gone to help a sick relative in another state, when in fact she was in a maternity home where adoption was the expected outcome. Sometimes adoptive parents lied to their own children, posing as birth parents instead of telling the truth in a sensitive way.

In recent decades, though, there has been a strong move toward open adoption, in which the birthmother meets the adoptive parents, who keep her updated about her child's progress through letters and photos over the years. (Sometimes, the birthfather is also involved, though not nearly as often as should be the case.) The two sides may come to see each other as family, with visits and joint celebration of the child's birthday and various holidays. An eleven-year-old girl in an open adoption said that “I belong to both families, and I love them both. They like each other, too.” An adoptive mother said

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she viewed her son's birth parents as "two special friends" and added, "It is so neat to have someone to tell about all the wonderful things your child does and to know that they think he is truly amazing, too!"<sup>2</sup>

Open adoption, though, does not always work this well. Sometimes contact slows down or peters out after the early years, because one side has moved or failed to live up to the original agreement. The agreements are not legally enforceable in all states.<sup>3</sup> (I believe they should be.) But the adopted child, in teen years or later, may pick up the contact with birthparents.

In semi-open adoption, the birthmother may or may not meet the adoptive parents, but she has information about them. Indeed, as in open adoption, she is likely to have *chosen* them on the basis of a profile that may have included an online video. Semi-open adoptions tend to be arms-length; usually the adoption agency or law office passes information from one party to another. Sometimes, though, as the two sides become more comfortable with one another, semi-open leads to open adoption and the ease of an extended family.

Both open and semi-open adoption seem far more favorable to unmarried birthmothers than the old system was. Now they can choose the adoptive parents and either follow their children's adventures from a distance or be involved in their lives. Yet only about one percent of birthmothers choose adoption today.<sup>4</sup> The others either parent their children or have abortions. Thus there are relatively few babies available for adoption in the United States today. There are many older children available from foster care, though, and major governmental and private efforts to have them adopted. The federal government has been deeply involved in adoption policy since 1980. It provides a substantial one-time tax credit for the costs of adopting a child.<sup>5</sup> It offers financial incentives for state governments to move children more quickly from foster care to adoption. There are also federal and state subsidies for adopted special-needs children. This includes most children adopted from foster care: older children, minority children, sibling groups, and children with disabilities.<sup>6</sup> The subsidies (monthly payments until the child is 18 or sometimes older) enable many lower-income people to adopt. Often they were foster parents of the children they are now adopting. Of children adopted from foster care in the 2011 fiscal year, an estimated 54 percent were adopted by their foster parents, 31 percent by relatives, and 15 percent by non-relatives.<sup>7</sup> Private groups such as the Dave Thomas Foundation for Adoption, the Evan B. Donaldson Adoption Institute, and the North American Council on Adoptable Children (NACAC) also promote adoptions from foster care. Partly as a result of all these efforts, there is more adoption now by older people, single people, and gay and lesbian couples.

The African American community traditionally has relied on informal and

kinship adoptions. Many of its members are too poor to pay the fees for legal adoption, which can range up to \$25,000 and higher. Then, too, paying money for the placement of human beings reminds some too much of slavery. Yet there are strong efforts to promote adoption in the black community, with a major focus on adoption from foster care. That is where the greatest need is now, and the fees are much lower than in private adoptions—and sometimes waived altogether. Rev. George Clements, a Catholic priest and African American who adopted four sons, started a “One Church, One Child” program decades ago to encourage adoption through the black churches. This is a national program with 15 state affiliates. There are also specialized adoption agencies around the U.S., such as Another Choice for Black Children in Charlotte, N.C., the Institute for Black Parenting in Inglewood, California, and Homes for Black Children in Detroit.<sup>8</sup>

The scarcity of adoptable infants leads many infertile American couples to go abroad in search of babies to adopt. Some poor nations, though, are reluctant to allow Americans and other Westerners to adopt their children. As one adoption expert remarked, “nations don’t like to give up their children any more than parents do.”<sup>9</sup> Some are concerned about corruption that at times leads to baby-selling. Many believe it is best for children to grow up in the country and culture where they were born. Some Americans, eager to rescue orphans from desperate situations, don’t realize that many children in the orphanages of poor countries actually have at least one living parent and sometimes two. Parents place them in orphanages as a temporary measure because of dire poverty, and some parents are able to visit them regularly. (The same was true of many children in U.S. orphanages in the late 1800s.)<sup>10</sup> Finally, some adoptive parents in America find they cannot handle children who have spent years in orphanages overseas and have developed severe problems as a result. On the other hand, Americans at times save the lives of children who otherwise would live poorly—and die early—on the streets of other nations. There are many success stories, and many adoptive parents in America who make sure their children learn about the culture of their native lands. Moreover, there are serious efforts to improve the regulation of international adoptions so that children cannot be bought and sold.<sup>11</sup>

There is great controversy over many issues in adoption today. Sometimes it follows the old fault lines of left against right and secular against religious people. At times adoption has looked like a great battlefield. More recently, groups that disagree on some issues have been able to work together on the federal adoption tax credit and the adoption of children from foster care. They would do well, though, to remember fierce fights of the past and King Solomon’s exasperation when he threatened to cut a baby in half and give

one-half to each of the two women who were fighting over it.<sup>12</sup> They should also try to develop the *wisdom* of Solomon, for adoption problems are not always easy to solve.

People in the pro-life movement see adoption as a great alternative to abortion. Indeed, it can be and often has been. But those who advocate adoption should be aware of the controversies that surround it. At the same time, they should celebrate the great good adoption can do and should encourage those who want to make it work for all concerned. Some suggestions along these lines appear at the end of this article.

### **Reasons for Change**

Many people wonder why so few birthmothers today are willing to consider adoption. Part of the answer may be that they have heard or read stories of older women who released children for adoption in the era of secrecy and shame for unmarried birthmothers. Parents and others often pressured them to choose adoption. Many, in fact, had no choice in the matter; their parents made the decision for them. Many girls suffered from gossip in their high schools when other students realized they were pregnant, and many high schools and colleges expelled pregnant students. That practice continued until 1972, when a federal law barred it at federally-funded institutions.<sup>13</sup> Many girls also had bad experiences in maternity homes, and some had to go through labor and birth alone. Perhaps worst of all, they were supposed to have no contact with their children after adoption. Many worried for decades about their children: Were they in good health, or even still alive? Were they treated well by their adoptive parents? Were they happy?

Writer Ann Fessler interviewed many birthmothers from the era of secrecy and no-contact. "I never felt like I gave my baby away," said one. "I always felt like my daughter was taken from me." Another remarked that "I just couldn't have long-term friends or friends who were close because I was afraid that they'd be taken away . . . . I've lived most of my adult life disassociated from my feelings, just numb, in order to exist." Another woman, reunited with her birth daughter about 25 years after adoption, spoke of the lost years this way: "I was scared for my baby all those years. I never slept through the night. I never made it through a night without wondering how she was."<sup>14</sup>

Many women Fessler interviewed told stories of parental anger or coldness during a time when parental love and kindness were desperately needed. Some girls, far enough along in pregnancy to be "showing," had to disappear when visitors stopped by their home. Some staff at maternity homes were intensely focused on having girls agree to adoption. One woman recalled:

“We were not told we had the right to keep our own baby . . . We were never told anything except adoption—it was the only option offered to us. We weren’t told that we could get child support from the fathers. We weren’t told that we could apply for welfare . . .” She added: “All of our rights were abused. Ignored and abused.”<sup>15</sup>

What about effects of the old system on the *children* of adoption? While some were untroubled by their status, others never felt they really belonged to their adoptive family. They wondered and worried about their birth parents. One said, “As a child I used to wonder ‘Why did she give me up? Isn’t there a law against this?’ I felt rejected by my birth parents but was afraid to share these feelings with my [adoptive] parents.” Another remarked, “During my childhood, I recall many fears, dreams, etc., about being kidnapped or lost. I always felt this was a reflection of my feelings about being adopted.” A third, during childhood, knew its birthmother would not send a birthday card, yet still “watched the mailbox for days before my birthday . . . My head understood but my heart didn’t.”<sup>16</sup>

Prompted by such feelings, many birthmothers and adult adoptees started searching for each other in the 1970s and 1980s. For decades before that, most states had issued amended birth certificates after adoptions, making it seem that the adoptive parents were actually the birth parents. Nearly all states kept secret the original birth certificates that gave the birthmother’s name (and sometimes the birthfather’s as well). Frustrated by the sealed records, many adoptees fought to change state laws so they could find their parents. Most states, though, still keep the original certificates sealed unless the person whose information is requested consents to its release. This is a source of great frustration to many, especially the radical group called Bastard Nation. But most states do give adult adoptees access to “nonidentifying information” about their birthparents. This may include physical descriptions and information on race, ethnic background, religion, medical history, and even why they placed their children for adoption.<sup>17</sup>

Meanwhile, though, the Internet, private investigators, and volunteers called “search angels” help many adoptees find their birth parents. There is also what Adam Pertman, a former *Boston Globe* reporter who now heads the Evan B. Donaldson Adoption Institute, calls an “underground network that has existed nationwide for a few decades.” He says it consists of “true believers” and that their methods include “copying sealed documents obtained from sympathetic or bribed government workers, hacking into computer records, and making phone calls for judges who don’t exist.”<sup>18</sup> The use of such dishonest methods is ironic, given the many complaints about the deceit that propped up adoption secrecy in the past. Yet much adoption searching is

aboveboard. It often leads to joyful reunions and real healing for people who were traumatized by the way their adoptions were handled. It also leads to some ambivalent reunions and the occasional disaster (for example, finding that a birth parent is deeply upset to be contacted, indifferent, or cold—or in prison).

In the best outcomes, birthmothers tell their children that they have thought about them every day since adoption and always have hoped for a reunion. Or children say they have had happy lives and tell their birthmothers, “You did the right thing.” There are also stories of children who find they look exactly like one of their birthparents and also share many traits and preferences. Many adoptees find they have brothers or sisters they had never known about. This can be a very happy find, especially for someone who has grown up as an only child.

### **The Politics and Economics of Adoption**

The National Council for Adoption (NCFA) represents many adoption agencies around the country, as well as some adoption attorneys. Established in 1980, the organization is headquartered near Washington, D.C. Many NCFA member agencies are faith-based ones affiliated with Bethany Christian Services or LDS Family Services (Latter Day Saints, or Mormon, agencies). NCFA has substantial influence on public policy. In the past, it adamantly opposed efforts to open sealed adoption records, believing this to be unfair to people who had the expectation or promise of confidentiality. Although it stresses this issue less now than before, NCFA has not changed its position. As an alternative, it supports mutual-consent registries so that a complete record is opened only if both the adoptee and the birthparent(s) agree. NCFA was skeptical about open adoption in the early years. President and CEO Charles “Chuck” Johnson said the group embraced open adoption once “the research showed that it was working for birth parents and that the families were benefitting from it.” He noted that current NCFA projects include an “I Choose Adoption” media campaign and “being a voice for orphans around the world” to have families. NCFA also does training programs for adoption workers and pregnancy counselors. Many of the latter, Johnson said, admitted at the start of one training program that “they just didn’t know how to discuss adoption.” But “they expressed much more confidence, when they left, in their ability to discuss it with clients.”

NCFA has not taken a position on adoption by gay and lesbian couples. Johnson said the group works with some agencies that do such adoptions and with others that do not “and *could* not.”<sup>19</sup> The Donaldson Adoption Institute, on the other hand, supports adoptions by such couples. The Institute’s

Adam Pertman stressed that: “We want children to get homes.” He said that “from the research we know that gay and lesbian adoptive parents are more amenable to adopting some of the . . . tougher-to-place kids.” But Pertman also remarked: “I think that every agency, especially those of faith or who have, you know, strong moral conviction, should do what they want. And they should be permitted to.” He said that if one agency does not work with gay and lesbian couples, it is not as though such couples cannot adopt. “They’ll go to the agency down the street,” he noted.<sup>20</sup>

While it does not have a Washington office, the Donaldson Adoption Institute has major influence on policy through its research studies. The Child Welfare League of America, a multi-issue group with a large staff, is also a major player on adoption policy at the federal level. Adoption advocates have many friends on Capitol Hill in the Congressional Coalition on Adoption, a large and bipartisan group whose leaders include many adoptive parents. A related institute arranges briefings for members of Congress and their aides.

The high cost of adoption is a major concern for many. James L. Gritter, an adoption-agency professional and a pioneer of open adoption, warned 16 years ago: “As we gain on the problem of secrecy, we are rapidly losing ground to commercialism . . . . The commercial approach views fees as a matter of whatever the market will bear. Given the unbalanced nature of supply and demand in the realm of infant adoption, the commercial approach to adoption has tremendous potential for financial abuse.”<sup>21</sup> Since Gritter’s warning, the rise of the Internet has added to the worries. Referring to the kind of website that makes dubious promises, Adam Pertman remarked that “you don’t even know whether it’s an adoption agency,” adding that possibly it’s just that “somebody knew how to put up a website.” Pertman recently coauthored a brief “Proceed with Caution” paper on how to check websites that offer adoption.<sup>22</sup>

### **Take-Home Lessons for Pro-Lifers**

Many pro-life activists have adopted children, are themselves adoptees, or have placed birth children for adoption. But those who were involved decades ago, or never directly involved, need catch-up work to understand what adoption offers today. It is especially important that anyone who does counseling in a pregnancy care center be up-to-date on adoption. Talking with skilled adoption workers can be a useful supplement to book and Internet research. So, of course, can conversations with adoptive families and birth parents who have experienced adoption. Adoption should be presented to a young, unmarried woman as one possible option, but not as one that is necessarily better than marriage or single-parenting. Many women who have

decided on adoption before giving birth are surprised by the overwhelming love they feel when they first see and hold their newborn babies. Perhaps no woman should make a final decision about adoption until she has cared for her newborn for a week or two. Heather Lowe, who regrets having released a son for adoption, suggests this in a publication for other birthmothers. "Give parenting a one or two week try," she advises, "so that you know for sure what it feels like and whether it is something you can manage or not. Or consider a foster-adopt period in which you'll have time to feel the separation but will maintain your legal rights to parent."

Lowe also says: "Adoption is a permanent solution to an often temporary problem . . . . Some problems are insurmountable and may mean adoption is the answer, while others can be fixed if you know where to turn."<sup>23</sup> A good pregnancy counselor can provide all kinds of information on where to turn for help in parenting, as well as solid information on adoption options. She explains the positive points of open adoption. But she avoids manipulating a woman toward adoption with the idea that an adoptive couple can provide a wealthier lifestyle for the child, or that adoption is "nobler" and less selfish than parenting one's own child. This manipulation happened often in the past and still occurs at times today. It is unfair to put such pressure on someone who is struggling with what may be the most important decision of her life. A counselor should remember that *this* child may turn out to be the *only* child the woman will ever have.

It is also unfair for friends or acquaintances to make smug comments such as, "I could never give my baby away." As Lowe notes, "even birthmoms in the healthiest of open adoptions, who feel they made a great choice for their child, are sometimes unable to talk about it without experiencing judgment."<sup>24</sup> Adoptive parents and adoptees also face rude questions from others: "How come he doesn't look like you?" or "Do you know who your *real* parents are?" Old-fashioned courtesy can prevent unnecessary pain for all concerned.

Amy Hutton, a prolifer who placed her daughter Deanna in an open adoption that has proven quite successful, has good advice for other birthparents. One of her points is not to "worry about pleasing other people." When she signed adoption papers, she "knew there were going to be people who would be very disappointed in my decision, who wouldn't understand or approve. But they weren't in my shoes, and they weren't the ones making the decision. I had to rely on my own intuition and my firm belief that Don and De [the adoptive parents] were meant to be Deanna's parents."<sup>25</sup>

Writing recently in *Celebrate Life Magazine*, Nikki Studebaker Barcus made helpful suggestions about practical ways to support parents who hope to adopt. Encouragement is very important, she suggested, since the adoption

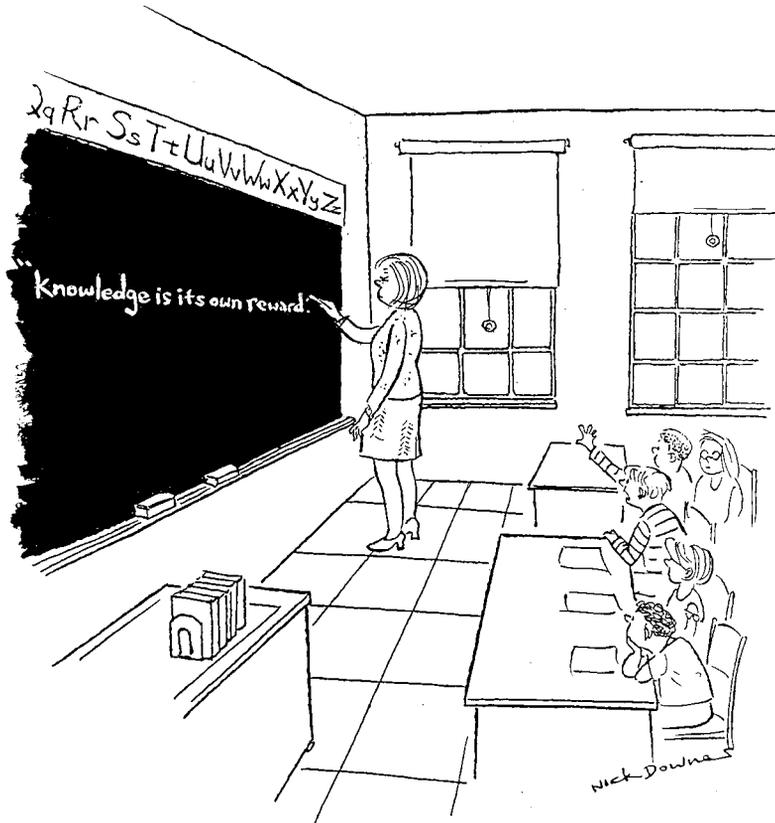
process is complicated and sometimes stretches out for a long period. Support can include “acknowledging a prospective adoptive family’s fears, celebrating with them at high points, praying for them at low points, showing a genuine interest, and listening when they need to talk.” Financial aid can be extremely helpful, especially for international adoptions. So can donation of professional services such as counseling, tutoring, or speech therapy for adoptees who need special help. A shower for the baby (or older child) is always helpful, Barcus noted. So is a welcoming party at the airport when a couple returns from overseas with their new child.<sup>26</sup>

Policy work on adoption is crucial, and it often does require the wisdom of Solomon. In the end, though, hearty support from family and friends may be even more important in making adoption work.

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"Will this be on the test?"

# The Abortion Stalemate

*Matthew Hennessey*

A politically conservative friend recently confided to me that he wants abortion to go away. It's not that he is looking to see the practice outlawed—though he might accept that outcome if it were to magically fall from the sky. Rather, he would like abortion go away *as an issue*. He wants abortion—and all the political heat it has generated over the years—to cease animating and obstructing our discourse. Abortion hovers over everything, this friend told me. It is the backdrop for every tired, mean-spirited, and counter-productive partisan standoff. It divides families and ruins friendships. It keeps the right people out of politics and the wrong people in.

In short, my friend thinks abortion is drowning us. As long as we remain trapped in a winner-take-all stalemate over abortion, he says, we'll never be able to solve our most entrenched and difficult problems. I can't say I disagree. Sometimes it seems everything comes down to abortion. Debates over a host of issues, from health care to religious freedom and from privacy rights to foreign aid, all fall apart over the questions of who can have an abortion, when, and whether the government will pay for it.

“We have to get past this,” says my friend. “It's destroying our ability to be civil with one another. It's dragging everything down with it.”

My friend thinks he has a workable plan. He's come up with a simple compromise that he thinks is so reasonable, and so self-evidently fair to both sides, that it will prove irresistible to the great American political middle. It goes like this: No abortion anywhere after 20 weeks, with a blanket exception for rape and the health of the mother. Beyond that, kick all regulation back down to the states.

Now, my friend is no dummy. His job is to think and write about politics, which he does from the right, and I know him to be both thoughtful and fair. I suggested that his plan looks a lot like the current status quo and that neither side is particularly happy with it. He countered by saying that the pro-choice left would accept the status quo if they could be guaranteed that the pro-life right would cease trying to undermine it—and vice versa. The middle, he claimed, will be happy just to see the whole thing go away.

“Issues like this go away all the time,” said my friend. “Not that long ago,

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the big issue dividing America was alcohol prohibition. Now, it's gone, disappeared, no one ever talks about it. It can happen."

I don't share his confidence in the good faith of the pro-choice left, and, as I will explain shortly, I'm not at all convinced that there is a "middle" position on abortion, but my friend is right about one thing: The short history of the United States is replete with examples of big political issues that divided the nation but that ultimately resolved themselves one way or another. From the earliest days of the republic, we have been sniping at each other, sometimes literally. After the Revolution, debate over taxation and the federal government's assumption of state war debts threatened to destroy our fledgling democracy before some states had even ratified the Constitution. In the nineteenth century, slavery was the divisive issue, looming over everything much as abortion does now. The twentieth century was a *mélange* of acrimonious, pick-a-side "isms": isolationism, McCarthyism, communism, fascism. And, as my friend rightly notes, the temperance movement once attracted activists as radical and committed to the cause of alcohol prohibition as any of the participants in today's abortion debates. Yet, all of these issues have become political dead letters. They all went away.

True. But for all of his intelligence and good faith, my friend failed to appreciate what it was that actually made these issues "go away." It wasn't that the parties to the disagreement found some unexpected common ground on which to build a careful compromise solution. It wasn't that political moderates bearing sensible, third-way proposals moved in and defused the issue. Quite the contrary. In most cases, issues "go away" from our politics only when one side deals the other a clear and unambiguous defeat. In order for an issue to truly go away, someone has to lose.

Only when Northern military forces defeated the armies of the Confederacy was the question of slavery in America settled for good (the spirit of slavery lived on in the Jim Crow South, but legal slavery came to an official end in the United States with the ratification of the Thirteenth Amendment in 1865). World War II put an end to the long-standing strain of serious isolationism in our foreign policy—after Pearl Harbor, Auschwitz, and the Battle of the Bulge, no one could argue convincingly that our security interests were served by hiding away in our continental paradise. The repeal of Prohibition in 1933 drove the final nail into the coffin of the temperance movement. Though, as my friend correctly notes, there are still a smattering of "dry" counties in certain states, no one talks seriously anymore about banning alcohol sales entirely.

What's interesting to note about the temperance movement in this context, however, is that final defeat came just 13 short years after what looked to the

“drys” like total victory—the passage of the Eighteenth Amendment. Similarly, many have argued that the legalization of abortion made possible by *Roe v. Wade* energized the pro-life movement and contributed to what George Weigel has called the “increasing desperation” of the pro-choice crowd. But *Roe v. Wade*, as the last 40 years of acrimony and division have proved, did not settle the abortion issue. It lingers on in our politics, with both sides dreaming of a day when total victory will become possible.

American politics is binary. When an issue emerges that resonates with people, the major political parties move in and take ownership of it almost immediately, supplying the financial and intellectual resources to defend entrenched positions and to repel attacks from the other side. It happens with such regularity, and we engage in it with such relish, that it sometimes seems as if partisanship is as much a part of our DNA as mom and apple pie. But if partisanship is baked into the American character, so is compromise. The nation was founded on a compromise—though it was, as we see now, a morally flawed compromise—and recurring issues from immigration reform to the debt ceiling will, we presume, find their ultimate solutions in some form of negotiated compromise between Republicans and Democrats.

But there are some issues which by their very nature are immune to compromise. Those problems evolving from or speaking to deeply held moral principles are particularly resistant to the horse-trading and logrolling of legislative compromise. A true pacifist will find it hard to give much when it comes to questions of war and peace. An environmentalist will rise in opposition to even minor levels of waste and pollution. The ACLU eagerly defends the free speech rights of those whose views its staff and leadership find execrable. The NRA moves quickly to beat back any potential restrictions on the right of the people to keep and bear arms, even when doing so is highly unpopular.

As politically binary Americans, what do we do with issues that inflame our passions and send us to the proverbial barricades? How do we compromise when giving an inch feels like giving it all away?

The short answer is: We don't. Polls show pretty clearly that public attitudes about abortion haven't changed much in the 40 years since *Roe v. Wade*. While recent findings suggest that more and more Americans consider themselves pro-life with every passing year, it is also true that roughly the same percentage of Americans thought that abortion should be legal under certain circumstances in 2013 (52 percent) as thought so in 1975 (54 percent).<sup>1</sup> And there has been almost no change in the percentages who think abortion should either always be legal or always be illegal. In other words, there is a

hardcore of at least 20 percent on both sides of the abortion issue who haven't given an inch in decades and aren't making plans to compromise any time in the future. More than 40 percent of Americans think the issue is one of pure principle and view with suspicion offers to broker compromise from—for lack of a better word—“centrists” like my friend.

We are in a stalemate. If you're the type of person that thinks life begins at conception, then you are likely to view abortion at 20 weeks as no better than abortion at 39 weeks and abortion at 39 weeks as no worse than abortion at four weeks or, for that matter, the morning after. If you hold this view—and, full disclosure, I do—then life is life, full stop. It must be preserved and protected. And so, four decades post-*Roe*, the pro-life movement is as energized as ever—maybe *more* energized than ever. Even as demoralizing a setback as the election and reelection of a militant, pro-choice president hasn't dimmed the hopes of those intent on establishing a public culture that respects and preserves life. The conscience of the pro-life right simply will not allow for a compromise solution resting on an arbitrary gestation-date cutoff or for a rape exception that, as has often been said, punishes the child for the sins of the father.

On the other hand, if you're the type of person who thinks a pregnant woman is just carrying around a clump of cells in her uterus, or that a fetus is a parasite, or that women should never be forced to give birth to babies they don't “want,” then you're not likely to be comfortable with any limitations on access to abortion, no matter how late in the pregnancy. And so we see a pro-choice movement that elevates and celebrates anyone who opposes even marginal restrictions on abortion. Even those measures with broad popular support are viewed as salvos in the continuing, all-out conservative assault on reproductive rights. The conscience of the pro-choice left will not rest easy while the possibility exists, either at the federal or state level, that the “right to choose” will be restricted in any way.

Mistrust around the abortion issue makes any negotiated compromise solution not only unlikely, but unimaginable. Both sides can point to instances where the other has broken its word: Bills seeking to legalize partial-birth abortion undermine the pro-choice left's claim that it seeks to keep the procedure “safe, legal, and rare”; late-term abortion bans haven't kept the pro-life right from pursuing ultrasound and pain-capable laws. Both sides view the issue as unsettled. One side views it as a matter of life and death while the other views it as a totem of female sexual and political empowerment. Both sides feel threatened. Both sides know that the other guys' word is no good. They're just waiting for us to let our guard down so they can break the arrangement and come after us again.

There will never be a compromise solution to the problem of abortion. Our everlasting belief in the possibility of compromise is the homage we pay as Americans to the idea of ourselves as an open-minded and reasonable society. It is an expression of the bedrock optimism of our collective political soul. But it ignores a difficult reality: Some issues are immune to compromise. As a matter of pure politics, abortion is a binary issue—the pro-lifers on one side, the pro-choicers on the other. As a scientific matter, abortion either takes a child's life or it doesn't. As an ethical matter, you are either okay with this or you aren't. There is no cutting a deal under such circumstances. There is no—if you'll pardon the pun—splitting the baby. Only a clear and unambiguous victory for one side or the other will put the issue to rest. Nothing short of Appomattox will make this issue go away.

In practical terms, for either side to achieve a clear and unambiguous victory, especially in a binary system dominated by actors convinced of their own righteousness, something extraordinary would have to happen. Some exogenous event would have to come along to dislodge the current status quo and create the political conditions necessary for one side to triumph over the other. It would be wonderful if the nation suddenly had a giant, collective change-of-heart—a coming to consciousness about the evil of abortion culture—but that is unlikely. If such an event is to occur, it is more likely to take the form of an economic or social calamity that shifts the political center of gravity on a range of issues, not just on abortion. Prohibition ended because the pain of the Great Depression made the cost of maintaining such a frivolous social experiment seem silly. Our isolationist foreign policy couldn't continue after the shock of Pearl Harbor.

Obviously, wishing for something like Pearl Harbor or the Great Depression to come along is not a practical political strategy. On top of being generally undesirable for a host of reasons, these are rare and impossible-to-predict events. Yet, we've had a few in the abortion debate over the years. On the pro-life side, many thought the horrors revealed at the trial of the abortionist Kermit Gosnell would shock the nation into a renewed push for restrictions on abortion. The murder of Dr. George Tiller occupied a similar place in the minds of the pro-choice movement's strategic thinkers. Neither event proved compelling enough to break the stalemate over abortion.

It would be altogether better for a leader to emerge who was willing to put his or her political career on the line to break the stalemate. The Civil War was the result of many factors, but the proximate cause was the election of Abraham Lincoln, a president determined to force the unsettled issues of our founding compromise to their bloody but necessary conclusions. It remains unclear if there is an Abraham Lincoln out there on the pro-life side who is

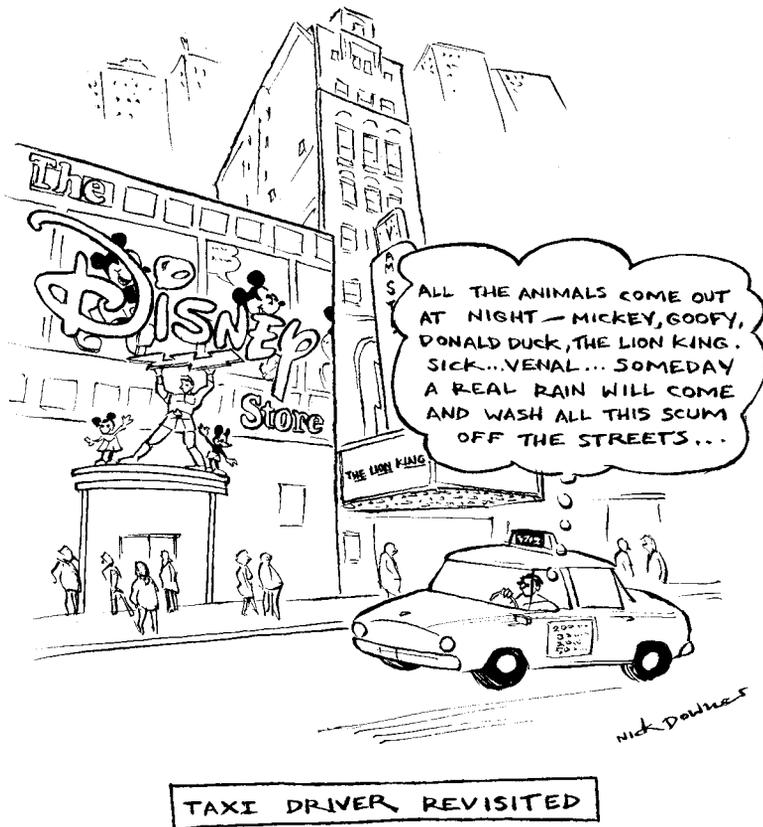
capable of delivering a clear and unambiguous defeat to the opposition, such that no one on either side will ever again seriously consider the matter an open question.

Nothing less will break this desperate deadlock and allow my friend's dream to come true. Nothing less will make abortion go away as an issue in our politics. While even the slightest glimmer of hope of victory remains—for pro-life and pro-choice alike—the fight will go on, with each side trying to bleed the other to death over time.

Enjoy the stalemate.

**NOTE**

1. <http://www.gallup.com/poll/1576/Abortion.aspx>



# A Tale of Two Wombs

*Stephen Vincent*

Around the time that the royal baby was beginning to suck his thumb *in utero* and the world was waiting anxiously for a peek at Kate Middleton's baby bump, the veil was being lifted on the fate of hundreds of less favored babies in the womb who suffered bloody death at the hands of the man known to the tabloids as the Philly Butcher. The contrast was vivid, if largely unremarked upon, between the value placed on the child of the royal line and the line of poor young women entering Kermit Gosnell's abortion mill, where their lives were weighed as worthless and their offspring tossed on garbage heaps when they weren't kept in formaldehyde as bizarre mementoes of Gosnell's grotesque business.

Charles Dickens could not have created a more poignant contrast between "the best of times" and "the worst of times." Yet as media around the world obsessed over the unborn child who may one day be king, little ink or airspace was wasted on the more newsworthy and shocking story out of Philadelphia. The Gosnell trial told a tale of wanton disregard for life, born and unborn, in a city that repeatedly refused to investigate clear evidence of grisly malpractice. Former Gosnell employees testified that the abortionist would use scissors to kill late-term babies who came out alive, cutting their spinal cords in a procedure Dr. Gosnell called "snipping." Little body parts were stored in jars; blood, feces, and other filth were encrusted on walls. The sickening testimony continued for weeks yet drew little media attention until an intrepid liberal opinion-maker blew the whistle in a *USA Today* op-ed—but more on that later.

At the end of the six-week trial, on May 13, 2013, a jury of his horrified peers found Gosnell guilty of first-degree murder in the deaths of three babies born alive and involuntary manslaughter in the overdose death of a woman seeking an abortion, as well as hundreds of other lesser crimes and violations. The woman's name was Karnamaya Mongar, a 41-year-old immigrant from Bhutan; the babies did not live long enough to be given names. Waiving his right to an appeal to avoid the death penalty, the 72-year-old abortionist was sentenced to life in prison without parole.

Predictably, the mainstream media struggled to spin this truly tragic, soul-shattering story that cast abortion in a glaringly negative light. The Gosnell trial touched on every aspect of abortion that the mantra "safe and legal"

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**Stephen Vincent** writes from Wallingford, Connecticut.

seeks to hide, and revealed the kind of deadly, dangerous, and corrupting practices that the public was indoctrinated into believing had gone the way of the pre-1973 “back alley.” Yet as they reported the facts, much of the media couched them in the National Abortion Federation’s assertion that Gosnell was an “extreme outlier” whose case actually underlined the need to make abortion more accessible—the theory being that restrictive state laws forced women to resort to such unqualified doctors.

On May 15, for example, the *Los Angeles Times* dutifully stated in an editorial: “This is a case about a doctor who violated the law and will be punished. It has little significance for abortion clinics that conform to medical and legal standards.” The editors continued:

Nor is the Gosnell case evidence for stricter rules on operating abortion clinics, such as requiring them to meet the same architectural and licensing standards as ambulatory surgery facilities or hospitals. Such costly new rules could force clinics to close even though the standards aren’t all medically necessary. The fact is that Gosnell’s clinic was already in flagrant violation of numerous common-sense regulations. Equipment was unsterilized, and a flea-ridden cat wandered the rooms. Gosnell had more in common with the back-alley abortionists of the past than with qualified abortion providers.

But until he was caught with bloody hands, Gosnell’s business was supposed to be far removed from the “back alley.” For decades it operated as a well-known enterprise in an old yet prominent building. The neighborhood was decidedly distant from the mansions of Philadelphia’s suburban Main Line and the clientele was poor and minority, but other “qualified” abortion providers referred their late-term patients to Gosnell. It is clear that he was accepted within the abortion industry and trusted to take care of the difficult cases, those where state law or human decency prevented more squeamish abortionists from performing such late-term procedures.

Herein lies an answer to the apparent mystery. Why did everyone from the governor to the health department to the police choose to look the other way after reports and complaints piled up against the Philly Butcher? The fact is that they saw the man who held the title of “Doctor” as performing a grim yet necessary inner-city duty. In addition, no politician would invite the negative publicity Planned Parenthood could summon up at the mere suggestion of taking an abortion clinic to task for code violations, let alone shutting one down. Hidden behind the rubric of “reproductive rights,” “choice,” and “safe and legal,” Gosnell conducted his messy business with less oversight than the local tattoo parlor, because he was one of the few abortionists willing to do the very dirty work—too unpalatable for your run-of-the-mill abortionist—of very late-term abortions, when the babies could emerge fully formed and breathing. (According to testimony, before

performing a “snipping,” Gosnell would joke that one of his born-alive victims could walk to the bus stop.) In fact the few doctors willing to specialize in such later-term abortions might have been said to perform a public service for a society caught in the jaws of sexual revolution and dissolution.

And then there was the strong whiff of eugenic fatalism and imperfectly submerged racism permeating Gosnell’s work, though he and his abortion allies would vehemently deny it. Yet the abortion industry is built upon the Margaret Sanger ethic of more children from “the fit” and less from “the unfit,” a mindset written into our law by the jarringly offensive 1927 Supreme Court decision by Oliver Wendell Holmes, Jr., condoning forced sterilization: “Three generations of imbeciles is enough.”

The fact that these statements and so many others like them have still not completely discredited the abortion industry and its protectors shows just how deeply and insidiously the sexual revolution has entrenched itself in our thinking. Recall another high-court declaration in *Planned Parenthood v. Casey* (1992)—that the abortion regime engendered by *Roe v. Wade* could not be overturned because two generations reliant on contraception need abortion as a final backup. More recently, we heard Barack Obama shockingly state in the 2008 campaign that if his daughters made a mistake and got pregnant, he wouldn’t want them to be “punished with a baby.” These and similar legal cases and high-placed personal opinions helped enable Gosnell’s little shop of horrors and form the matrix of our persistent abortion culture.

**G**osnell was sentenced last spring. Yet amazingly, after a brief display of public and political outrage, there has been no widespread call to investigate the abortion industry, no congressional action to assure that the deeds of Gosnell never happen again. In fact, in recent months, courts have struck down or stayed state laws that would limit abortion based on common-sense medical, safety, and emergency measures.

It seems that too many Americans have become too comfortable with abortion. Yes, a majority don’t like it, would like to see it restricted, and don’t want to think of themselves as people who would condone the killing of innocent babies. Yet they continually elect national representatives who promise to keep it “safe and legal,” perhaps because deep down they can’t see any other solution to the sexual libertinism that stands as an unquestioned totem of their individual identity and communal life. Thus the stubborn contradiction of the polls, which show a majority of Americans identifying as “pro-life,” while a larger majority vote for national politicians who keep abortion very safe and very legal.

All of which partly explains the mainstream media’s attempted news

blackout during the Gosnell trial. Media overlords such as the *New York Times*, *Washington Post*, TV network news, and liberal cable TV news were not only seeking to protect the abortion industry and a “woman’s right to choose”; they were also protecting what they saw as the common good and the tender sensibilities of their clients. How could these responsible media outlets allow the bloody details of one abortionist to upset the assumptions of a whole society constructed on a certain strain of sexual freedom (liberals certainly among them and to some extent economic conservatives who have not quite crossed over to join the “pro-life fanatics” with whom they vote)?

Yet, as Whittaker Chambers said of his disaffection with communism, one night you “hear screams.” In this case, the silent screams of the tiny victims were given voice by Kirsten Powers, a defender of liberalism and Fox News political analyst, who wrote an explosive, accusatory April 11 op-ed in *USA Today*: “Infant beheadings. Severed baby feet in jars. A child screaming after it was delivered alive during an abortion procedure. Haven’t heard about these sickening accusations?”

How’s that for sensational journalism that will grab even the most distracted reader over morning coffee? Yet knowing her audience, it’s fascinating what Powers writes next, after slapping the reader with these “sickening accusations.”

“It’s not your fault,” she stated with absolving balm, explaining:

Since the murder trial of Pennsylvania abortion doctor Kermit Gosnell began March 18, there has been precious little coverage of the case that should be on every news show and front page. The revolting revelations of Gosnell’s former staff, who have been testifying to what they witnessed and did during late-term abortions, should shock anyone with a heart.

Realizing the mainstream media’s efforts to protect both abortion and liberal public opinion, Powers sought to separate the two, highlighting the “revolting” nature of Gosnell’s crimes that should have no place in “anyone with a heart.” And liberals, as we are told, are the ones with a heart.

She concluded, “You don’t have to oppose abortion rights to find late-term abortion abhorrent or to find the Gosnell trial eminently newsworthy. This is not about being ‘pro-choice’ or ‘pro-life.’ It’s about basic human rights.”

The essay did its job of pointing the public to an issue of conscience and soon media outlets had developed appropriate talking points, condemning Gosnell’s house of horrors while defending “legitimate abortion providers” and protecting the “pro-choice” world view of decent Americans. “Gosnell does not speak for us” was the theme.

Yet videos from the intrepid young undercover journalists at Live Action

that were released at about the same time exposed the error in this argument. They showed pregnant women in office consultations with late-term abortionists who sought to dehumanize the unborn baby and underplay the risks to the mother. The industry's lionized abortionist Leroy Carhart was caught telling a woman that when deadly chemicals are injected into the womb, it's "like putting meat in a crock pot . . . in a slower cooker." Thus was the cold heart of the abortionist exposed. Failing to stop publicized practices such as these in the wake of the Gosnell case surely suggests that Americans are becoming cold-hearted as well. After 40 years of abortion on demand, it is easy to think that many Americans have already grown cold on the issue, or feel helpless to do anything about it. How different are we from the "decent people" who knew about the Nazi death camps in their midst yet were afraid to speak out or do something? Most of us can find an abortion clinic not all that far from home. What have we done about what goes on there?

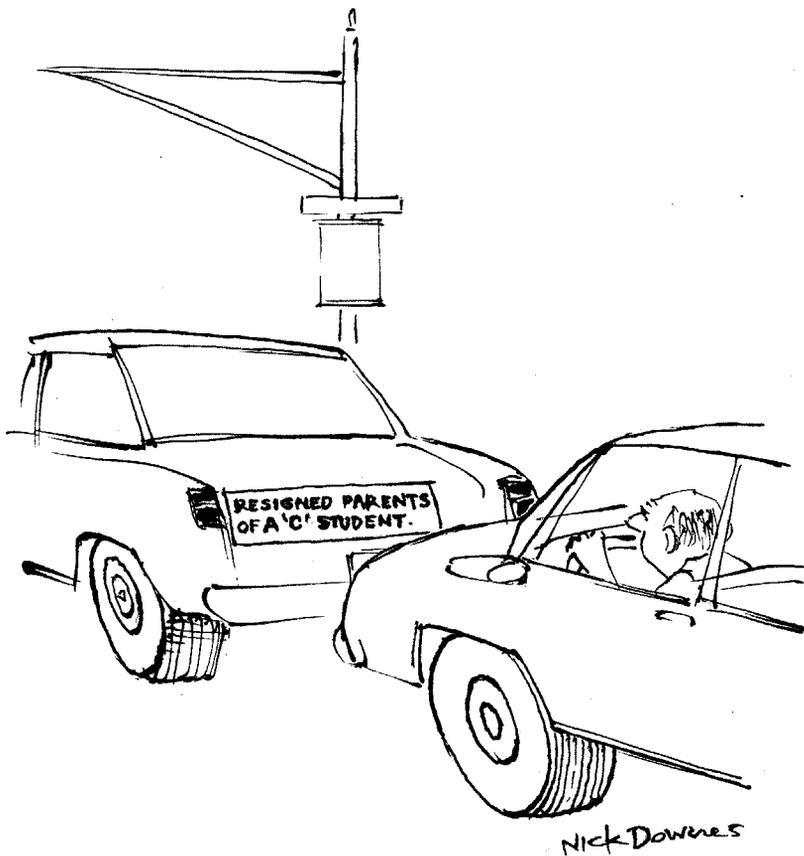
But perhaps all is not lost when we see Americans demonstrating such open-hearted fascination with an unborn baby in the person of the royal child. More than two months after Gosnell was sentenced, Prince William and his wife Kate were blessed with the birth of a boy on July 22. The most anticipated pregnancy in recent history came to a happy delivery, and everyone rightly rejoiced. Yet in our culture of contraception-cum-abortion, the notions of "unplanned pregnancy" and "unwanted child" have cast a pall over even the happiest of births. It hangs over each pregnant woman when her doctor asks almost offhandedly, "How do you feel about this pregnancy?"

Under the modern abortion regime, all births, all lives, have about them a touch of the tenuous, as though this particular person, born or unborn, might not have been, or might have been erased through a different choice. Forgive me for allowing the culture of death to intrude for a moment on a royal happy event, but imagine if Lady Kate had decided that this just wasn't the right time. Imagine if she had chosen to abort her little prince. There would likely be worldwide outrage or perhaps shocked disappointment, and in her own country righteous pleas regarding her duty to crown and country to bear the potential successor to the throne.

But the logic of abortion on demand leads inevitably to that possibility. The seldom-confronted question is why we feel such visceral, instinctive censure of Lady Kate in this thought experiment yet at the same time such a nonchalant acceptance of the daily horror of abortions on women and children whose names we'll never know. Are the poor or minority women who visit the abortion mills every day any less important in the eyes of God? Are their children any less worthy of love and protection? If we believe in a good God

as the author of all life, the answer is obviously “no.” But if deep down we accept the Sanger ethos of more children from “the fit” and fewer from “the unfit,” these questions leave in their wake an awkward silence.

Some years back, there was a pro-life poster with the message that no one knows who carries the future king. Based on an African proverb, the poster illustrated the royal dignity of each mother and child, that we are all children individually precious in the eyes of the heavenly king. An innate sense of such human worth lay behind the outrage that followed the belated media coverage of the Gosnell trial. If that outrage evanesces rather than building to a common groundswell of action by a majority of Americans to finally end abortion, then the crimes of Gosnell will continue to cast a shadow on the conscience of our nation.



# Keeping Up with The Times

Donald DeMarco

In his speech at the University of Notre Dame in May of 2009, President Obama urged people to “honor the conscience of those who disagree with abortion . . . without reducing those with differing views to caricature.” He pleaded for “Open hearts. Open minds. Fair-minded words.” That was 2009. Times change and, presumably, along with that change, morality changes. In April of 2013, in a speech to Planned Parenthood, the President ridiculed pro-life people for wanting “to turn back the clock to policies more suited to the 1950s than the 21st century.” Their efforts, he went on to say, make “you want to check the calendar; you want to make sure you’re still living in the year 2013” (a remark that, predictably, evoked affirming laughter).

In this way pro-life advocates are caricatured as misguided souls who are hopelessly stuck in the past, desperately trying to do the impossible; namely, “turn back the clock.” Four years after Notre Dame, the practice of reducing those with whom you disagree to a caricature became “in” while “fair words” became “out.” Did Obama attach such a short expiration period for what he said at Catholicism’s most visible American university? Yet this is the logical outcome of tying morality to the calendar. Was abortion morally wrong in the 1950s? Will it be wrong again in the year 2050? Why was respecting conscience a good thing four years ago, but not today? How does one read morality out of calendar years? Has numerology replaced anthropology? Actually, the fear of being out of date can make one perpetually out of date. C. S. Lewis reminds us that “All that is not eternal is eternally out of date.” The person who is anxious about always being in step with the times will find himself always out of step with higher values. Fashion is not concerned about moral ideals. Keeping up with the Joneses is not the same as being faithful to one’s destiny. Then again, something that Obama did not reckon, the pro-life movement might simply be ahead of its time.

The calendar, obviously, is not a reliable basis for determining morality. If President Obama was not ridiculing pro-life people, he was surely ridiculing himself. Aristotle and subsequent logicians found the *argumentum ad annum* (“argument from the year”) to be clearly fallacious. Neither the year 2013 nor any other year that comes into focus implies any form or change in

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morality. Morality and chronology do not coincide. The numerical ascription that designates a year has more to do with the changing relationship between the earth and the sun than with a change in moral values.

In 1991, Blessed John Paul II produced *Centesimus Annus* (On the Hundredth Anniversary), so named because it honored Pope Leo XIII's great encyclical on social justice, *Rerum Novarum*, which John Paul referred to as an "immortal document." One hundred years after *Rerum Novarum*, Blessed John Paul found himself reaffirming the timeless and elementary principle that Pope Leo previously affirmed, "namely, the more that individuals are defenseless within a given society the more they require the care and concern of others, and in particular the intervention of government authority." The State cannot, Blessed John Paul reiterates (citing Pope Leo), limit itself to "favoring one portion of its citizens" and "neglect the other." Justice has no expiration date. It is not subject to displacement by convention. Justice is a perennial value, not amenable to the vicissitudes of the clock or the whims of the magistrate. Democracy should have an authentic and solid foundation in safeguarding human rights. And "Among the most important of these rights," Blessed John Paul concurs, is "the right to life, an integral part of which is the right of the child to develop in the mother's womb from the moment of conception." This is not theological language, but the proper language of democracy and natural human rights.

A century is longer, in most cases, than one person's lifetime. The work begun in year 1 may not be brought to its completion by the year 100. Abraham Lincoln understood this well. He was never a man to be duped by calendar ethics. In a speech he gave in July of 1858, he pointed out that the abolition of the slave-trade by Great Britain "was agitated a hundred years before it was a final success." He also pointed out that the measure had its opponents, those who wanted slavery to continue on the grounds that one group of human beings was superior to another, those who were apathetic, and those who argued from economic and even from religious platforms. Lincoln was ruthless in his denunciation of such opponents: "... though they blazed, like tallow-candles for a century, at last they flickered in the socket, died out, stank in the dark for a brief season, and were remembered no more, even by the smell. Schoolboys know that [William] Wilberforce and Granville Sharp helped that cause forward; but who can name a single man who labored to retard it?"

America's 16th president did not think that the goal to end slavery would be completed during his "natural life." But he did not doubt "that it will come about in due time." Nevertheless, he expressed pride that in his "passing speck of time" he could contribute to a "glorious consummation." Lincoln

was a man of hope and he understood that hope is the fulfillment of a cause that may require great patience, but will not be extinguished by the clock. Life is not a basketball game.

Ironically, Lincoln's thinking in this area has a lot in common with that of his contemporary Robert E. Lee, the commander of the Confederate Army of Northern Virginia: "The march of Providence is so slow and our own desires so impatient; the work of progress is so immense and our means of aiding it so feeble; the life of humanity is so long, that of the individual so brief, that we often see only the ebb of the advancing wave and are thus discouraged. It is history that teaches us hope."

The myth of automatic progress is so deeply entrenched in the minds of so many Americans that it has become a major obstacle in trying to engage others in a reasonable debate on abortion. There is progress in science and technology because it rests on a corporate agreement that is passed on from one generation of scientists to another without the loss of what is important. But each individual, being a unique self, begins life at the beginning and must figure out his destiny, often in the midst of vexing difficulties. We do not learn morality from an engineering manual. We cannot clone saints. By contrast, where is the "progress" in the Arts? Do we now, in 2013, have better composers than Bach, Beethoven, and Brahms? Better painters than DaVinci, Raphael, and Michelangelo? Better philosophers than Plato, Aristotle, and Aquinas? Better poets than Homer, Virgil, and Dante? Has Shakespeare been superannuated? Is Dostoevsky now "old hat?" Is Mozart just a museum piece? Has the Gospel been eclipsed?

**S**hould President Obama, we may ask, be held to a standard of consistency? It has been said that "consistency is the hobgoblin of little minds." What Ralph Waldo Emerson actually said, however, was that "A foolish consistency is the hobgoblin of little minds." One should not wear winter clothing all year round just to be consistent. On the other hand, one should be impeccably consistent when it comes to enduring values such as justice, fairness, respecting human rights, and love. Logic and common sense, we might add, are also enduring values. Aristotle's logic is still logical. Fallacies remain fallacies no matter how fashionable they might become.

The Founding Fathers, like Lincoln, believed in enduring values. The Declaration of Independence declared that "all men are created equal." It took a long time and a Civil War for people to agree that this "equality" extended to "all" regardless of race. Now we are engaged in another war, a Culture War, to extend equality even further to "all" regardless of birth. In his Notre Dame Commencement address, President Obama spoke about the

importance of finding a “common ground” on the abortion issue. Yet he continues to ignore the very common ground that is stated in the Declaration of Independence, namely, that we are all equal and endowed by our Creator with the right to life. Concerning abortion, there is no “common ground.” An unborn child is either alive or dead. He cannot be both or neither at the same time. Here the time-honored principle of non-contradiction comes into play. If one is alive, then one is not dead; if one is dead, then one is not alive. The opposite of logic is sophistry. Socrates, that most persistent of philosophers, spent a good deal of his life sparring with sophists. At the close of Plato’s *Gorgias*, the Gadfly of Athens had his fill of the sophistry of Gorgias, Polus, and Callicles. His concluding words to them are most applicable to the politics of today: “It would be disgraceful for men in what appears to be our present condition to put on airs as though we amounted to something, we who never hold twice the same opinion about the same subjects, and that, too, though they are of the greatest importance.”

In the penultimate paragraph of a very lengthy speech at Cooper Union in New York City (February 27, 1860), Lincoln, referring to the subject of slavery, advised people not to be diverted by “those sophisticated contrivances wherewith we are so industriously plied and belabored—contrivances such as groping for some middle ground between the right and the wrong, vain as the search for a man who should be neither a living man nor a dead man.” Lincoln was not about to join the wild-goose chase in search of something that did not exist. He was perfectly willing to accept what already existed and was encoded in the Declaration of Independence. He was not at all tempted to look for the man who was half-living-half-dead to serve as a “middle ground.”

President Obama wants us to abandon our heritage, disregard the equality of all enshrined in the Declaration of Independence, and look for a “common ground” that not only does not exist, but cannot exist. His sophisticated contrivances are mesmerizing; however, he should know that when he is speaking to Planned Parenthood, the whole world is listening. His narrowness, his partisanship, his lack of logic, his manipulating rhetoric are, in fact, being perceived by those who did not attend the conference. Is Obama the President of Planned Parenthood exclusively? With all the talk these days about the importance of being “inclusive,” the exclusion of the human unborn is a most embarrassing indication of societal and presidential hypocrisy.

In ancient Greek, a language most suitable for philosophy, there were two words for “time.” The first was “kronos”—from which we get the word “chronology”—which referred to sequential time or time that can be counted and numbered. Keeping up-to-date is essentially being in step with the current time. The second word, “kairos,” is not something that can be measured.

One does not have a certain amount of “kairos,” any more than one can have a certain amount of Christmas. Whereas “kronos” is quantitative, “kairos” is qualitative, referring to an instant in which something transcendent takes place. It can be a moment when God enters into the life of man. In Mark 1:15 we read: “The time is fulfilled, and the kingdom of God is at hand. Repent and believe in the gospel.”

It is so easy to be a child of the times. However, its benefits are not momentous, but momentary. There is the “dry look” and the “wet head,” Nehru jackets and angora sweaters, Afros and crew cuts, hula hoops and jukeboxes, trekkies and Ninja turtles, button-down collars and pre-worn jeans, pet rocks and Pokemon cards. They are evanescent and quickly recede into the realm of the nostalgic. “Kairos” involves the momentous, the moment that stands outside of time and justifies it. Weddings, anniversaries, births, and deaths belong to the realm of “kairos” and are appropriately celebrated. We know all this, instinctively.

The secular world is immersed in “kronos.” Accordingly, the belief arises that time itself will make things better. Such is the myth of progress and the disdain for tradition. But the mere advance of time does not bring about a better world or a better person. “Kronos” without “kairos” creates a state of desperation in which superstition can flourish. A 2013 Obama is not necessarily a better president than an 1861 Lincoln. Civilizations rise and fall despite the fact that their “kronos” is always moving ahead. “Kairos” operates on a higher level. The pro-life movement will have its day, its “kairos,” but it will be the result not merely of time ticking away, but of hard work, a collective effort, “with malice toward none, with charity for all.” At that time, Planned Parenthood will be *passé*.

# Sperm Donation in the Wild, Wild West

Leslie Fain

Over 30 years ago, Ray Tonna, of Melbourne, Australia, donated his sperm so that another couple he had never met could have a child. In March of this year, he finally met his offspring, a daughter, Narelle Grech, whose 15-year search for her biological father finally succeeded after former Victoria Premier Ted Baillieu intervened on her behalf: Narelle by then had stage IV stomach cancer.<sup>1</sup>

“The moment I met Rel, I was overwhelmed with the purest, most wonderful love, a love based solely on the knowledge that my genetic material helped to create her,” Tonna said in an interview with the *Human Life Review*. “How could I not love her?”

“We were both hesitant about using the ‘L’ word when we first met, but Rel told me later that it was love at first sight,” said Tonna, who has eight other biological children in the world he hasn’t met, thanks to the anonymity of sperm donation.

Tonna said he thinks that people who doubt the biological connection between a father and his offspring “need to realize it is hardwired into our very beings.” Many who have had the benefit of being raised by their biological parents do not appreciate the depth of this desire to connect with one’s biological parents.

“Of course, I’m appreciative that I can know him now, but to think we could have had another 15 years of getting to know each other is so bitter sweet,” Grech told the *Australian Age*.

Grech died of cancer at the age of 30, several weeks after their meeting.<sup>2</sup>

No matter how much our culture has thus far disintegrated, society still considers it morally and ethically wrong for a man to abandon his biological children. The law enforces this ethic. However, there is a two-tiered system of justice in place. If you conceived a child in a traditional manner, you are on the hook. If you donated your sperm, like Raymond Tonna, a government official may have to take pity on your child in her dying days for her even to learn your name or for you to learn hers.

But that’s Australia, right? In the United States, however, the situation is worse. In 1998 Australia banned anonymous sperm donation, though not sperm donation outright. The U.S., on the other hand, has been called the “Wild, Wild West” of third-party donation such as sperm donation.

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“We have a patchwork policy across the U.S.,” said Jennifer Lahl, founder and president of the Center for Bioethics and Culture (CBC), a bioethics group that addresses issues that most profoundly affect our humanity, especially those that arise in the lives of the most vulnerable among us. “By and large, the public is clueless, and out to lunch. It can be pretty bleak at times.”

In 2013, Lahl wrote, directed, and produced *Anonymous Father’s Day*, a documentary in which she interviewed several donor-conceived offspring about the pain and frustration they have experienced in not knowing their biological fathers or their paternal relatives. As such, they were also in the dark about their medical histories.

The documentary was created in part to balance the overwhelmingly positive, and sometimes even humorous, media accounts of sperm donation. From comedies about hapless sperm donors to heartwarming stories about infertile couples’ prayers being answered, the stories and struggles of the donor-conceived offspring are largely overshadowed, minimized, ridiculed, or untold.

According to Lahl, the pro-life community is a natural fit for helping donor-conceived offspring fight for their rights, because pro-lifers have such a strong sense of justice for children. “The main issue is that the separating [of] children from their biological fathers is a tragedy,” said Lahl.

Part of the CBC’s advocacy includes working against the commodification of human beings, particularly with regard to surrogacy and gamete donation. (Another bioethics group that has concerns about gamete donation is the Center for Genetics and Society [CGS].) The CBC and CGS opposed California’s AB 926, which would have permitted researchers to buy eggs from women. The bill was vetoed by Gov. Jerry Brown.

Associate Director of CGS Dr. Diane Tober, who is pro-choice, said she thinks it can be challenging to work across these divides, for a variety of reasons. “But I also think there needs to be more societal governance—regardless of political or religious persuasion—in order to promote using bio-technologies in ways that enhance the common good.” Tober explains:

With sperm donation, it makes sense to promote policies that are in the best interest of donor offspring; this includes the right to know their genetic parentage. If a couple does not feel comfortable disclosing information about their conception, I would recommend that they should re-examine the desire to use a donor. Also, given the advances in being able to have your DNA sequenced [e.g., in basic Biology class or through “23 and Me (the genetic testing company)”], do we really want donor offspring to find out through other means that their parent(s) may not be their biological parent? This seems pretty traumatic.

Tober thinks sperm donation is one of those areas that does need parameters, but believes it should still be an option for the infertile. With

regard to sperm donation, “the main [problem] with the policies as they are is that the policies don’t exist,” said Tober. “What would make sense to me is that I think there needs to be a push for open ID release,” which would enable a donor offspring to know the identity of the biological father. Similarly, Tonna agrees that although anonymity needs to be abolished, sperm donation needs to be available to the infertile.

“I think it is the right of any couple who have a strong desire to use IVF to do so. What does need to change are the laws relating to this [anonymity] issue,” said Tonna. “Adoption might be preferred by some people, but ultimately I think most people want to have that strong biological, genetic link.”

Tober added, “I think it’s hard to fathom the enormous emotional toll that infertility takes on couples going through it. For women whose husbands are infertile, adoption can be a difficult choice to arrive at because they have to give up on their deep desire to experience pregnancy, birth a child, nurse the infant, as well as their own biological tie.”

From a moral and ethical standpoint, though, the infertile do not have the “right” to a child, argues Anthony McCarthy, a former fellow at the Anscombe Bioethics Centre who currently serves as the Education and Publications Manager at the Society for the Protection of Unborn Children in the United Kingdom. He explains:

We have rights to things like property but not to other people. We have duties toward other people, but to talk of “rights” to other people is to reduce people to the level of property. It is not compatible with respect for human beings to think that you have such a claim over them. It is also clearly incompatible with the idea of a child as a “gift.” We do not have “rights” to gifts, yet parents rightly understand that any children they may have are received as a gift and not as something they have a “right” to. Indeed sperm donation for conception is instructive. Once the idea of a “right to a child” takes hold, people think they are justified in manipulating or manufacturing human beings as though they were less than human. Sperm donation for use in IVF is, of course, the ultimate way of treating new human beings as mere products who can be destroyed or thrown away on an awesome scale.

“Sperm donation is always wrong,” said Dr. Alexander Pruss, professor of philosophy at Baylor University. “The donor is deliberately causing the existence of a child that he is planning not to raise, i.e., he is planning on not fulfilling his parental responsibilities.”

Pruss believes that sperm donation can be motivated by altruism. “But the fact that an action is charitably motivated, while good, is not sufficient for an action to be morally permissible,” he said. “To give a much more extreme example, a surgeon might have altruistic reasons to kill an innocent person in order to harvest organs that could save several lives.”

“Infertility is not a death sentence,” added Lahl. “Infertile couples need to

begin thinking: Maybe there is a reason I can't have children. Maybe we should pursue adoption."

However, Tober counters that adoption presents its own set of challenges for couples, and adopted children often have a wide range of problems they have to overcome. "[A]doption is not necessarily a walk in the park either. I've heard of birth mothers changing their minds, long processes to get approval, adoption scam artists, great financial cost, problems with international adoptions, etc. The last thing an infertile woman or couple wants to hear is 'why don't you just adopt?'"

Further, "Many adopted children have deep feelings of abandonment, don't feel connected to their adopted family, and have a great yearning to want to know their biological parentage. With sperm donation, at least one biological parent is known," said Tober.

On the other hand, many offspring of third-party conception report that they have experienced suffering not only because they don't know who their biological fathers are, but because they have been separated from them, as well as from their paternal grandparents, aunts, uncles, and cousins.<sup>4</sup> These donor-conceived offspring may have difficulty figuring out their place in the world, because they don't know half their family.<sup>5</sup> Damian Adams, an Australian donor-conceived researcher, has described the donor-conceived as "half-adopted."<sup>6</sup> "Some donor-conceived people say that they look in the mirror and only see half of what is looking back at them or even don't know what face it is they see in the mirror," wrote Adams in a paper he authored on half adoption. "The issue of identity is a theme that is central to both donor-conceived people and adoptees in their quest for knowledge."

In addition, many third-party-conceived offspring have half siblings—sometimes a large number of them—that they may never identify or meet.<sup>7</sup> A donor-conceived person might even meet, fall in love with, and marry his or her half-sibling, a phenomenon that has a special term, "accidental incest."<sup>8</sup>

Like the adopted, donor-conceived offspring may lack crucial medical information they need for their lifetime health. Tonna hopes that even if he never gets to meet his other biological offspring, they will at least be made aware that their half-sister Rel died of stomach cancer at a young age, so that they can be monitored for that risk.

In addition, in some cases the donor-conceived do not bond with the parent they are not genetically related to. One donor-conceived woman interviewed for an article on third-party-conceived offspring, who knew from the age of five the nature of her conception, never felt a connection to her non-biological father, and went to her biological mother for all her wants and needs.<sup>9</sup>

"Nobody really regards these bonds as morally and existentially irrelevant,

least of all the mothers who undergo artificial insemination in order to bear a child of theirs—a child they will have a genetic link to, but who will have been deprived of his/her genetic ‘donor’ father,” said McCarthy. “It constitutes a harm to the new individual who is created from a ‘production process’ and therefore placed in an unequal relation to his/her parents, of one of whom he/she will be deprived.”

McCarthy argues that there is a great moral difference between sperm donation and adoption.

[I] think it’s useful to ask—why do we have adoption? Usually it’s because of some tragedy or very unfortunate situation that needs to be resolved in the interests of an already-existing child. And the idea used to be, that adoption was about serving the best interests of the child. [I]ncreasingly, with the notion of a “right to a child” we see, e.g., gay couples adopting because they believe they have such a “right.” Now, what would we say about someone who *deliberately brought about* a terrible state of affairs, in order that someone could adopt? Yet sperm donation *deliberately brings about* a child deprived of a father. In other words, it brings about an injustice to the child, in the way that adoption, traditionally, didn’t.

Pruss makes a similar argument:

It is, I think, wrong to conceive a child in order to give the child for adoption. To do that is to plan not to meet your parental responsibilities. It’s not just my parental responsibility to ensure my child has a good home. It is also my responsibility to provide a good home for my child, *myself*. Sometimes, due to tragic circumstances, that may be a responsibility I would not be able to fulfill. In that case, I should have someone else provide that home for my child. But I should not plan on this when conceiving the child. If I am incapable of providing a good home for my child, I should not try to conceive a child. Adoption is an emergency response. Sperm donation creates an emergency.

Third-party offspring are coming of age, and many of them are protesting the injustice of how they were conceived. Unfortunately, when they do so they are often met with the response, “Well, you are here, aren’t you?”<sup>10, 11</sup> It is as if the donor-conceived person should not only stop criticizing third-party conception, but in fact acknowledge that he or she owes the process a “debt of gratitude.”<sup>12</sup>

“One way in which [this response] is upsetting is that it assumes that the term ‘harm’ cannot be applied to wrongs done to someone in the way [he or she] were conceived,” said McCarthy.

If that is true, it just means that we need another word to capture the wrong done. If someone helps create me but in doing so he deliberately disables me, he has wronged me. If someone gives me a wonderful gift but also damages me or steals from me at the same time, he has wronged me. Imagine a rapist telling his offspring: “I didn’t do anything wrong to you—look, you exist, don’t you?” But the child can say, “The way in which you brought me into being was a hateful and violent one which respected neither me nor my mother. You had a duty not to do that to her, or to me.”

## The Problem of Anonymity

Many former sperm donors are stepping forward to say that laws surrounding anonymity are unfair to all parties involved and need to be revisited. Along with Tonna, Michael Galinsky, a 44-year-old filmmaker and former sperm donor living in Brooklyn, has also arrived at this conclusion. Galinsky was 22 or 23 when he donated sperm to a clinic. He got the idea from a college friend who had done it. “When I graduated college I was in a band, worked as a messenger, and barely made enough money to cover rent. The idea of being a sperm donor became more appealing to me,” said Galinsky.

I’ve thought about it a lot and at the time I was very much under the impression that nurture was wildly more important than nature, and that this was doubly true for fathers. I had seen plenty of afterschool special-type TV shows about children looking for their birth mother, but it didn’t seem that fathers mattered that much in the equation. When I went to the lab to discuss things, the process was presented as doing a mitzvah for a couple in need. It was easy to believe that.

Galinsky’s feelings surrounding anonymous sperm donation began to change about seven years ago following the death of his father, which devastated him. Three months later, his wife gave birth to a daughter, their second. “I was with [my daughter] in the corner hair salon and the owner said, ‘You gotta go for your boy.’ It immediately struck me that I probably had some sons and that they would want to know who I was,” said Galinsky.

At the time I donated I don’t think that there was a choice of not being anonymous. It made sense at the time, but I was pretty sure when I walked out of the salon that it wasn’t as simple as I had surmised at the time. I started to look into it and found the DSR [Donor Sibling Registry] and started to see that the issue had become fraught and complex. My daughters were born with distinct personalities and I learned that no amount of nurturing was going to have a big effect on who they were. After a while it became clear to me that anonymity was not fair to the children born of sperm donation.

He has spent the last seven years working on a film about the issues raised by sperm donation.

I think that anonymity is a problem because many, but clearly not all, children born of donation have a desire to know about their genetic roots. In some of these donor-conceived people the desire is more than powerful. As a society we have been doing this for a while and it makes a lot of sense to take stock of the situation and ask important questions about how the different parties are affected by it.

Tober also grapples with the issue of anonymity, coming down on the side of disclosure:

I understand that some donors want to remain anonymous. However, I think that if the donor really feels that way then they should not be a donor, as most children will have a natural desire to know of their biological parentage. The best policy, in

my opinion, would be mandatory donor identity release and parents' disclosure to children how they were conceived. These days, with DNA testing, the kids are going to find out anyway.

Michael Linden, a former sperm donor in Melbourne, Australia, believes that getting rid of anonymity won't solve the problem, however: "[U]nless there is some direct or indirect mechanism which would compel the recipients to inform their children of their true genetic origins, the best interests of the child will never be upheld."

### **Motivations**

"My motivation [to donate sperm] was to make a bit of extra cash for Christmas," admitted Linden, continuing,

I was 26 and an undergraduate student at the time and my first wife was also studying for her M.A. We were living on student allowances, already had a three-year-old daughter and, by the time I was donating, another newborn baby girl. So, you see, the prospect of an extra \$100 in the kitty—it was a lot of money in those days—was hard to pass up.

We were leading a dedicated inner-urban hippy lifestyle and an eccentric artist friend of ours told me about the donor program referring to it as something like: "all you have to do is . . . and they pay you for it."

For his part, Tonna became a sperm donor as a 27-year-old student living in Melbourne, Australia. After spotting an ad for sperm donors on a notice board, he phoned Prince Henry's Hospital; after signing a few forms, he was accepted as a donor. "My motivation was financial, but at the same time I felt that I was helping people who wanted to have children through the IVF scheme," said Tonna. "At the time there was a lot of debate about the whole issue of artificial insemination. I always saw it as the right of any woman to have children using these methods."

Ian Smith, another former sperm donor who works in the human resources field in Melbourne, Australia, is one of the rare donors who said his motivation was primarily altruistic. In an interview for the *Human Life Review* via Skype, Smith explained:

I was in my early '30s, single. I had a friend who was trying to conceive, her husband was sterile. So, I knew about [infertility] from her experience. I heard publicity here, seeking donors. I thought I could be helpful.

I thought I may never have children. The thing I didn't realize at the time was the consequences of what I was doing. I realize now because I have two children living with me. There are seven children out there who are just as much my children. I have given away seven of my children. It can be quite agonizing if I think about it too much. I don't know what their lives are like, whether they have good lives or bad.

Smith was so affected by his regrets over sperm donation that he became

instrumental in forming the MADmen (Melbourne Anonymous Dads), which gives support to former donors while advocating for the rights of both former donors and donor-conceived offspring. There does not appear to be a similar group in the United States.

Although Pruss and McCarthy believe otherwise, Tober concludes from her research that sperm donation can never be truly altruistic. “I don’t think altruistic donation is ever what is happening—it’s for ego or for money,” she said.

Smith would not agree with that assessment, however. “That is the one thing I have been trying to hang onto—that I did this for altruistic reasons. I did it with good intentions,” he said.

### **Informed Consent—Is It Possible?**

Many former donors have argued that they were not able to give informed consent before donating sperm, and that, in fact, giving truly informed consent before gamete donation is almost impossible. How can someone—especially if that someone is a young man who has never had biological children—look into the future and fully understand the long-term consequences of donating his sperm? Can the need or desire for money blind a person to the possible pitfalls? For Galinsky and Smith, the gravity of the situation only clicked after they had biological children of their own. However, that isn’t the case for everyone. Linden, who now says he is 100 percent against gamete donation, recalls:

Whilst you might expect that . . . as a father twice-over I would be already aware of the inviolability of genetic ties, given the tenor of the times I never gave it a thought. Retrospectively, I would have to say I was pretty immature for my age. I definitely didn’t donate out of altruism, that’s for sure.

[M]y “informed consent,” if you can call it such, involved being congratulated that my sperm was viable, my signing of a badly worded (and now determined as non-legally binding) scrap of paper called a “donor consent form,” and my agreeing to the request that I “start as soon as possible.” It was all pretty much “Wham, bang, thank you, Dan,” as I believe it still is in many countries and at numerous fertility clinics that should know better.

The one concession my clinic provided in the way of “information” was to be verbally told that “your sperm may in fact only be used for experimental purposes.” The sub-text here was, of course, that in case you’re having second thoughts, you’ll never know for sure that you’ve got kids out there or not.

Linden has since met two of his five donor-conceived children, his daughter Myfanwy and son Michael. He now has non-identifying information on his three other daughters, and hopes eventually to learn who they are and find them. “I just hope, for their sakes, that I am still alive when they find out about me.”

Some ads for sperm donation in Australia and the United States make coy

references to masturbation, urging young men to get paid for what they are already doing.<sup>13, 14</sup> “The way they recruit young men is immoral,” said Smith.

One of the things that really worries me is the advertising campaigns seeking sperm donors. They are targeting young men: “It’s really simple and easy to do.” They trivialize what these men are doing. They are encouraging them to give away their children . . . We didn’t give informed consent. I don’t know, but I wonder how much informed consent they are given now.

Pruss agrees that informed consent is difficult with regard to sperm donation. “Under the circumstances where the recipient is not known to the donor, it is difficult to have informed consent. How can one have informed consent to one’s child being raised by someone whose character and values one does not know?”

“A lot of men who provide sperm don’t necessarily recognize all of the ramifications,” agreed Tober. “If they give [an] identity release, what will it be like to have a child show up on his doorstep at age 18? You have no control over [your] child’s life—you are just giving it away. Are the child’s parents going to be alcoholics? Will they be abusive?”

McCarthy adds that it is possible for people to be informed about something immoral, yet truly consent to it. “People give informed consent to all sorts of procedures they ought not to—for example abortion, sex changes—and doubtless are often not told enough about the physical and mental dangers of these procedures,” said McCarthy. “Still at least in some cases they will be consenting in a relatively informed way.”

Much has been rightly written about sperm donors and informed consent, but what about the emerging child itself? “Well, the newly-conceived embryo certainly can’t give consent, and he/she has been brought about unjustly,” said McCarthy. “Of course, many people are brought about unjustly in all sorts of contexts. But that isn’t a reason for ensuring that more people will be brought about unjustly.”

### **Life After Sperm Donation**

Twelve years after Smith had ceased being a donor, Monash IVF (the medical agency that took over from the hospital where he had been a sperm donor) wrote to him regarding the remaining vials of semen that they still had in frozen storage. It was only after having biological children of his own and being contacted so many years later by Monash IVF that Smith realized the gravity of what he had done. “Their letter made it apparent that children had been born as a result of my donations of sperm,” recalls Smith. “I subsequently had a correspondence with [the medical agency]—in the course of which I asked and they told me how many children had been born, their gender and

their dates of birth.”

Smith joined a registry in Victoria and is making himself available to his seven biological children, if they wish to meet him. “What I am doing now with this activism is trying to make redress for what I did back then,” said Smith. “I am trying the best I can to help donor-conceived people and donors, to help remedy what I have done.”

He said that the MADmen group helps former donors connect. “I think in part, donors by virtue of their experience don’t tend to meet other donors. When we have met, there is the immediate connection.” Often when he gets on the phone with a former donor for the first time, they end up talking for hours.

Linden admits that he feels pain, and especially anger, over the way donor-conceived offspring have been lied to by their families. His daughter Myfanwy only found out she was donor-conceived after her mother told her in a moment of spite. After spending more time with Myfanwy and her brother, Linden and his wife became more troubled with their history and family life, and began to question whether giving children away in this manner was really just.

Linden, his wife, and daughter went on to found the lobbying group called Tangled Webs, which has concentrated on the ethics of donor conception from a human rights, as well as a genetic rights, perspective. Eventually, though, Linden and his wife parted ways with TangledWebs because of differences in philosophy and strategy.

### **What Should Be Done About Sperm Donation?**

The MADmen members are involved in legislative and public relations efforts to achieve change for donors and the donor-conceived. Several MADmen have written articles, appeared on radio programs, done print media interviews, and are active in meeting politicians. One piece of legislation the MADmen and donor-conceived offspring lobbied for was to change the law in the state of Victoria so those offspring who were donor-conceived before 1988 could learn the identities of their fathers and vice versa. In August of this year, the law was changed, so that the donor-conceived can learn the identities of their fathers, but only if the donors agree to it. Although Smith said this is a step in the right direction, it does not go far enough for him and many other donors and donor offspring.<sup>15</sup>

“Men I talk to overwhelmingly don’t want the secrecy. [The] overwhelming majority want to be known,” said Smith.

Like many other former sperm donors, Smith believes in removing anonymity, but adds that this must be done very carefully.

This is extremely complex, [because] it will have a significant impact on the men like me who were donors. Some of them are quite frightened at the prospect of contact,

some have not told their families. While I welcome contact, I know it will be complex for my family. It will be challenging for my children to have half-siblings appear out of nowhere. It has to be handled carefully. They need to have counseling, and support processes so it will be handled [well].

Although some of those interviewed who are completely against sperm donation would like to see a ban, most say they regard pursuing a ban as futile. As Linden puts it:

The horse has already bolted, therefore . . . although I started out as a total abolitionist, the only model of donor conception which I could currently countenance is one based on open-adoption. That is, complete transparency concerning, and acknowledgement of, the actual genetic relationship between the donor and the donor-conceived person.

Accordingly the donor should have access to the donor-conceived person from the moment of birth and vice versa. This contact should be allowed to continue throughout the donor-conceived person's childhood irrespective of the wishes of the recipient parents. If both donors and recipients are willing to comply with such humanistic conditions then, to my mind, this is the only scenario which would indubitably satisfy the proviso that donor conception be compliant with "the best interests of the child."

McCarthy believes that banning sperm donation is the only acceptable course of action:

It is intrinsically wrong and we should not allow ourselves to tell people how to do morally wrong things, albeit in a different way. We need to ban sperm donation outright if we can. Alternatively, some selective bans may well be permissible if we are careful not to co-operate "formally" with evil by telling clinics how to organize sperm donation, as opposed to how not to organize it.

At the present time, at least in the countries I am familiar with, it is hard to see how we might get a total ban, though in Britain it is at least illegal now to conceive a child where the donor will be anonymous. The twin evils of the sexual revolution and the consumerist mentality, supported by both left and right, need to be tackled at every level if we are to make progress here. I think, in our culture, we need to make sure that donor offspring are encouraged to speak about their experiences. This may have more immediate effect than arguments about sexual ethics. Ultimately, we need to promote a very consistent sexual ethic—without consistency we will never make much progress.

Lahl said she can think of a couple of selective bans right off the bat. "Take the money out. A lot of people aren't going to do this if they aren't going to make money from it. That's one piece of low-hanging fruit," she offered, adding, "Take the anonymity out of it."

Lahl thinks the best-case scenario is what the U.S. has done with cigarette smoking: a combination of laws and education on the consequences of sperm donation. Linden added that a PSA (public service announcement) campaign akin to what was done to discourage cigarette smoking would probably be effective, but that the medical industry would probably come down with

both feet on those who oppose sperm donation. “Of course, that may be all the more reason to pursue the idea.”

“It’s big business. [People] are making a hell of a lot of money out of this,” said Smith.

The money aspect is not as much of an issue in Australia, because people are not allowed to pay for donations, according to Smith. The IVF (in vitro fertilization) people, however, get around the payment part by reimbursing donors for getting them to the clinic. “That isn’t good, either,” he said. “In the U.S., people are getting a lot more money . . . paying people changes the whole equation.”

“If there were no money [involved in sperm donation], there might be fewer donors, but it might make the process more thoughtful,” according to Tober. “But, then there may be more cases where physicians use their own sperm, which opens up another set of ethical problems.” Perhaps this is where education of the public, including medical professionals, comes into play.

Smith believes that educating the public about the consequences of sperm donation is important with regard to informed consent. “It’s one of the reasons I have been quite active in putting myself in the media,” said Smith. “I think it is really important that they understand the significance. If you are going to do this, here are the implications of this, and here is what you are going to face 20 years down the road.”

In addition, Linden said that society needs to stop discounting the importance of fathers and fatherhood. “[T]he notion of the oblivious breeding male, on which the sperm donation industry seems to rely, [betrays] an extreme cynicism about male responsibilities to, and concern for, their progeny,” he said. “I think seriously addressing this assumption as a significant male consciousness raising issue is long overdue. It’s definitely a political direction in which MADmen should be heading.”

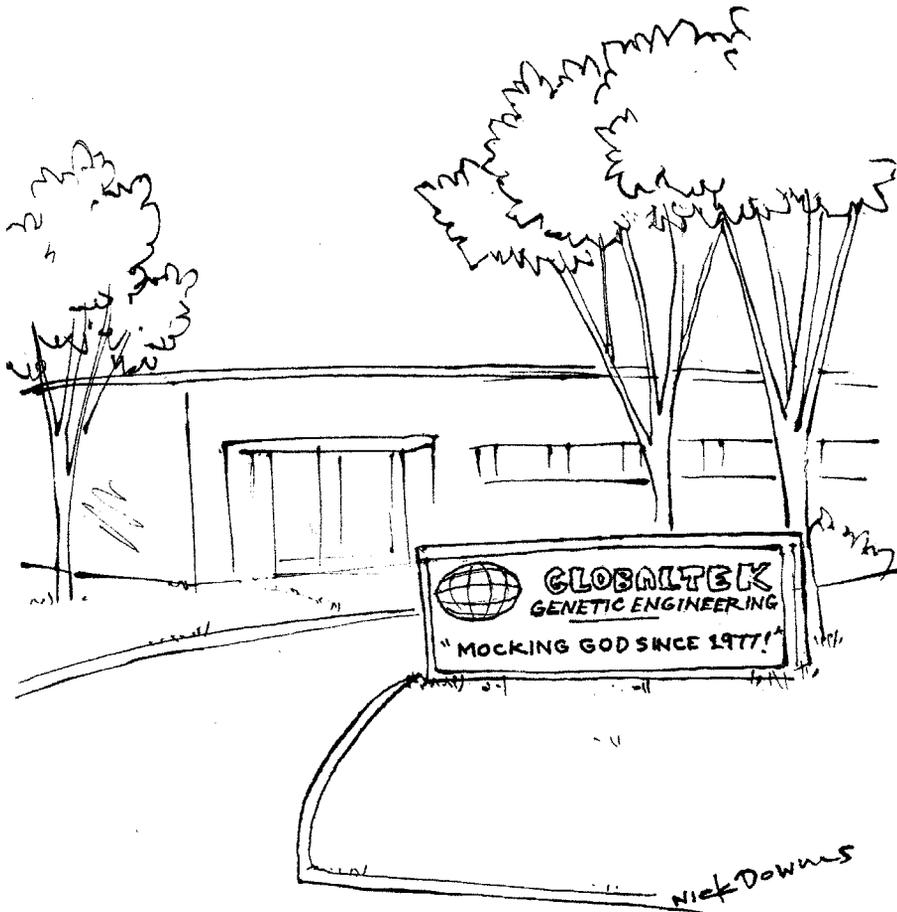
Although there are varying opinions and ideas about what should be done about sperm donation, at least, after so many years, the conversation is actually taking place. Even among those who believe the practice should be available for the infertile, there can be some tension. One subject that has not been tackled very thoroughly in this debate is the impact on the grandparents, aunts, uncles, and cousins who will also miss out on relationships with kin due to sperm donation.

As a researcher, Tober said she does not like to judge others’ motivations, but is more interested in learning what motivates people. However, she admits that there is sometimes a conflict between the personal and the professional. “I wouldn’t want to see my 17 or 19-year-old sons become sperm donors,” she said. “It would really bother me to know I have potential grandchildren

out there, and I would want to know my children's offspring.”

## NOTES

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3. CGS is a pro-choice nonprofit information and public affairs organization working to encourage responsible uses and effective societal governance of the new human genetic and reproductive technologies. The Center supports benign and beneficent medical applications of the new human genetic and reproductive technologies, and opposes those applications that objectify and commodify human life and threaten to divide human society. <http://www.geneticsandsociety.org/>
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6. Adams.
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8. Alexandra Kukulka, “Sperm Banks Breed Dysfunction,” [Columbiachronicle.com](http://Columbiachronicle.com), April 16, 2012, Copyright 2012, *The Columbia Chronicle*, Web, August 31, 2013. Copyright © 2012.
9. See also, Fain, *id.*
10. Institute for American Values, *What are the Rights of Donor Conceived Persons?* (June 16, 2013), retrieved July 7, 2013 from <https://www.youtube.com/watch?feature=playerembedded&v=wqZUGs1aLO4>, Conversations with David Blankenhorn. When the author asked Dr. Alexander Pruss what are the rights of the donor-conceived, he replied, “The same as everyone else.” This would seem to include knowing your biological father. In an interview with Alana S. Newman, who is featured in this video, Newman told the author that the donor-conceived are put in a very hard position when they criticize how they were conceived. If they are passionate and recount the suffering they have experienced, they are told by people like Ralph Burkhalter, a gay man who has three donor-conceived children with his legal husband and also appears in the video, “Well, you’re here, aren’t you?” She said if she is calm and detached and downplays the suffering, then people say, “See, what happened to you wasn’t so bad.” She identifies it as a lose-lose situation. This part of the interview with Newman was not included in the CWR article, “Pain, Profit and Third-Party Conception.”
11. Fain.
12. For the article, “Pain, Profit and Third Party Conception” for the *Catholic World Report*, the author conducted an e-mail interview with Damian Adams, in which he made this statement, but it was not used in the original article.
13. Georgina Hall, “Father Figures,” [theage.com.au](http://theage.com.au), November 13, 2011, copyright 2013 Fairfax Media, Web. 8/20/2013. This article mentions one ad campaign that featured the slogan “Sperm Donation: It’s More Fun Than Giving Blood.”
14. Diane M. Tober, “Semen as Gift, Semen as Goods: Reproduction Workers and the Market in Altruism,” published in *Body and Society*, Vol. 7(2–3) (London, Thousand Oaks and New Delhi SAGE Publications, 2001), pp. 137-160; Web, September 1, 2013. Tober cites an ad in *The Daily Californian* that reads: “U.C. Men, Get Paid for Something You’re Already Doing! Call the Sperm Bank of California.” In this scholarly work, Tober explains how sperm banks often market altruism as a selling point. She also discusses the relationship between sperm donation and pornography. Lahl, too, in an interview with the author talked about the connection between IVF and pornography. She stated that when she toured her local IVF clinic, there was a room with a big leather chair and a flat-screen TV, so donors could watch pornography in order to aid in sperm donation.
15. Kate Hagan and Henrietta Cook, “State Law Change to Help Children Find Donor Parent,” [www.theage.com.au](http://www.theage.com.au) August 21, 2013, copyright 2013, Fairfax Media; Web, August 22, 2013.



# BOOKNOTES

## **Abuse of Discretion: The Inside Story of *Roe v. Wade***

Clarke D. Forsythe

(Encounter Books, 477 pp., 2013, \$27.99)

*Reviewed by Kathryn Jean Lopez*

“The decision to have an abortion should be made solely by a woman and her physician.” Four months before the first arguments were made before the Supreme Court in *Roe v. Wade* and *Doe v. Bolton*, the Court’s two monumental abortion decisions, Gallup found that 64 percent agreed with this statement.

Fast forward 40 years and realize that “abortion is never ‘between a woman and her physician,’” as Clarke Forsythe notes in his new book, *Abuse of Discretion: The Inside Story of Roe v. Wade*. “Fewer than 5 percent of abortions are performed by a woman’s regular obstetrician-gynecologist,” Forsythe, a senior counsel at Americans United for Life, writes. “Almost all are performed by a stranger, whom the woman does not meet until she is gowned and in stirrups. Her regular physician often does not know, and the abortion is not recorded in her medical history, which is important for a woman’s long-term health and for public monitoring.”

This is just one aspect of the madness of the 1973 *Roe* and *Doe* decisions—a madness advanced by a Supreme Court that was a product of its time, arbitrarily seizing authority and poisoning American life and culture for decades to come. And it only gets worse, as California has just relaxed its requirement that doctors perform abortions in the state. (New Yorkers only narrowly averted the same fate this past spring.)

In his sober and authoritative history, Forsythe recounts in unique depth and breadth the history of nationwide legalized abortion in the United States—including reviewing the Court decision-making process through the private papers of Justice Harry Blackmun. This makes *Abuse of Discretion* an essential resource for anyone who wants to make sense of the history of abortion in America and to repair some of the damage wrought by *Roe* and *Doe*.

On Monday, January 22, 1973, the United States Supreme Court “swept away every abortion law in the country,” acting with some procedural recklessness, relying on shoddy assertions and incomplete facts. “Not only did the Justices nullify the abortion laws of all fifty states,” Forsythe writes, but “in a break from the traditional function of judges—they also prescribed what would be permissible by drafting their own national abortion standard.”

Although often overlooked or misunderstood, two abortion cases were decided that day: “*Roe* eliminated the laws in thirty states that prohibited abortion except to save the life of the mother; *Doe* eliminated the rest, including the new abortion laws adopted by approximately thirteen states between 1967 and 1971, which had cancelled or replaced traditional abortion prohibitions.”

In the course of doing so, the Court politicized the word “health” and arbitrarily introduced the political concept of “viability.”

Where *Roe* prevented any prohibition on abortion before viability, the *Doe* “health” exception eliminated prohibitions after viability as well. While some realized immediately that the states could no longer prohibit abortion in the first trimester, the full implication of the Supreme Court’s decisions only became clear over time as the lower federal courts decided hundreds of cases in the following decade.

Henceforth, Forsythe notes, the Court has “stuck to viability without a coherent reason.”

Forsythe’s careful research shows how even the justices who wrote or backed the decision were not fully aware that they had instituted full-blown abortion on demand. In a 1972 memo to his fellow Supreme Court justices, Harry Blackmun advised that *Roe v. Wade* would “invalidate the abortion laws in the majority of the States.” A week before decision day, Blackmun still contemplated a post-*Roe* and *Doe* situation in which states with liberalized abortion laws might be able to largely maintain them as is:

Fortunately, the decisions come down at a time when a majority of the legislatures of the states are in session. Presumably where these decisions cast doubt as to the constitutional validity of a state’s abortion statute, the legislature of that state may immediately review its statute and amend it to bring it into line with the constitutional requirements we have endeavored to spell out today. If this is done, there is no need whatsoever for any prolonged period of unregulated abortion practice.

Blackmun “failed to realize that the vagueness and complexity of the opinions, coupled with the powers of the federal courts to apply *Roe* and *Doe*, would create a public health vacuum that would continue for decades.”

In reality, as we know now, one cold morning by judicial fiat, “All of the abortion laws, across all fifty states, were rendered unenforceable, thereby lifting the threat of prosecution against abortion providers.” Forsythe summarizes the decisions’ revolution:

- “By February, abortion clinics—some run by former ‘back alley abortionists’—opened in major cities like Chicago.”
- “*Roe* barred public health officials from enforcing health and safety regulations in the first trimester.”

- “By invalidating Georgia’s hospitalization requirement, the Justices encouraged the movement of abortion practice from hospitals to stand-alone clinics.”
- “The federal courts were given continued oversight of any new regulations that might be passed by state or local governments.”
- “*Roe* empowered abortion practitioners to challenge any abortion regulations, including health and safety regulations, in federal court.”

In fact, *Roe* and *Doe* detonated an unnecessary, unhealthy, undemocratic, seismic shift across 50 states. “The Justices nationalized an issue that, until *Roe*, had been a state issue,” Forsythe highlights. “By nationalizing abortion, they nationalized the politics of abortion.” They also politicized women’s health, which has fallen victim to sexual revolutionary values in policy and politics, research and protocols.

The breadth of the implications of the ruling were “far broader in scope than anyone expected” and “even more conclusive than any of us dared to hope,” as Lawrence Lader, a leading abortion-rights leader in the 1960s, confessed. “[T]he two abortion decisions took on a life of their own. The political, social, and medical turmoil caused by the decisions has lasted for forty years and shows no signs of abating,” Forsythe writes.

*Roe* and *Doe* also “abruptly changed American medicine. Abortion was declared to be a *constitutional* right—the only medical procedure ever to have that status—which shielded abortion and abortion providers from the regulation to which medical procedures and doctors have been traditionally subjected.”

The radicalism of the ruling was veiled in confusion. In particular, the trimester breakdown of the judicially-decreed abortion liberty is commonly misunderstood, allowing many people initially to believe that legalized abortion-on-demand was restricted to the first (or maybe the second) trimester. Since *Roe*, “numerous Supreme Court and lower federal court decisions have reaffirmed that *Roe* and *Doe* legalized abortion throughout pregnancy for any reason.”

The media confusion perhaps mirrored the internal mess of the decision. One of Forsythe’s central insights is the arbitrary nature of the revolution the Court forced that day.

“The Justices had absolutely no data that suggested that abortion was safe *after* the first trimester,” Forsythe writes. “Safety concerns should have been a very large caution, since there was nothing in the record or in the arguments to suggest that abortions between twelve and twenty-eight weeks were safe.” But the “Justices never grasped the safety problem, or, if they did, they only saw it in one narrow dimension—the immediate safety of the procedure—

without consideration for long-term risks.”

Forsythe points out that the United States is “an outlier when it comes to the scope of the abortion ‘right.’” We’re “one of approximately ten nations (of 195) that allow abortion *after* fourteen weeks of gestation.” And we “got into this situation because after the second round of arguments in *Roe* and *Doe*, the Justices abruptly decided to expand the abortion right they were creating to fetal viability—and then beyond. For forty years, this abrupt decision has had profound implications for late-term abortions, live-birth abortions, and women’s health.”

On November 21, 1972, Justice Blackmun circulated a second draft of the ruling that would soon be released. In a cover memo to his colleagues, he wrote: “You will observe that I have concluded that the end of the first trimester is critical.” And then he admits: “This is arbitrary, but perhaps any other selected point, such as quickening or viability, is equally arbitrary.” Since it was arbitrary, the line was movable. And move it did, buttressed by a responding memo by a clerk to Justice Powell who asserted that drawing a line at viability is “consistent with common law and history.” As Forsythe points out, this is “completely wrong . . . the common law disregarded viability.”

Forsythe points to abortion politics and history to argue that legal abortion throughout pregnancy across the United States was not inevitable. Had Justices Hugo Black and John Marshall Harlan II still been on the Court for *Roe*, “there are strong reasons to believe they would have voted against creating a constitutional right to abortion, and left the abortion issue to the democratic process in the states.” And while “broad social changes may have increased pressure on state legislatures to legalize abortion in the 1960s, they did not make inevitable that the Justices would legalize abortion themselves rather than leave abortion—like other public health issues—to the states,” Forsythe writes.

“[S]olving the puzzle of *Roe v. Wade* and *Doe v. Bolton*” is Forsythe’s goal in this book. He describes *Roe* and *Doe* as “a serious procedural mistake that left the Justices without any factual record to consider the complex historical, legal, medical, and constitutional issues surrounding abortion.” At least some of the justices believed they were merely deciding a procedural issue—“How wrong we were,” Justice Blackmun would later acknowledge, calling it a “serious mistake” in an interview in the 1990s.

The social and political consequences of this decision have been enormous and continuing. “[Th]e poisons have been building ever since,” David Brooks wrote in the *New York Times* 32 years later. “You can complain about the incivility of politics, but you can’t stop the escalation of conflict in the middle. You have to kill it at the root. Unless *Roe v. Wade* is overturned, politics will

never get better.” In essence, on January 22, 1973, “the entire country became trapped,” Brooks wrote. Even as activist movements of mercy and charity were ignited in response, “Harry Blackmun and his colleagues suppressed that democratic abortion debate the nation needs to have.”

Forsythe argues that state legislative efforts had “run out of steam” by the end of 1970. “No state had changed its abortion law by legislation in 1971 or 1972, and, in fact, several rejected legalization.” And yet, “The failure of any reform law to pass in 1971-1972, the defeat of virtually all repeal laws, and the defeat of voter initiatives to legalize abortion in Michigan and North Dakota in November 1972 did not seem to give any pause to the Justices about the direction of public opinion,” Forsythe observes.

Instead, during the oral arguments—two rounds of them, but totaling less than four and a half hours—crucial questions went unanswered (and are still mostly avoided in debates on the issue).

- “What are the long-term risks to women from abortion?”
- “Who would end up performing abortions?” (In California, the pool of abortionists has just been expanded to include nurses and midwives.)
- “Could local or state public health officials regulate facilities?” (Who would make sure they didn’t look away when minimum standards were not present?)
- “Would women be fully informed before undergoing the procedure?”
- “What evidence was there that abortion had ever been considered to be a right in history?”
- “What would be the social impact from excluding men, including husbands, from the abortion decision?”

**F**urther “Central to *Roe*,” Forsythe writes, “was the assumption that ‘abortion is safer than childbirth.’” When, in 2005, Norma McCorvey (the original plaintiff in *Roe*) requested that the *Roe v. Wade* case be reopened, a federal court of appeals denied the request but in doing so Judge Edith Jones concurred with Justice Byron White’s characterization of the 1973 decision as an “exercise of raw judicial power.” She warned:

The perverse result of the Court’s having determined through constitutional adjudication this fundamental social policy, which affects over a million women and unborn babies each year, is that the facts no longer matter . . . . Hard and social science will of course progress even though the Supreme Court averts its eyes. It takes no expert prognosticator to know that research on women’s mental and physical health following abortion will yield an eventual medical consensus . . . . That the Court’s constitutional decision-making leaves our nation in a position of willful blindness to evolving knowledge should trouble any dispassionate observer not only about the abortion decisions, but about a number of other arenas in which the Court unhesitatingly steps

into the realm of social policy under the guise of constitutional adjudication.

If, Jones wrote, the Court were to actually “delve into the facts underlying *Roe*’s balancing scheme with present-day knowledge, they might conclude that the woman’s ‘choice’ is far more risky and less beneficial, and the child’s sentience far more advanced, than the *Roe* Court knew.”

Forsythe also highlights the “schizophrenia” of our laws pertaining to the unborn: “One of the least-understood aspects of the abortion decisions is how justices created a nationwide right to abortion at any time of pregnancy for any reason, but allowed the states, through property, tort, and criminal law, to protect the unborn child from other violence throughout pregnancy.” What the Supreme Court invented was a “right” belonging entirely to the pregnant woman—“only the woman has a Fourteenth-Amendment ‘liberty’ to abort; no third party has that Fourteenth-Amendment right, and thus they can be prosecuted for killing an unborn child.”

And therein lies the good news buried in the overwhelming mass of error, duplicity, and unintended consequences that is *Abuse of Discretion*. We have facts. We have the testimony and evidence of this grave, miserable, reckless, impoverished, violent history. And we do, indeed, have choices.

“*Roe* and *Doe* were controversial from the start,” Forsythe writes. And despite the conventional “paradigm of polarization” through which it is viewed, Americans are not evenly divided on abortion. Most believe it is a taking of a life. Most would like to see fewer of them. That’s why advocates for legal abortion tend to cloak their words and the details of the procedure—even as we know better.

Through Forsythe’s book we really do know better, as he helps us understand the incomprehensibility of America’s *Roe* and post-*Roe* abortion history through his sober, authoritative presentation. While the justices were not all aware of the wide-ranging implications of their decision, they were also caught up in the cultural fads of their time and sensitive to the intimacy of the issue, all of which affected the final outcome. He writes that “At the core of *Roe* is not the Constitution, nor values deeply rooted in American history and culture, but a short-sighted view of America and of human liberty. It is captured in Justice Blackmun’s closing reference to the ‘demands of the profound problems of the present day’ that guided the Court’s ‘holding.’” In fact, Forsythe contends, “The Justices were plainly in the grip of the scare of the population crisis that subsided within a decade. Their answer was abortion on demand.”

“The key to the future of *Roe v. Wade* is not history or philosophy or personhood or fetal development or judicial nominations or presidential elections,” Forsythe argues. In *Planned Parenthood v. Casey* in 1992, the

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Court talked about the “reliant interests” of women. Abortion is necessary because these are the lives women are expected to lead: “The Justices concluded that women have come to rely upon abortion as a backup to failed contraception for equal opportunity in American society.”

That points to the essential, resounding question on which *Roe*’s future will be decided, Forsythe contends: “Has *Roe* been good for women?” She who most compellingly answers that question will decide *Roe*’s fate. In answering it we will not only expose the pain and anguish and death and destruction of the last four decades, but we will hasten the liberation of individuals, politics, and a culture long in denial, often selfishly pretending that it has no other option than to pit mothers against their own children.

—Kathryn Jean Lopez is editor-at-large of *National Review Online* and a director of *Catholic Voices USA*.



“I’m not asking for a loan—I’m asking for a gift.”

## APPENDIX A

[Pope Francis delivered the following address on Sept. 20 to participants in a meeting at the Vatican organized by the International Federation of Catholic Medical Associations. © Copyright - Libreria Editrice Vaticana.]

### **Address to the International Federation of Catholic Medical Associations**

*Pope Francis*

1. The first reflection that I would like to share with you is this: today we are witnessing a paradoxical situation, which concerns the medical profession. On the one hand, we note—and we thank God for it—the advances made in medicine, thanks to the work of scientists who passionately and unsparingly dedicate themselves to the search for new cures. On the other hand, however, we also find the danger of a doctor losing his own identity as a servant of life. Cultural disorientation has beset what seemed to be an unassailable sphere: yours, medicine!

Although, by their very nature, healthcare professions are at the service of life, they are sometimes induced to disregard life itself. Yet, as the Encyclical *Caritas in Veritate* reminds us: “Openness to life is at the centre of true development.” There is no true development without this openness to life. “If personal and social sensitivity towards the acceptance of a new life is lost, then other forms of acceptance that are valuable for society also wither away. The acceptance of life strengthens moral fibre and makes people capable of mutual help” (n. 28). This paradoxical situation may be seen in the fact that, while persons are being accorded new rights—at times even presumed rights—life itself is not always protected as a primary value and primordial right of every human being. The final aim of the doctor’s action is always the defense and promotion of life.

2. The second point: in this context of contradiction, the Church makes an appeal to consciences, to the consciences of all healthcare professionals and volunteers, and especially to you gynecologists, who are called to assist in the birth of new human lives. Yours is a singular vocation and mission, which requires study, conscientiousness and humanity. There was a time when women who helped in the delivery were called “comadre” [co-mothers, midwives]: like one mother with another, with the real mother. You, too, are “co-mothers” and “co-fathers,” you too.

A widespread mentality of the useful, the “culture of waste” that today enslaves the hearts and minds of so many, comes at a very high cost: it asks for the elimination of human beings, especially if they are physically or socially weaker. Our response to this mentality is a decisive and unreserved “yes” to life. “The first right of the human person is his life. He has other goods and some are more precious, but this one is fundamental—the condition of all the others” (Congregation for the Doctrine of the Faith, Declaration on procured abortion, 18 November 1974, n. 11). Things have a price and can be sold, but people have a dignity; they are worth more than things and are above price. So often we find ourselves in situations where we see that what is valued the least is life. That is why concern for human life in its

totality has become in recent years a real priority for the Church's Magisterium, especially for the most defenseless; i.e., the disabled, the sick, the newborn, children, the elderly, those whose lives are most defenseless.

In a frail human being, each one of us is invited to recognize the face of the Lord, who in his human flesh experienced the indifference and solitude to which we so often condemn the poorest of the poor, whether in developing countries or in wealthy societies. Every child who, rather than being born, is condemned unjustly to being aborted, bears the face of Jesus Christ, bears the face of the Lord, who even before he was born, and then just after birth, experienced the world's rejection. And every elderly person—I spoke of children: let us move to the elderly, another point! And every elderly person, even if he is ill or at the end of his days, bears the face of Christ. They cannot be discarded, as the “culture of waste” suggests! They cannot be thrown away!

3. The third aspect is a mandate: be witnesses and diffusers of the “culture of life.” Your being Catholic entails a greater responsibility: first of all to yourselves, through a commitment consistent with your Christian vocation; and then to contemporary culture, by contributing to recognizing the transcendent dimension of human life, the imprint of God's creative work, from the first moment of its conception. This is a task of the new evangelization that often requires going against the tide and paying for it personally. The Lord is also counting on you to spread the “gospel of life.”

Within this perspective, hospital departments of gynecology are privileged places of witness and evangelization, for wherever the Church becomes “the bearer of the presence of God,” there, too, she becomes the “instrument of the true humanization of man and the world” (Congregation for the Doctrine of the Faith, *Doctrinal Note on Some Aspects of Evangelization*, n. 9).

By fostering an awareness that the human person in his frailty stands at the centre of all medical and healthcare work, the healthcare facility becomes “a place in which the relationship of treatment is not a profession”—your relationship of treatment is not a profession—“but a mission; where the charity of the Good Samaritan is the first seat of learning and the face of suffering man is the Christ's own Face” (Benedict XVI, *Address at the Catholic University of the Sacred Heart*, 3 May 2012).

Dear friends and physicians, you are called to care for life in its initial stage; remind everyone, by word and deed, that this is sacred—at each phase and at every age—that it is always valuable. And not as a matter of faith—no, no—but of reason, as a matter of science! There is no human life more sacred than another, just as there is no human life qualitatively more significant than another. The credibility of a healthcare system is not measured solely by efficiency, but above all by the attention and love given to the person, whose life is always sacred and inviolable.

Never fail to ask the Lord and the Virgin Mary for the strength to accomplish your work well and to bear witness courageously—courageously! Today courage is needed—to bear witness courageously to the “gospel of life”! Thank you very much.

## APPENDIX B

*[Jacqueline C. Harvey, Ph.D., a bioethicist whose research focuses primarily on end-of-life legislation, is an Associate Scholar at the Charlotte Lozier Institute. This column, published July 18, 2013, originally appeared on Public Discourse: Ethics, Law, and the Common Good, the online journal of the Witherspoon Institute of Princeton, NJ (www.thepublicdiscourse.com) and is reprinted with permission.]*

### **First New England, Then the Nation: The Spread of Physician-Assisted Suicide**

*Jacqueline C. Harvey*

On May 20, Vermont Governor Peter Shumlin signed “The Patient Choice and Control at the End of Life Act,” legalizing physician-assisted suicide (PAS) throughout the state. This event matters not only because this law governs life and death, but also because Vermont is the first state to sanction PAS through the legislative process, via the votes of elected representatives. The law also represents the spread of PAS from the West Coast to the opposite side of the United States.

While neither of these characteristics may alarm right-to-life and disability rights advocates (who perhaps are concerned solely for the people of Vermont), policy scholars know that both of these attributes greatly enhance PAS proponents’ ability to spread the scourge of voluntary euthanasia throughout New England and eventually nationwide.

Prior to Vermont’s action, over 120 PAS bills had been filed in the states, but overwhelming expert testimony against PAS always succeeded in persuading legislators across party lines of its danger to citizens and society. This is what led voluntary euthanasia lobbyists to abandon legislative efforts (which demand information that is damning to their agenda) and instead place their hope in the ignorance of the average voter, who unlike a lawmaker wouldn’t have the benefit of scientific facts and could therefore be swayed by emotional appeals and clever semantics. Polls show that a support for PAS varies by 20 percent based on how the question is phrased, although the outcome remains the same.

In Oregon (1994) and Washington (2008), PAS was legalized only by ballot initiatives, and only after years of failed legislative attempts. The Oregon legislature even tried to repeal the law in 1997 to no avail. Legislative attempts failed in Montana in 2009, where PAS was only legalized by court decree.

Recent polling indicates that 50 percent of Americans believe PAS should be legal, while another poll shows that 49 percent of Americans consider the practice “morally wrong.” PAS not only lacks broad support; one of the most enduring and persuasive voices against PAS is the medical lobby. The American Medical Association has not wavered in its opposition to PAS and explains that “physician-assisted suicide is fundamentally incompatible with the physician’s role as healer, would be difficult or impossible to control, and would pose serious societal risks.”

The fact that PAS, an act condemned by the medical community and deemed devastating through scientific studies, could withstand the legislative process is an

ominous threat to the rest of the nation. This could indicate that the power applied by pro-euthanasia lobbyists has superseded legislators' ability to withstand the pressure, or that PAS proponents' lobbying efforts greatly exceed those of PAS opponents.

Vermont's law directly affronts medical ethics, standards, and practice, and equally offends the wishes and moral values of many Americans.

Detailed literature reviews offer no studies that suggest any benefits of PAS, but rather have uncovered scores of negative consequences in those states that allow this practice. New studies emerge regularly that show negative consequences to society not yet fathomed by PAS opponents.

For example, exposure to suicide leads to an increase in the likelihood of suicide (a phenomenon known as "suicide contagion"), as argued in this study released just three days after Vermont's legalization of PAS. Legislators in Vermont heard testimony about suicide contagion, as well as a wealth of evidence that PAS pressures citizens into premature death. Legislators heard reports of incidents where terminally ill citizens were told by state medical plan authorities that they would not pay the cost of pain control, but would cover the cost of their suicides. They heard about study after study where research shows PAS serves to benefit the caregiver, not the patient.

Vermont lawmakers also learned about a review of studies that indicate physicians often incorrectly diagnosed patients with terminal conditions and incorrectly estimated their life expectancy at six months or fewer. They heard about a PAS opponent from Oregon who was told that she had only six months to one year to live; today, over 11 years later, she is still alive.

They were informed too of substantial evidence that many patients opting to end their lives suffer from treatable depression, and physicians report that patients for whom interventions were made (like treating depression) were more likely to change their minds about wanting to end their lives. They were told that Oregon's most recent annual report found that physicians who prescribe the lethal medications are *failing to refer for necessary psychiatric evaluations of patients*, many of whom might reconsider suicide if properly treated.

For these reasons, efforts to legalize PAS routinely fail, including a recent bill that died in the Connecticut legislature last month, as well as a ballot initiative in Massachusetts last November (51 percent to 49 percent). The Massachusetts legislature rejected PAS bills in 1995, 1997, 2009, 2011 and 2012. Yet, in spite of all these concerns, the Vermont legislature chose to legalize voluntary euthanasia. What hope is there that other states will not follow their lead?

Policy scholars opposed to PAS should also be concerned that legalized PAS in Vermont will make it easier for PAS advocates to achieve their goals in neighboring states. When Massachusetts narrowly escaped allowing PAS this past November, policy scholars in particular breathed a sigh of relief that this plague would not move to the East Coast. This was not just out of fear for the citizens of Massachusetts, but political scientists' holistic understanding about how policies

spread (known as policy diffusion), according to which Massachusetts's rejection of PAS spared New England from an onslaught of renewed attempts to legalize PAS, attempts that would have stood a greater chance of success.

The most common mode of expansion for end-of-life policies is regional diffusion: states adjacent to one another enact similar laws. States in close proximity are more likely to share similar needs and values than are states on opposite sides of the country.

Yet regardless of the reasons why policies spread in this manner, studies repeatedly reinforce this phenomenon. When the nation's first advance directive law was passed in California in 1976, it diffused regionally from West to East. PAS law was appearing to demonstrate those same traits by first diffusing to Washington and then Montana. With Vermont falling prey to PAS, there exists the perilous possibility that this policy will spread to neighboring states.

Vermont's legalization of PAS is not an isolated incident but a landmark loss for right-to-life, disability rights, and patient advocates that has advantageously positioned PAS proponents to spread voluntary euthanasia. This means that citizens and organizations must increase their vigilance and intensity when fighting these threats. Laws are notoriously harder to overturn than they are to enact, and valiant attempts to confine voluntary euthanasia to the West Coast, while successful for many years, appear to have suffered a sharp setback. It remains for the citizens of New England to renew their commitment to detect and deflect the efforts of PAS proponents which are sadly, sure to come.

## APPENDIX C

[*Betsy Woodruff is a William F. Buckley Fellow at the National Review Institute. The following was published September 17, 2013, on National Review Online (www.nationalreview.com). © 2013 by National Review, Inc. Reprinted by permission.*]

### Pro-Choicers Have a Problem

*Betsy Woodruff*

Up until November, you'll be able to get an abortion in Iowa via a Skype-like connection during the early stages of pregnancy. Then new standards recently approved by the Iowa Board of Medicine, which require that a physician meet a pregnant woman in person before prescribing pills to cause an abortion, will kick in.

When Iowa banned webcam abortions, it helped augment one of the biggest problems for the pro-choice movement. While we have the most pro-choice president (and, arguably, the most pro-choice Senate) in history, and while groups like EMILY's List helped propel a significant number of pro-choice candidates into Congress last November, there's a problem for the pro-choice movement that no number of votes can fix: It's getting increasingly difficult to actually find someone to give you an abortion.

That's why telemedicine abortions (often called telemed or webcam abortions) are so important to pro-choice advocates. The procedure itself could be out of *The Jetsons*: A pregnant woman has a teleconference from a local clinic with a remote physician, who types a command into a computer that opens a drawer in front of the woman containing pills. The woman takes one pill in the office and takes the second dose at home within a few days to expel the fetus.

Greg Hoversten, chairman of the Iowa board, defended its decision by explaining the process further: "The woman essentially goes home and labors and delivers a fetus," he said. "It's very bloody. It's painful. There's cramping, pelvic cramping."

Supporters of the ban argue that it's motivated by medical concerns, not pro-life politics. Mark Bowden, the board's executive director, says it adopted the rule in good faith and doesn't expect a court challenge. Telemed abortions present problems from a medical-standards perspective, he says; for example, most states have strict requirements about the necessity of having a physical examination before a doctor can write a prescription.

"You can't call up a doctor and say, 'You don't know me, but I don't feel well and I think I need these drugs, will you write my prescription?'" Bowden told me.

And Republican state representative Dawn Pettengill praised the board's decision.

"I'm kind of proud of them, really, because they are looking at it more from what the actual practice is, and ignoring the too-political side," she says. "They're just looking at it from a stand of what's best for the woman. And it's not really a rule that says abortion's good or bad; it's a rule that says the way that it's being done now is not safe."

She still expects a court challenge.

“I can’t foresee what’s going to happen there,” she tells me. “Probably.”

Given the increasing scarcity of abortion providers, it’s hard to imagine abortion advocates in the Midwest not mounting a legal challenge. The Guttmacher Institute (originally part of Planned Parenthood) reports that as of 2008, eleven states had five abortion providers or fewer. Eighty-seven percent of American counties had no abortion provider, and 35 percent of American women live in those counties. The number of abortion providers peaked in 1982 and steadily decreased until 2005, a 37 percent drop.

Susan Hill, president of the National Women’s Health Foundation, told the Washington Post that the decrease in providers has many pro-choice advocates concerned. “We need young doctors, and we need them badly,” she said. “The situation is pretty grave, pretty dire.”

It’s not all bad news for abortion doctors, though. Pat Richards wrote on Abortion.com (a website that helps users find nearby abortion providers) that fewer providers means less competition for practitioners.

“I can say from the experience that there are a number of doctors or clinic owners who at times were not thrilled if another doctor moved into their neighborhood,” she wrote. “After all, this is—YES I’LL SAY IT—a profit making venture so who in their right minds would want someone to move in who will take away some of your business?”

At least one of the conventional explanations for the shrinking number of abortion providers is exaggerated—attacks targeted at abortion clinics don’t seem to deter medical students from entering the field. In a paper published in *Perspectives on Sexual and Reproductive Health*, a periodical put out by Guttmacher, researchers found that “several physicians mentioned the threat of violence as an obstacle to providing abortions, but few considered this the greatest deterrent.” The paper’s authors concluded that many medical practices choose not to provide abortions because of the “stigma and ideological contention” that surround it. But there’s probably more to the decrease than just that.

An abortion provider who spoke with me on the condition of anonymity tells me that since it’s so controversial, most abortions happen at clinics rather than hospitals. That makes it less likely that med students will learn the procedure and, thus, less likely they’ll eventually incorporate it into their practices. If students aren’t immediately committed to learning how to provide abortions, they probably won’t ever do so.

And young med students are less likely to be passionate about abortion rights than the first generation of providers, she explains. Members of the “old guard,” as she calls it, remember treating botched illegal abortions before *Roe v. Wade*.

“Uniformly when you talk to them, and talk to them about why they provide abortions,” she tells me, “most of them will say something like, ‘It’s because of this case of this septic abortion that I took care of when I was in medical school, and I never want to see that happen again.’”

“I think people in my generation don’t have that same public-health reference to

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understand what a real lack of access is,” she adds.

Plus, performing abortions carries a strong social stigma. The abortion provider I spoke with works for a large hospital system and moonlights at a Planned Parenthood two hours away. Most of her hospital co-workers have no idea about her second gig. She says she’d face “social discomfort” if she was open about her work, especially given that she lives in a politically and religiously conservative area.

“I by no means offer up to these people, ‘Hey, I’m the abortion provider,’” she says. “I am very careful” about sharing that information.

She wouldn’t lie if someone asked her point-blank, she says, but she avoids the topic; she lives in a small community and has a three-year-old daughter.

Dr. John Bruchalski, an OB-GYN who performed abortions before returning to the Catholic Church, has a different perspective on the abortion-provider shortage. He tells me that he encourages pro-choice med students to learn how to perform the procedures.

“I’ve told people, ‘If you really believe that abortion is a loving, good choice, you damn well better do it,’” he says.

And taking his challenge often leaves students repulsed, he adds.

“It’s very hard to recruit people to do abortions,” he says, “because once they do it, even if you’re pro-choice, it’s—the words I hear are, ‘disgusting, revolting, brutal, but it has to be done. It’s very difficult to do, but someone has to do it.’ And so you’re finding that only the hardest-core are going into it, and that’s not many people.”

Bruchalski also sees another hurdle for those trying to recruit more abortion providers: Med students who want to deliver babies typically don’t want to perform abortions.

“It’s schizophrenic,” he says. “You go into the profession because you want to take care of two patients.”

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*[The following is an excerpt from “Manhattan Declaration Comes Home,” an address delivered by Alan E. Sears at an event sponsored by the Manhattan Declaration at Columbia University on September 25, 2013. Mr. Sears is President, CEO, and General Counsel of Alliance Defending Freedom. Copyright 2013 Alan E. Sears.]*

### **Manhattan Declaration Comes Home**

*Alan E. Sears*

The Manhattan Declaration declares: “Because we honor justice and the common good, we will not comply with any edict that . . . compels us . . . to participate in abortions . . . bless immoral sexual relationships, [or] treat them as marriages, or refrain from proclaiming the Truth. We will fully and ungrudgingly render to Caesar what is Caesar’s. But under no circumstances will we render to Caesar what is God’s.”

The Declaration “drew a line in the sand” on the matter of conscience, and 540,000 Americans, including 52 Bishops and Cardinals agree.

Your religious liberty is under legal assault as never before in our 237 years as a nation, in ways chilling and unimaginable on these shores. And if we fail to stand, the God-given liberty, the liberty that millions sailed under the proud Lady’s torch to find, the liberty that countless numbers of our brothers and sisters have stood for, crossed deserts for, fought for, and shed blood for, will be but fleeting memories.

Let’s turn to stories of conflicts between the conscience of our Alliance Defending Freedom clients and the demands of Caesar. These are good people, not agitators. They are not disrespectful. They are not extremists. They were minding their own business until forced to choose between conscience and livelihood.

Pamela Rodriguez worked the windows at the Medi-Cal offices in Los Angeles. A young woman approached her window and demanded, “I want a card to pay for my abortion.” Since Mrs. Rodriguez could not facilitate this, she politely excused herself, as often done for many reasons, and asked for a substitute. Another case worker took over, but Mrs. Rodriguez was suspended.

Your conscience or your position.

Our client Cathy DeCarlo is a leading surgical nurse at Manhattan’s Mount Sinai Medical Center. An immigrant, and devout Catholic, she was ordered to help with an “emergency procedure” allegedly involving a miscarriage. Learning the “procedure” was really an elective abortion, Cathy tried desperately to extricate herself. But her nursing manager and the surgeon angrily ordered her: “assist or lose your job and your nursing license,” ignoring a written agreement with her to the contrary.

Your conscience or your license, and for many, maybe your immigration status as well.

Twelve nurses at a New Jersey university hospital faced similar ultimatums. After years of service, they were told they must now assist with abortions. For the

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twelve nurses, some of whom are sole breadwinners, this was no idle threat.

Your conscience or your family's livelihood.

A pharmacist in Montana faced loss of his professional license for declining to stock or dispense abortion-inducing drugs.

Your conscience or your license.

Nursing student applicants at Vanderbilt University had to agree to assist with abortions as a condition of application.

Your conscience or your education.

Turning to marriage matters, Dr. Ken Howell, a professor at the University of Illinois, was director of the Institute of Catholic Thought. For a decade, he was among the most popular and respected teachers on campus. During a class on the doctrine of the Catholic Church, an official college class, Dr. Howell was asked questions on the Church's theological position on homosexual behavior. Dr. Howell answered from the *Catechism*. A student, not in his class, who did not hear Dr. Howell's lesson, filed a complaint. Dr. Howell was fired for teaching, in a class on Catholic doctrine, the Catholic doctrine!

Your conscience or your professorship.

Julea Ward, a Christian, and an outstanding graduate student in counseling at Eastern Michigan University, found herself in big trouble when she requested a potential client seeking affirmation for his same-sex relationship be referred to another counseling student, just as Julea was instructed to do when "values conflicts" arise. For raising a faith-based conflict, Julea was ordered to a review board to be "re-educated." Declining such re-education, she was booted out of the program, weeks before graduation.

Your conscience or your degree.

Elaine Huguenin, a young mother of three and an artist with a camera, uses her talents to celebrate God's creation, particularly families, children, and marriage. When she politely declined to use her talents to portray and celebrate a lesbian ceremony, she was charged with a "human rights violation." Despite the outrage to conscience, and a Rasmussen poll that tell us that 85% of all Americans uphold her right to say "no," she was ordered to pay the lesbian couple thousands of dollars.

And if that doesn't concern you, listen to these chilling words from a New Mexico Supreme Court justice. He said: "The Huguenins . . . now are compelled by law to compromise the very religious beliefs that inspire their lives . . . all of us must compromise. The Huguenins are free to think, to say, to believe, as they wish; they may pray to the God of their choice and follow those commandments in their personal lives. But there is a price . . . it is the price of citizenship."

Your conscience or your artistic focus and creativity in the marketplace.

A florist in Washington, a baker in Colorado, who also use their special talents to make weddings beautiful and honoring to God, also face lawsuits and serious retaliation for saying "no."

Your conscience or your talents.

In Kentucky, federal aviation supervisor Larry Dumbrowski was reprimanded,

suspended without pay, and transferred to another state for politely discussing his faith-based objections to same-sex “marriage” in a private conversation with co-workers, who asked, during off-duty time.

Your conscience or your silence.

A major university opened an official inquiry for misconduct against a noted professor, the author of a research study on the “effects of same-sex relationships upon children,” when unfounded allegations were made by those who didn’t like the results.

Your conscience or your reputation.

In Lexington, Kentucky, at Hands On Originals, a t-shirt manufacturer, activists asked the owners to make t-shirts promoting and celebrating a so-called “gay pride parade.” Our client, a devout Christian, respectfully declined and referred the activists to another manufacturer, but a “human rights” investigation was launched against him.

Your conscience or your business.

Canadian pastor Stephen Boissoin, represented by an Alliance Defending Freedom allied attorney, was “barred for life” by the Alberta Human Rights Commission for any public or private speech about homosexual behavior, after his letter about such behavior appeared in a newspaper.

Your conscience or your pulpit.

Advocates of homosexual behavior sued the Roman Catholic Diocese of Worcester, Massachusetts—not our client—for allegedly refusing to sell them a former retreat center because church officials did not want it used for same-sex activities. Other dioceses, bishops, evangelical leaders, and others, some of our clients, have faced various pressures, such as claims of IRS violations, for publicly proclaiming the Gospel and the Church’s teaching on marriage. Pastors are told the Church must be silent, that it cannot speak or teach or evangelize on marriage or chastity in the public square.

Your conscience or your tax-exempt status.

In Maine, our client, a public school counselor, appeared in a television commercial. He noted that in his experience his students with both a mother and a father generally fared better in school than others. For this, he was accused of ethics violations and faced demands that his credentials be revoked, even though another teacher had made an ad inside a classroom advocating for redefining marriage.

Your conscience or your credentials.

And with the repeal of “Don’t Ask, Don’t Tell,” along with the new decrees, directives, and pressure to redefine marriage, and otherwise approve homosexual behavior, our troops, and particularly our chaplain corps in all five branches of our armed services are facing unprecedented challenges to their religious liberty including censorship, restrictions on conscience, and coercion.

Archbishop Timothy Broglio of the Archdiocese for the Military Service says: “Sacrificing the moral beliefs [in response to] . . . political considerations is neither just or prudent.”

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Your conscience or your ministry.

Finally, in Sweden, our client, Pastor Ake Green, was sentenced to prison for sharing the Gospel and his church's teaching on sexual behavior in his own pulpit and in his own church. When he was put on the stand before the Swedish Supreme Court, the prosecutor told him to "get a new Bible" that doesn't condemn homosexual behavior.

Your conscience or your freedom.

These cases give us a taste of what's ahead, if we don't stand now, if we bow to Caesar and his conscience-suppressing allies, surrendering marriage, free speech, life, and religious liberty.

It is time for you to join the Manhattan Declaration, to declare you love God, the Church, and that you "will not be silent, will not surrender, and will not go away."

You, and all Americans, must preserve what John Paul II called the freedom to "do what we ought to do."

We must stand. We must act. We must pray. We must not render unto Caesar what is God's.

And we must join in the Declaration. Yours, and your children's, and your children's children's freedom is in your hands.



*"Remember—he's got a cat. Careful it doesn't get out."*

## APPENDIX E

[Alana S. Newman is the founder of the Anonymous Us Project. Anonymous Us: Volume 1, A Story-collective on 3rd Party Reproduction, was released by Broadway Publications last summer. This column, published August 2, 2013, originally appeared on *Public Discourse: Ethics, Law, and the Common Good*, the online journal of the Witherspoon Institute of Princeton, NJ ([www.thepublicdiscourse.com](http://www.thepublicdiscourse.com)) and is reprinted with permission.]

### What Are the Rights of Donor-Conceived People?

Alana S. Newman

Third party reproduction corrupts the parent-child relationship and disrespects the humanity of donor-conceived people.

What are the rights of donor-conceived people? To ask this question is to suggest that we have different rights from everyone else—and so we do, because we’ve allowed it.

We’ve created a class of people who are manufactured, and treat them as less-than-fully human, demanding that they be grateful for whatever circumstances we give them. While fathers of traditionally conceived human beings are chased down and forced to make child support payments as a minimal standard of care, people conceived commercially are reprimanded when they question the anonymous voids that their biological fathers so “lovingly” left.

The crimes against the donor-conceived bend time and space. The adults that betray us do so *before* official personhood, which is the loophole through which this new form of human trafficking is made possible. Is gamete-selling all that different from baby-selling?

I recently discussed third-party reproduction and “the rights of donor-conceived people” at a debate at the Institute for American Values. My opponent was an older gay man, who with his male partner hired two surrogates and one egg donor in the generation of three children. He was there to argue that it’s okay to dispose of mothers and manufacture children as long as it’s done the “right” way. I was there as a representative of donor-conceived people.

It is difficult to know how to pitch yourself as a donor-conceived person during these conversations. If my opponent displays gentlemanly behavior, intelligence, and sensitivity, his argument is made stronger and the audience has a hard time disentangling good manners from immoral deeds. But when I speak, my argument is that we are *damaged* and *pained*. If a donor-conceived person like me displays charm and intelligence it can work against our efforts in that they suggest we are able to achieve normalcy—therefore no harm, no foul.

Must every donor-conceived person develop into a violent, drug-addicted, and deranged adult in order to convince the public that his or her family structure is by definition problematic? If so, I’ll graciously illustrate scenes from my challenging past in my next essay. But for now let’s just say *I hope not*, and take a look at what history has taught us about human rights. It’s clear that often in the case of donor-conceived people, these rights hardly apply.

**It is illegal to buy and sell people.**

When slavery was abolished, with it went the notion not only that you could own another human being, but also that you could separate a person from his biological kin. Countless historical examples teach us that human beings deeply desire connection to their biological kin, especially their biological parents and siblings. If we recognize that it's wrong to displace human beings as if they were products, not people, then we should also see that a concept like donor-conception is *wrong* in principle.

Does anybody remember the Cambodian adoption scandal involving Lauren Galindo? Galindo was the facilitator in one of Angelina Jolie's adoptions. She is also a convicted felon who reportedly paid vulnerable mothers to relinquish their children for as little as a bag of rice.

This March an Oklahoma woman was arrested for trying to sell her two young children via Facebook for \$1,000 so she could bail her boyfriend out of jail. An unprincipled economist might look at these situations and ask, what's the problem? The buyer *wanted* the children, the mother *didn't*. Isn't this a more efficient system for raising children?

Most of us ache a little in our hearts when we witness children being raised by their incompetent, desperate, or even disturbed natural parents. But we don't allow the market to correct for supply and demand in these cases because we believe it is unjust for children to have price tags. Why should we then allow the market to have a say over the future of some children just because their parents can abandon their responsibilities through sperm and egg donation?

**It is illegal to impregnate a woman for the purpose of taking her child.**

This April it was discovered that a UK woman bought sperm to impregnate her fourteen-year-old adopted daughter because she wanted another baby. She *wanted* the child badly—isn't that enough? *Life* is good, right? Babies make the world better, right? Yet there is something deeply wrong with creating new life this way.

Also this spring, seventeen teenage girls and eleven babies were rescued from two baby factories in Nigeria where the girls were raped by human traffickers who would then sell each baby for up to \$6,400. Most of the babies were destined to become child prostitutes. But let's say some of them would have ended up in nice California homes with two doting parents and a robust college fund. Would the means by which they were conceived be justified? Common sense tells us "no."

San Diego's Theresa Erickson was a fertility industry darling, a surrogacy attorney, and a serial egg donor who crossed the line and was convicted of trafficking babies last year. Erickson went from being considered an angel helping others to a deviant human trafficker because of subtle legal distinctions that permit surrogacy if all the paperwork is completed and checks are signed *before* conception, but punish the same process as baby-selling if parenthood is officially transferred mid-gestation. But what is the difference for the child?

**It is illegal to neglect a child, even if the child was conceived in a one-night stand and was unplanned.**

We discourage sloppy sexual behavior not because we're anti-fun, but because most taxpayers don't want to pay for other people's irresponsibly made children. When John Doe drinks too much Guinness and finds himself in Jane Smith's bed, and Jane Smith finds herself pregnant, we hold the two accountable for their choices and make both parties responsible for the child. If needed we even hunt down and force the father to make child support payments. It is common knowledge that humans reproduce sexually, and it is fair to expect people to limit their risky behavior according to how many hungry mouths they're prepared to feed.

All of these examples should serve to inform our views of third-party reproduction, especially *commercial* third-party reproduction.

**But I feel bad for infertile couples. What's so bad about helping them build families?**

There is nothing wrong with seeking legitimate cures for infertility and helping people overcome obstacles to conception. The problem with *third-party* reproduction is that it corrupts and perverts the parent-child relationship. The child becomes an asset to be bought and sold, rather than a precious begotten family member who deserves intimacy, protection, and inclusion. She enters the world as a tool for personal satisfaction.

Recognizing that third-party reproduction is unjust requires legislation that blocks the very first stages of the process. We legislate against the distribution of uranium, for example, because we have laws against private distribution of atomic weapons. When single people, elderly, or gay couples (demographics that are by definition non-procreative) tell you they're not buying children, just "tissue," ask them why they're converting their offices into nurseries. Do vials of sperm require crib mobiles and changing tables? No, babies do.

Right now in California, Democrats led by Assemblyman Tom Ammiano are pushing bill AB-460. Labeled as an anti-discrimination measure, the bill will force insurance companies to pay for fertility treatment for inherently sterile parties. They argue that it's unfair and discriminatory for insurance companies only to assist heterosexual couples (below a certain age) with fertility treatments. If it's okay for one kind of person to buy sperm or eggs, so their logic goes, then it should be okay for *all* people to do the same, regardless of age, relationship status, or sexual orientation. Their logic is fair.

But it's *not* right for *any* person to buy or sell sperm or eggs, because to do so is really to buy and sell a *person*. And people should not be for sale. *Parenthood* should not be for sale. All children deserve the love and care of the two people that made them: their biological mother and father. Children are safest in the nuclear family. There they can develop a sound and complete identity.

Stories of gross abuse of children who were manufactured via third-party reproduction are now emerging. Two Australian men hired a Russian surrogate to

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deliver their “son,” who they began sexually abusing just days after birth and exploited in a pedophile network that authorities described as one of “the most heinous acts of exploitation this office has ever seen.” Then there is the Israeli repeat sex offender who gained sole custody of a little girl he procured through surrogacy.

Paris Jackson tried to commit suicide after discovering that she and her brother Prince have different sperm donor fathers in the same month it was revealed that Michael Jackson paid over \$35 million in hush money to two dozen boys he molested.

The industry turns a blind eye and fails to properly screen “intended parents” because there is too much money to be made. I once interviewed Teri Royal, who owned what was once the world’s largest egg donation agency. I asked her how many clients she rejected of the thousands she served. She admitted to only declining *one* potential client. Any adoption agency will tell you their rejection rates run much higher than that. But when conception is commercialized and fertility industry entrepreneurs can earn over \$100,000 *per child* born, these astronomical sums corrupt and should be seen as major conflicts of interest in providing for the best interests of the child.

Today, human rights do not apply to the donor-conceived child because her humanity has been deconstructed and she is a product to please adults, a thing to service others and be consumed. She does not have a father like other people, nor a mother. She only has donors and “intended” parents. If she complains about the discrepancy, the world will ask her threateningly, *would you rather not exist?*

She fears what they’ll do if she answers honestly.

## APPENDIX F

[Kristen Hatten is Vice President of New Wave Feminists. This post originally appeared at Live Action News (October 5, 2013) and is reprinted with permission.]

### **Miley Cyrus, Rihanna and How “Stripper Glam” Leads Teens to Have Abortions**

*Kristen Hatten*

Do you ever feel like the Universe/God/Whoever is trying to tell you something?

A couple days ago I saw Miley’s new photos. Apparently she didn’t kill Hannah Montana hard enough at the VMA’s, so she let notoriously gross photographer/video artist Terry Richardson take photos of her topless and in various other compromised states.

Richardson has been accused of inappropriately touching his teenage models and exploiting underage girls. He’s the brains—or some other body part—behind Miley’s disgusting “Wrecking Ball” video, in which she rides a wrecking ball like a stripper pole in a bizarre attempt to prove she’s all grown up and has had it up to here with our rules.

Speaking of beautiful young women demeaning themselves for money, Rihanna. In her new video for “Pour It Up,” she also rides a stripper pole, twerks, and glamorizes the stripper lifestyle.

I don’t know about you, but when I was a teenager, becoming a stripper was not something to aspire to. Even actual strippers were at least a little bit ashamed of it. Many did it because they felt like it was the only way to support themselves and their kids, or because they developed a taste for the money.

And if somebody loved being a stripper and reveled in that brand of objectifying attention, you wondered what was wrong with her, what had happened to make her okay with demeaning herself for money.

Not only does the Rihanna video—and everything that resembles it—make sexuality look terribly un-sexy, it also teaches young women that being viewed as an object is something to aspire to—and not just for struggling co-eds, single moms, and desperate girls who don’t know any better. If stripping is good enough for a billionaire pop star, for whom *isn’t* it good enough?

Never mind that Rihanna’s video is an illusion. Any *naïf* chasing the stripper dream based on Rihanna’s video—or the stripper/party girl/porn model dream based on Miley’s antics—will find the reality a lot different than being a superstar slumming for kicks. A real life in the sex trades comes with significantly less glitz and more risk—of sexual assault and more.

A 2011 Johns Hopkins study of Baltimore EDCs (Exotic Dance Clubs) examined heightened HIV risk among exotic dancers.

Dancers began working in exotic dance clubs primarily because of financial need and lack of employment opportunities, and to a lesser extent, the need to support illicit drug habits. . . . Drug use and alcohol use were reported as coping mechanisms in response to these stressful working conditions and often escalated sexual risk behaviors.

Also:

The financial allure and social pressure to sell sex within EDCs fostered a permissive norm and expectations about selling sex. Sex work was described as so routine and socially condoned that in many clubs not selling sex was an anomaly. Sex work was inevitable for many dancers given the disparate financial remuneration between payment between this and other services provided.

It's not all body glitter, champagne, and twerking.

The lifestyle Miley, Rihanna, and other famous young women are encouraging is not what it appears to be, but the teenage girls who buy it don't know any better. It may be fun for Miley and Rihanna to "play stripper," but the young women who emulate them are fantasizing about activities tantamount to prostitution, and often leading directly there.

Sinead O'Connor emerged from her hot mess cocoon recently to pen a heartfelt and surprisingly coherent open letter to MyCy, begging her not to prostitute herself to the music industry. In response, musician Amanda Palmer wrote an open letter to Sinead, which said this:

Miley is, from what I can gather, in charge of her own show. She's writing the plot and signing the checks, and although I think it's tempting to imagine her in the board room of label [expletives] and management, I don't think any of them masterminded her current plan to be a raging, naked, twerking sexpot. I think that's All Miley All The Way.

I suspect Palmer's right. It was totally Miley's idea. But *why*? That's the question. Why do Miley and Rihanna, et al., despite being fabulously rich and literally able to go out and do whatever they want every day, opt to take their clothes off and swing on poles? Palmer answers this:

Sex sells. We all know it. Miley knows it better than anyone: swinging naked on a big metal ball simply gets you more hits than swinging on a big metal ball wearing clothes. We're mammals. LOOK BOOBS! And even more tantalizing: LOOK HANNAH MONTANA BOOBS! But none of this means that Miley is following anyone else's script. In fact, what I see is Miley desperately trying to write her own script; truly trying to be taken seriously (even if it's in a nakedly playful way) by the standards of her own peers.

So in a way, it wasn't Miley's idea at all. Miley has grown up in a culture where a woman is judged based on how sexy she is. Any attempt to explain that away—and Palmer tries, talking about freedom and owning your body and so on—can't change the fact that Miley, like many of her famous peers, is selling her sexuality because she's learned it's all she is worth.

Eighty-five percent of abortion patients are unmarried women. Young women especially are having sex because it's fun and it makes people like you. Or, if they're really "smart," because they finally met a "special guy." The idea that one's virginity is something sacred is now a punch line.

There is nothing rebellious or shocking about being slutty. No one is surprised

that a girl named Miley exists who is really trashy. It's only interesting because she used to be innocent. It's her downfall people are shocked by, not her actual behavior.

And here's something I wish I could tell Miley: for every misguided person who thinks "you go girl!" when they see you sacrifice your shame at the altar of superstardom, there are five who just shake their heads and feel sorry for you.

Also this week, in an apparent attempt to make my point for me, a California punk band called Get Shot! sent their bass player, Laura Lush, to film a solo pornographic scene on the lawn of the Westboro Baptist Church. While about 99% of Americans agree that Westboro Baptist Church is deserving of criticism, Laura Lush is yet another young woman who doesn't seem to comprehend that when you claim to be using your sexuality as a weapon, the trigger is actually pointing at you. Every time.

Another case in point: the famous Ukrainian fauxminist group Femen, notorious for their topless protests, was recently exposed (ahem) to be masterminded by—wait for it—a man. Named Victor Syvatski.

Said Australian filmmaker Kitty Green: "He hand-picked the prettiest girls because the prettiest girls sell more papers. The prettiest girls get on the front page . . . that became their image, that became the way they sold the brand."

#### FEMINISM!

Meanwhile, the two actresses who play lesbian lovers in the extremely graphic French film *Blue Is the Warmest Colour* were asked if they ever felt like they were playing out a male fantasy. Léa Seydoux's answer:

Yes. Of course it was kind of humiliating sometimes, I was feeling like a prostitute.

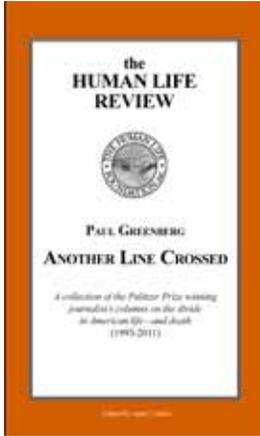
Of course, he uses that sometimes. He was using three cameras, and when you have to fake your orgasm for six hours . . . I can't say that it was nothing.

Once again, whether it's Miley or Femen or a Palme D'or-winning actress, we find that when there are naked women in the public square, a man is either paying or getting paid.

The lesson? If you want to truly be counter-cultural, keep your top on. *That's* original. Keep your pants on. *That's* shocking.

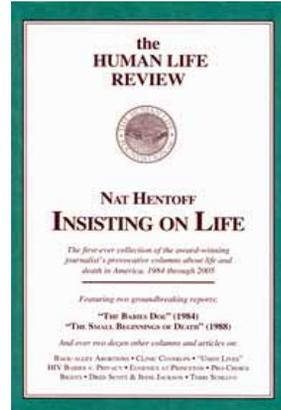
Abortion doesn't exist in a vacuum. It begins with seeing the human body as something to use, a commodity, a pleasure-mobile, a receptacle. And it ends with an unintended baby, a murder, and a broken heart.

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