



PROVITA

The University Faculty for Life Newsletter

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Letter from the President

Hello Everybody,

By now I’m sure you have heard about the leaking of Justice Alito’s draft about overturning both *Roe v Wade* and *Planned Parenthood v Casey*. Was it leaked to solidify any wavering votes to overrule or was it leaked so that Justices could be intimidated into changing their vote by becoming the focus of protests claiming that overturning *Roe* and *Casey* would harm the autonomy and equality of women, hinder democracy, and require packing the Court?

Pro-abortion protests have resulted in the Supreme Court building being closed and surrounded by security fences. As I write on May 5th, an online website is promising *to pay* those

willing to protest at the homes of the conservative justices—even though 18 U.S. Code 1507 prohibits such protests. It seems that the full fury of those who are pro-abortion is about to be unleashed.

Prima facie, such reactions seem overwrought, for two reasons. First, we live under a Constitutional democracy designed to allow opponents to settle their differences through persuasion and legislation rather than through intimidation or judicial fiat.

That *Roe* and *Casey* were decisions by judicial fiat is proven by the draft opinion of Justice Alito. The Justice analyzes the reasoning used in these cases and provides compelling evidence that the right of mothers to abort was not grounded in the Constitution. Nor was it grounded in common law (28). In fact, in the 1973, every State in the Union had a legal tradition forbidding or restricting abortion and in thirty-seven States this tradition had been in effect for over a hundred years (68).

Justice Alito thus argues that the Constitution requires overruling both *Roe* and *Casey* and that doing so would restore to the people the right to be ruled only by Constitutional laws that their elected representatives pass (66). Overruling *Roe* and *Casey*, moreover, would follow the Court’s well-established tradition of overruling erroneous decisions (36-7).

It is thus gaslighting for the left to claim that overturning *Roe* and *Casey* would be an attack on democracy or on the Court’s doctrine of *stare decisis*.

The second reason why proabortion fury is misplaced is that it is wrongly assuming that without abortion, women cannot compete equally with men in the workplace. Justice Alito cites the amici brief of Teresa Collett, Erika Bachiochi, and Helen Alvaré (61) and argues that equalization occurred not

through abortion but through laws that banned pregnancy discrimination, that provided coverage for the medical costs of pregnancy, and that required both equal pay for equal work as well as family and medical leaves (33). He also notes that many States have Safe Haven Laws allowing babies to be dropped off anonymously and that between 2015-2019, 3.1 million women took steps to adopt (34).

The insightfulness of this argument from the equalization of women is unlikely to satisfy those who see the right to abortion as protecting the right to sex without reproductive consequences. Abortion is their tool for erasing their own maternity should conception occur. Yet, after about two weeks of gestation, fetal cells are carried within the mother's blood for decades after conception, as [Katya Orlova points out](#).

To justify abortion, the Justices in *Roe* ignored the scientific evidence of the 1970s and claimed ignorance about when human life and personhood begin. They then used this claim of ignorance to justify denying the embryo and the fetus the due process and equal protection rights guaranteed under the 14th Amendment: “nor shall any State deprive *any person* of life, liberty, or property, without due process of law; nor deny to *any person* within its jurisdiction the equal protection of the laws.”

Pleading ignorance is not an option for today's Court. They have been presented with the record of nearly fifty years of scientific and medical advances that make it rationally undeniable that human life begins at conception, that each of us was once an embryo, and that abortion kills human beings.

Furthermore, today's Court cannot deny the youngest and littlest human beings their fundamental human rights and the protection of the 14th Amendment without leaving them unprotected from three groups: aborting mothers; those promoting abortion as a profitable procedure or as a profitable source of human body parts; and those using the *in vitro* fertilization of embryos as a hugely profitable platform for genome manipulation, bioengineering, stem cells, cell lines, and medical products.

The question before today's Court is thus whether being human suffices for protection under the 14th Amendment. Is the Court going to uphold the commonsense view that every human being is a person with fundamental human rights or is it going to replicate the error of its 1857 *Dredd Scott* decision that black slaves—despite being human--

are the property of their owners, its 1896 *Plessy v Ferguson* decision that a black man—despite being human—could not sit in a white-only train car, and its 1925 *Bell* decision that the mentally disabled—despite being human--could be forcibly sterilized?

Denying that being human suffices for fundamental human rights necessarily presupposes that all rights exist only by government fiat. This is incompatible with the Ninth Amendment's declaration that the government cannot “deny or disparage rights retained by the people”; the First Amendment's prohibition of laws establishing religion, restricting the free exercise of religion, speech, and other fundamental rights; the common law tradition; and, the country's founding belief that all are “created equal” and “endowed by their Creator with certain unalienable rights” including “life, liberty, and the pursuit of happiness.”

Thus, the Court must either hold that every human right is bestowed by government and reject the Constitution, the Declaration of Independence, and common law or hold that fundamental human rights belong to every human being from the moment of conception or hold that it is logically consistent to acknowledge that being human suffices for fundamental human rights while also denying those rights to one group of human beings.

Moreover, it is important for all to realize that the fundamental error of *Roe* and *Casey* was the adoption of an interpretative framework other than Originalism in so far as Originalism rules out judicial fiats and requires fidelity to the Constitution as written and ratified by the American people.

The Justices' failure to use Originalism to reach their decisions in *Roe* and *Casey* unleashed a still strengthening whirlwind that promises to jeopardize the rights of every human being insofar as it is now obvious that abortion kills human beings and that some human beings lack the fundamental human rights protected by the 14th Amendment.

The Constitutional crisis thus seeded by *Roe* and *Casey* will deepen if the Court refuses to resolve this issue before returning the method of protecting the fundamental rights of prenatal human beings to the States. Not every State will recognize that the embryo and the fetus are human beings protected by the 14th Amendment. As a result, the fundamental human rights of prenatal children will be conditioned on the State in which they live ---

hauntingly reminiscent of the days when slavery was a “state issue.”

Two more quick points and two pleas: 1) Given that supporters of the abortion industry are already unleashing their fury in order to intimidate the Justices, silence opposition, and preserve the mother’s right to choose death for her prenatal offspring, it is time to abandon half measures and argue not only that the right to abortion is the right to kill prenatal human beings but also that motherhood is not a license to kill one’s prenatal child whether in the clinic’s test tube or the womb. No woman has a right to a dead offspring.

2) No political party rules forever. If political parties were to start packing, unpacking, or repacking the Court whenever they dominate Congress, it would eventually become obvious to members of Congress and to the American people that treating Justices as political pawns able to legislate from the bench usurps Constitutional democracy and their rights. At that time, Senators from both political parties will realize that it is their duty to appoint only those Justices committed to interpreting the Constitution according to the rubrics of Originalism.

The first plea: please consider writing a respectful note to each Supreme Court Justice. Those who are facing unreasonable hostility would undoubtedly appreciate the support, while the others may find reasoned opposition by the public surprising. Each Justice needs to see mountains of paper and know that unlike the 1970s when ignorance ruled, nowadays significant numbers realize that embryos and fetuses are human beings and that abortion licenses their mothers to kill them.

The second plea: please pray not only that pro-abortion rage dissipates without harming the Justices or any pro-lifer but also that the Court will extend the protection of law to the littlest and youngest human beings from the moment of conception.

Here are some helpful links:

[Justice Alito’s draft](#)

[All the briefs submitted to SCOTUS on the Dobbs v Jackson case](#)

[WCAT You Tube Video in which Professor Teresa Collett explains the different arguments found in her three amici briefs](#)

[The amici brief on woman’s equalization through laws and cultural changes unrelated to abortion](#)

[The amici brief on the social and familial harms of abortion](#)

Other news: Prof. Richard Myers has more analysis on this as well as developments on **legalizing assisted suicide** and other legal matters in his not to be missed column, *Legal Realities*. In the column *Scholarly Analysis*, **Frederick N. Dyer** provides an inspirational account of how one man successfully campaigned to strengthen laws against abortion back in 19th century.

I am also very pleased to write that our new *Life and Learning* editor **Dr. Don Flanagan** has done a wonderful job and the 21st issue of *Life and Learning* is now posted on our website and is at the printers waiting for them to recover from being hacked. That gives everybody a chance to pay their dues and get a free paper copy. Dues can be paid on our website or by sending a check of \$40 for regular membership to **Dr. Margaret Hughes**.

Please note that our conference at Notre Dame is *very rapidly* approaching: **May 10th is the deadline** for on-campus housing and registering (registration includes food). Blocks of rooms are being held at the Embassy Suites and the Inn at St. Mary’s only until May 10th per an agreement with our Notre Dame sponsors. Also, dorm housing is only available for Friday, June 10th and Saturday, June 11th. If you are coming on Thursday, Notre Dame will not be able to accommodate you in the dorms for that night.

Details and Links to housing and registration can be found on our [conference webpage](#). Please send the publicity poster posted on our website to whomever you think may be interested.

This year’s conference promises to be remarkable: our keynote speakers are excellent; our local hosts have been working hard to welcome you; the Notre Dame campus is especially beautiful; and the tsunami promising to uproot Roe v Wade and end abortion continues to build. It’s an exciting time

to ponder this year's topic: *Attacks on Human Life: Recent Crises and the Long View*.

So looking forward to seeing you.

Cheers,

Mary

R. Mary Hayden Lemmons, Ph.D., President of UFFL, Associate Professor of Philosophy, University of St. Thomas, St. Paul, MN

Member News & Publications

In which we highlight the activities of our organization, members, and chapters, including publications, talks, and consultations.

*Note: all names in **bold** are members of UFFL.*

- **Helen M. Alvaré, J.D.** (Law, George Mason Law School) wrote "If We Took the Scriptures on Marriage Seriously" for the *Journal of Christian Legal Thought*, 11.2 (Winter 2021).
- **Prof. Alvaré** wrote "Should a Catholic Hospital Be Forced to Participate in Transgender Surgery?" for *Our Sunday Visitor*, 110.31 (November 21, 2021).
- **Prof. Alvaré** also published "Nearly 50 Years Post *Roe v Wade* and Nearing Its End: What is the Evidence that Abortion Advances Women's Health and Equality?" in *Regent University Law Review*, 34.2 (2021 – 2022).
- **Thomas Cavanaugh, Ph.D.** (Philosophy, University of San Francisco) published "Double-Effect Donation Disputed" in the *Linacre Quarterly*, online (September 10, 2021).
- **Larry Chapp, Ph.D.** (Theology, DeSales University) published "Liberalism, the Church, and the Unreality of God" in *Communio*, 48.3 (Fall 2021).
- **Teresa Collett, J.D.** (Law, University of St. Thomas Law School) contributed to "Perspectives on the Impending Fate of Roe" in *Human Life Review*, 47.3 (Summer 2021).
- **Peter J. Colosi, PhD** (Philosophy, Salve Regina University) presented "Explaining the Wrongness of Physician Assisted Suicide in the Public Sphere, Concerning The Lila Manfield Sapinsley Compassionate Care Act in Rhode Island" at The Annual Conference of the Society of Catholic Social Scientists, Franciscan University, Steubenville, OH, October 29-30, 2021.
- **Richard Fehring, Ph.D., R.N.** (Nursing, Marquette University) published "Multisite Effectiveness Study of the Marquette Method of Natural Family Planning" with Thomas Bouchard in the *Linacre Quarterly*, 89.1 (February 2022).
- **Christopher Kaczor, Ph.D.** (Philosophy, Loyola Marymount University) published "Fuller Defenses and Partial Critiques: A Discussion of 'Ectogestation and the Problem of Abortion'" in *Philosophy & Technology*, 34.4 (December 2021).
- **Dr. Kaczor** also contributed "The Ethics of Cohabitation" to *The Palgrave Handbook of Sexual Ethics*, ed. David Boonin. Cham, Switzerland: Palgrave MacMillan, 2022.
- **Lisa Marie Kohm, J.D.** (Law, Regent University School of Law) published "The Intersectionality of Race and Class in Bioethics" in *Global Justice and Public Policy* (2021).
- **Prof. Kohm** also published "Regarding Life" in *The Christian Lawyer*, 17.1 (Spring 2021).
- **Thomas Likona, Ph.D.** (Education, SUNY Courtland) published "Talking to Kids about Love and Sex" in *Psychology Today* (February 12, 2022).
- **Lucia Silecchia, J.D.** (Law, Catholic University of America) published "Witness to

Life in Ordinary Times” in the *Boston Pilot* (January 26, 2022).

- **Paul Vitz, Ph.D.** (Psychology, New York University) reviewed George Marsden’s book, *The Outrageous Idea of Christian Scholarship* for the *Christian Scholar’s Review*, 51.1 (Fall 2021).

Upcoming scholarly opportunities

- The [University Faculty for Life](#) will host its thirty-second annual meeting from June 10 – 11, 2022 at the University of Notre Dame. The theme of the conference is [Attacks on Human Life: Recent Crises and the Long View](#).
- The Catholic Medical Association will host its [Medical Resident and Student Boot Camp](#) from June 12 – 19, 2022, in Ave Maria, FL.

On Campus

- An extensive list of available jobs and internships for college students and recent graduates is available at the [Students for Life](#) website.

Legal Realities

Richard S. Myers, J.D. (*Professor of Law at Ave Maria School of Law, UFFL Vice-President*) provides a brief overview of significant legal developments since the last issue of *ProVita*.

At the time of this writing (April 2022), there is great anticipation about the Supreme Court’s pending decision in [Dobbs v. Jackson Women’s Health Organization](#). Dobbs involves the constitutionality of Mississippi’s Gestational Age Act. That law prohibits most abortions after fifteen weeks. Under the legal framework established by

Roe v. Wade (1973) and *Planned Parenthood v. Casey* (1992), the law was enjoined by lower federal courts. The United States Supreme Court heard arguments in the case on December 1, 2021. Most observers believe that the Court will uphold the Mississippi law. More importantly, these observers believe that the Court will take this opportunity to overrule *Roe v. Wade* and *Planned Parenthood v. Casey*, or at least drastically restrict those decisions.

The decision in the Dobbs case is expected by the end of the Court’s Term, which will likely be in late June 2022. Some lower court cases dealing with the constitutionality of a variety of laws restricting abortion have been put on hold pending the Court’s decision in Dobbs.

As this column was going to press (in early May 2022), [Politico](#) issued a cataclysmic report on Dobbs. The report includes a draft opinion overruling *Roe v. Wade* and *Planned Parenthood v. Casey*. The draft opinion was purportedly written by Justice Alito and allegedly reflects the views of five Justices (Alito, Thomas, Kavanaugh, Gorsuch, and Barrett). The opinion is, of course, not final and opinions and votes frequently change before a decision is officially released.

The draft opinion would be a huge victory for the pro-life cause. The decision would not require states to prohibit abortion. States would, however, have considerable freedom to enact pro-life laws. Approximately half of the states would drastically restrict abortion. Other states, such as California and New York, would likely allow abortion in most circumstances.

The leak of the draft opinion is unprecedented and the consequences for the Court will likely reverberate for years.

There have been other significant legal developments in the last few months.

On March 3, 2022, the United States Supreme Court decided [Cameron v. EMW Women’s Surgical Center, P.S.C.](#) Cameron involves the constitutionality of a Kentucky law banning dismemberment abortions, although the issue before the Supreme Court involved a procedural matter.

After the Sixth Circuit affirmed a lower court ruling finding the Kentucky statute unconstitutional, the Kentucky Governor decided not to pursue further efforts to defend the constitutionality of the statute. Daniel Cameron, the Attorney General of Kentucky, then sought to intervene but the Sixth Circuit refused to allow intervention. The Supreme Court ruled, by an 8-1 vote, that the Sixth Circuit's ruling on intervention was in error. The Supreme Court's decision will allow Cameron to pursue efforts to defend the constitutionality of the Kentucky statute. A few weeks after the Supreme Court's ruling, Cameron asked the Sixth Circuit to rehear the case on the merits.

The Court's ruling will likely have impact beyond the Kentucky litigation. The Court's ruling will help to ensure that pro-life legislation is defended in court, even in situations when the state's governor doesn't support the law.

There have also been developments in the litigation challenging the constitutionality of the Texas heartbeat law. The Texas law prohibits abortion after about six weeks of pregnancy. The law does not permit state officials to enforce the law. Instead, the law authorizes private citizens to sue anyone who violates the statute. This structure prevents abortion providers from bringing pre-enforcement challenges to laws limiting abortion. The Texas law still affords abortion providers an opportunity to raise constitutional objections to the law if they are sued by private parties.

The court challenges to the Texas law have been complex. In December 2021, the United States Supreme Court refused a request to enjoin the law pending the challenges to the constitutionality of the statute. The Court did suggest that Texas licensing authorities might be proper defendants in the suits challenging the constitutionality of the Texas law. The United States Supreme Court did not, however, definitively settle that issue. The Court remanded the case to the United States Court of Appeals for the Fifth Circuit. The Fifth Circuit then asked the Texas Supreme Court to decide whether the Texas heartbeat law could be enforced by Texas licensing officials. The [Texas Supreme Court said no](#) – and

that decision effectively ends the abortion clinic's constitutional challenge to the law.

The legal landscape is uncertain pending the decision in the Dobbs case. That uncertainty has not deterred states from passing laws dealing with abortion. In the last few months, there has been a flurry of state legislation restricting abortion. For example, [Oklahoma has passed legislation banning most abortions](#), and states such as [Idaho](#), have passed laws that are similar to the Texas heartbeat law. [Arizona](#) and [Florida](#) have recently passed laws that are similar to Mississippi's 15 week ban that is before the Court in Dobbs.

Other states, such as [New Jersey](#) and [Colorado](#), have passed laws protecting the right to abortion. These laws would likely allow abortion even if the Court overrules Roe and Casey.

Most of the recent legal developments have related to abortion. There have, however, recently been some significant developments dealing with assisted suicide. After the United States Supreme Court in 1997 rejected the argument that there was a fundamental right to assisted suicide protected by the United States Constitution, most of the developments in the last twenty-five years concerning assisted suicide have involved state legislation. I discuss this development in my [2020 article in Life & Learning](#).

There has been a slow trend to legalize assisted suicide. Most of this activity in the states has been outside the courts. In recent years, state courts have been reticent about constitutionalizing this area of the law. For example, the highest courts in [New Mexico](#) (2016) and [New York](#) (2017), two courts that are not viewed as bastions of judicial restraint, rejected constitutional challenges to laws banning assisted suicide.

There is ongoing litigation in the Massachusetts courts dealing with the constitutionality of that state's ban on assisted suicide. In March of 2022, the highest court in [Massachusetts](#) heard oral arguments to consider whether there is a state constitutional right to assisted suicide.

In an important development, **Oregon**, which was the first state to legalize physician assisted suicide, agreed not to enforce the provision in its Death with Dignity Act that limits the Act to Oregon residents. This change may make Oregon a center for assisted suicide tourism.

A Scholar's Analysis

Frederick N. Dyer, Ph.D. (*Psychology, author of Champion of Women and the Unborn: Horatio Robinson Storer, M.D. and The Physicians' Crusade Against Abortion*) reports on "American Medical Association Documents That Led to Laws Overturned by *Roe v. Wade*." This article was originally published in the *Journal of American Physicians and Surgeons*. 26.3 (Fall 2021).

In 1857, a physician campaign against abortion, chronicled by James Mohr in his landmark *Abortion in America: The Origins and Evolution of National Policy, 1800- 1900*,¹ commenced at the Annual Meeting of the American Medical Association in Nashville. Boston physician Horatio Robinson Storer (1830-1922) had requested that the AMA form a Committee on Criminal Abortion.² This was done, and Dr. Storer was appointed chairman.³ Criminal abortion was any abortion not carried out to save the mother or the child.

This was the first mention of abortion by the AMA, which had been formed in 1847. The committee's report, delayed for a year by Dr. Storer's illness, was signed by Dr. Storer and the seven committee members he had appointed and was presented at the 1859 Annual Meeting in Louisville.⁴

The Report on Criminal Abortion can be found in the *Transactions of the American Medical Association for 1859*.⁵ The content is well summarized by the Memorial to state governors and legislatures that called for creation or improvements in the laws related to abortion and by the Address to state medical societies requesting their assistance in the effort to strengthen abortion laws. The Memorial and the Address are presented in full below.

The minutes of the Louisville American Medical Association Annual Meeting included the following: "The Committee, appointed in May, 1857, on Criminal Abortion, submitted a report written by Dr. Storer, of Boston, which was read by Dr. Blatchford, of New York, and referred to the Committee on [sic] Publication."⁶

In a letter to Dr. Storer, Dr. Thomas W. Blatchford wrote: "Your report was read and the resolutions unanimously adopted. Your report was highly spoken of, not a dissenting voice in any direction."⁷

These AMA efforts to strengthen laws against abortion and Dr. Storer's unique role in the efforts were fully discussed by Henry Miller, M.D., in his presidential address at the 1860 Annual Meeting in New Haven, Connecticut.

At the last meeting of the Association, the Committee on Criminal Abortion, of which Dr. Horatio R. Storer, of Boston, was chairman, made their report, which was received and referred to the Committee of Publication. By the resolutions appended to the report, which were unanimously adopted, the President and Secretaries were authorized to bring this important subject, by memorial, before Congress and the several State legislatures of the Union, with the prayer that the laws by which it has been attempted to restrain and punish abortionism may be revisited, and such legal enactments provided as the heinousness of the crime demands. By reference to the proceedings of the last annual meeting, it will be seen that the Committee on Criminal Abortion were requested to continue their labors, "and especially to take any measures necessary to carry into effect the resolutions reported by them on the first day of the meeting." Under the warrant of this instruction, the Chairman of the Committee opened a correspondence with me, early last winter, tendering his co-operation in carrying out the wishes of the Association, and offering to place at my disposal extra copies of the report, and also of the papers published by himself in the *North American Medico-Chirurgical Review*, containing all the medicolegal information necessary to enable

our federal and State legislatures to act intelligently in the premises. The offer was gladly accepted, and I am happy to acknowledge my obligations to the able Chairman for his valuable assistance, not only in furnishing the documents referred to, but in the preparation of the Memorial as well as of the Address directed to the various State Medical Societies, requesting their cooperation with the Association, in pressing this important subject on the attention of the legislatures of their respective States. The Memorial, with the accompanying documents, was transmitted in January last to the President of the United States and the Governor of each of the States and Territories of the Union, the legislatures of several of them being at the time in session. What disposition has been made of them I am not informed; but the hope may be reasonably indulged that their Excellencies have submitted them to the National, State, and Territorial legislatures, or will embrace the earliest opportunity of doing so.⁸

The Storer-written Memorial to governors and legislatures must be considered the most important document for securing the stringent laws against abortion that were passed over the next few decades. Most of these new laws remained with little change until overturned by *Roe v. Wade* in 1973. The Memorial was not published in the *Transactions of the American Medical Association* or anywhere else. The existence of the Memorial could only have been known from its being called for in the third Resolution appended to the Report on Criminal Abortion and its mention in Dr. Miller's Presidential Address. It may not have come to light if I had not written a biography of Dr. Storer.⁹ Two of Dr. Storer's grandchildren, Ethel Storer and Robert Treat Paine Storer, Jr., were living in Massachusetts. I visited them in October 1995. Both had large quantities of personal journals, letters, medical journal articles, and even a medal struck to commemorate the life of Horatio Storer. The grandchildren loaned the material to me, and I contributed the material in their names to the Massachusetts Historical Society and the Francis A. Countway Library of Medicine in Boston. Medical materials, including copies of the Memorial and

Address, are parts of accession number Acc. 2001-063 at the Countway Library.

These important documents are finally in a medical journal.

Memorial

To the Governor and Legislature of the State of _____ the Memorial of the American Medical Association, an Organization representing the Medical Profession of the United States.

At a Meeting of the Association held at Louisville in May, 1859, it was formally and unanimously voted, "to present the subject of Criminal Abortion to the attention of the several Legislative Assemblies of the Union, with the prayer that the laws by which the crime is attempted to be controlled may be revised, and that such other action may be taken in the premises, as they in their wisdom may deem necessary."

Statistics reliable and not to be controverted, which are duly submitted in the papers accompanying this Memorial, go to prove that an immense number of living children annually are intentionally destroyed in this country, and that besides the serious injury thereby inflicted upon the public morals, a decided and detrimental influence has already been produced upon the rate of increase of the nation and upon its material prosperity.

The moral guilt of Criminal Abortion depends entirely upon the real and essential nature of the act. It is the intentional destruction of a child within its parent; and physicians are now agreed, from actual and various proof, that the child is alive from the moment of conception.

The evil to society of this crime is evident from the fact, that its instances in this country are now to be counted by hundreds of thousands.

Public sentiment and the natural sense of duty instinctive to parents proving insufficient to check the crime, it would seem that an appeal should be made to the law and to its framers.

In many States of the Union, abortion is not yet legally considered an offence, and is unprovided for by statute; in others, the statutes are so drawn as to be easily evaded, or indeed, by their inconsistencies, directly to encourage the crime they were framed to prevent. This is the case also with the Common Law, which, by a strange contradiction, fails to recognize the unborn child as criminally

affected, whilst its existence for all civil purposes is nevertheless fully acknowledged.

It has therefore become the duty of the American Medical Association, in view of the prevalence and increasing frequency of Criminal Abortion in this country, publicly to enter an earnest and solemn protest against such unwarrantable destruction of human life. The duty would be but half fulfilled, did we not call upon those who alone can check and control the crime, early to give this matter their serious attention. The Association would in no wise transcend its office, but that office is here so plain that it has full confidence in the result. We therefore enter its earnest prayer, that the subject of Criminal Abortion in the state of _____, and the laws in force on the subject in said State may be referred to an appropriate Committee, with directions to report what legislative action may be necessary in the premises.

Accompanying this memorial will be found the Report of the Special Committee of the Association upon this subject, and the papers on which their Report is based. All of which is respectfully submitted.

For the Association,

HENRY MILLER, President
S. M. BEMISS, S. G. HUBBARD, Secretaries

Address

*To the President and Councilors of the
_____ State Medical Society.*

Gentlemen:

At the meeting of the American Medical Association held in Louisville, in May last, by a formal and unanimous vote it was

“Resolved, That while physicians have long been united in condemning the act of producing abortion, at every period of gestation, except as necessary for preserving the life of either mother or child, it has become the duty of this Association, in view of the prevalence and increasing frequency of the crime, publicly to enter an earnest and solemn protest against such unwarrantable destruction of human life.

“Resolved, That in pursuance of the grand and noble calling we profess, the saving of human lives, and of the sacred responsibilities thereby devolving upon us, the Association present this subject to the attention of the several legislative assemblies of the Union, with the prayer that the laws by which the crime of procuring abortion is attempted to be controlled may be revised, and that such other action may be taken in the premises as they in their wisdom may deem necessary.

“Resolved, That the Association request the zealous co-operation of the various State Medical Societies in pressing this subject upon the legislatures of their respective States; and that the President and Secretaries of the Association are hereby authorized to carry out, by memorial, these resolutions.” In pursuance of our instructions, a Memorial, of which a copy is herewith enclosed, has been transmitted to the Governor and Legislature of the State of _____, and it now has become our duty earnestly to request of the body you represent, such early and hearty action in furtherance of the Memorial of the Association, as may insure its full success against the common, though unnatural crime it aims to check.

For the Association,

HENRY MILLER, President
S. M. BEMISS, S. G. HUBBARD, Secretaries

The Connecticut Legislature received the Memorial and asked the American Medical Association for assistance in revising abortion legislation. The minutes for day 3 of the same New Haven meeting that had reported Miller’s Address included:

A communication was received from the Judiciary Committee of the Connecticut Legislature, to which was referred the Memorial of this Association concerning Criminal Abortions, requesting the appointment of a committee to frame a suitable bill to serve as a guide for their action.

On motion, the paper was accepted, and the Chair authorized to appoint the Committee asked for, and the following gentlemen were appointed: Drs. Worthington

Hooker, Conn.; David L Daggett, Conn.; D. Humphreys Storer, Mass.¹⁰

Had Dr. Horatio Storer been at New Haven meeting he no doubt would have been selected for the committee. It is possible that he assisted his father, David Humphreys Storer, in preparing the result, which was a unique piece of legislation that combined “into a single forceful act the denial of the quickening doctrine, the notion of women’s liability, and anti-advertising principles. This 1860 Connecticut law, which remained virtually unchanged for over a century, set the tone for the kind of legislation enacted elsewhere in the United States during the succeeding twenty years.”^{1, p 202}

James Mohr documented the immediate and extended effect of these Storer-written AMA documents in a chapter, “Anti-Abortion Legislation, 1860-1880.” It began: “Between 1860 and 1880 the regular physicians’ campaign against abortion in the United States produced the most important burst of anti-abortion legislation in the nation’s history. At least 40 anti-abortion statutes of various kinds were placed upon state and territorial law books during the period; over 30 in the years from 1866 through 1877 alone.”^{1, p 200}

The first article by Dr. Storer in the *North American Medico-Chirurgical Review*, which was an enclosure to the Memorial sent to State and Territorial Governors and Legislators, concludes with a paragraph showing Dr. Storer’s primary concern for the unborn abortion victims, which has been disputed by several historians,¹¹ and one showing his revulsion for anyone or anything connected to abortion.

If we have proved the existence of foetal life before quickening has taken place or can take place, and by all analogy, and a close and conclusive process of induction, its commencement at the very beginning, at conception itself, we are compelled to believe unjustifiable abortion always a crime.

And now words fail. Of the mother, by consent or by her own hand, imbrued with her infant’s blood; of the equally guilty father, who counsels or allows the crime; of the wretches who by their wholesale murders far out-Herod Burke and

Hare; of the public sentiment which palliates, pardons, and would even praise this so common violation of all law, human and divine, of all instinct, of all reason, all pity, all mercy, all love,—we leave those to speak who can.¹²

Dr. Storer repeated his “Of the mother” sentence in *Why Not? A Book for Every Woman* and *Is It I? A Book for Every Man*, books he wrote to convince non-medical persons to avoid and oppose abortion. The “Burke and Hare” reference refers to William Burke and William Hare who were indicted in 1828 for 16 murders they carried out in Edinburgh, Scotland, within a single year. The murders were highly salient to Horatio Storer because of his year in medical training at the same Edinburgh University Medical School that had innocently bought the bodies of the murder victims for dissection by medical students.

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Reminders

- **Lifetime membership** UFFL offers Lifetime Membership. Five hundred dollars will enable you to support our mission more easily throughout your golden years. More details are posted on our [website](#).
- **2022 Dues Reminder** Be sure to pay your dues. Annual dues are \$40. On-line payment is possible through PayPal and our website, as well as by mailing them to **Dr. Margaret Hughes**, University Faculty for Life, Thomas Aquinas College, 231 Main Street, Northfield, MA 01360. Dues are important for receiving the print copies of our peer reviewed *Life and Learning*.
- **Keep your email address updated** Updates can be made by contacting **Dr. Margaret Hughes** at provita.editor@gmail.com. Updated email addresses enable one to receive our *ProVita* electronic newsletter as well as important messages about UFFL.

Social Media UFFL is on Facebook and LinkedIn. On Facebook, you can “like” the “University Faculty for Life” page. Our blog can be found at www.uffl.org/blog/. There is also an active

“University Faculty for Life” subgroup of the “Pro-life Professionals” group on LinkedIn.

Please begin to think about items for next issue, which will come out in the fall. We need:

- Notices of member’s publications, presentations and other activities,
- Calls for papers and notices of upcoming conferences.
- Citations of relevant significant research in any discipline, whether from a pro-life perspective, neutral, or the opposing perspective.
- Useful online and print resources.
- Reviews of promising prolife publications.

Please submit all contributions for the Summer 2022 issue by July 1st. Any contributions should be sent to provita.editor@gmail.com.

Masthead

Publisher	University Faculty for Life
Editor	Margaret I. Hughes, Ph.D.
Columnists	Richard Myers, J.D.; Christopher Kaczor, Ph.D.
Web Support	Stephen Feher of the Ridgefield Group

Pro Vita is the quarterly online newsletter of the **University Faculty for Life**. Its purpose is to promote research, dialogue and publication by faculty who respect the value of human life from inception to natural death, especially focusing on abortion, euthanasia, and infanticide. More information about UFFL can be found on our web site at uffl.org. Editorial correspondence can be sent to the editor at provita.editor@gmail.com.

2022 Life and Learning Conference

UNIVERSITY FACULTY FOR LIFE **32nd ANNUAL LIFE AND LEARNING CONFERENCE JUNE 10-11, 2022**

UNIVERSITY OF NOTRE DAME, SOUTH BEND, INDIANA
Hosts: McGrath Institute for Church Life
Notre Dame Chapter of University Faculty for Life

Attacks on Human Life: Recent Crises & the Long View

2022 Rupert & Timothy Smith Award Lecture



O. Carter Snead, J.D.
Professor of Law & Concurrent Professor of Political Science & Director, de Nicola Center for Ethics & Culture at University of Notre Dame, Indiana

KEYNOTE SPEAKERS

 <p>Vincent Phillip Muñoz, Ph.D. Tocqueville Associate Professor of Political Science & Associate Professor of Law, University of Notre Dame and Founding Director of the Center for Citizenship and Constitutional Government</p> <p><i>After Dobbs: A Lincolnian Perspective</i></p>	 <p>Teresa Stanton Collett, J.D. Professor, University of St. Thomas Law School and its Prolife Center's Founding Director; American Law Institute Elected Member</p> <p><i>The Road from Roe</i></p>	 <p>John O'Callaghan, Ph.D. Associate Professor of Philosophy, University of Notre Dame; Director, Jacques Maritain Center; Member, Pontifical Academy of Thomas Aquinas; ACPA President 2012-13.</p> <p><i>What is a Failed Person?</i></p>
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Specialty Panels: *John Paul II's Vision of the Culture of Death and the Policies that Enable It* (Drs. Steven Meyer, Michael New, Kody Cooper); *Book panel on "What It Means to be Human"* (Drs. Barbara Freres, Peter Colosi, Heidi Giebel, response by Carter Snead); *Implications of Dobbs* (Stephen Gilles; Clarke Forsythe); *Conversations on Pro-Life Legal Issues* (Notre Dame Law Professors).

Proposal Submission Deadline May 10, 2022. All proposals should be one page (maximum) including the proposed paper's working title and a brief abstract. Email proposals to Dr. Barbara Freres at bjfreres@strictch.edu. Excellent conference papers are eligible for publication in *Life and Learning*, our peer-review proceedings.

Submission Topics: Analyses of abortion, infanticide, and euthanasia from the multi-disciplinary perspectives of recent events, underlying causes, or prolife remedies and pedagogies.

Register On-Line with the University of Notre Dame's McGrath Institute for Church Life or at uffl.org.

Registration deadline **May 20, 2022**; Discounted Hotel Rooms Deadline **May 10th**; Dorm Room Reservation Deadline **May 20th**. Conference begins **Friday June 10th at noon** with an hour tour of pro-life art at Notre Dame's museum.

Web Resources for Research and Education

<p><i>Life and Learning</i> The Journal of the University Faculty for Life</p>	
<p>UFFL Blog</p>	
<p>Member web pages and blogs Please forward any other member’s web pages to provita.editor@gmail.com.</p>	
<p>Beckwith, Francis</p>	<p>Lemmons, Rose Mary Hayden</p>
<p>Bachiochi, Erika</p>	<p>Smith, Janet E.</p>
<p>Colosi, Peter</p>	<p>Irving, Diane</p>
<p>Koloze, Jeff</p>	
<p>Online Resources</p>	
<p>Bad Cripple Blog: A Resource for Pro-lifers</p>	<p>A blog written by William Peace, Ph.D., who advocates for the rights of the disabled.</p>
<p>Before Roe v. Wade: Voices that Shaped the Abortion Debate Before the Supreme Court's Ruling (2d edition, 2012)</p>	<p>“In this ground-breaking book, Linda Greenhouse, a Pulitzer Prize-winning journalist who covered the Supreme Court for 30 years for The New York Times, and Reva Siegel, a renowned professor at Yale Law School, collect documents illustrating cultural, political, and legal forces that helped shape the Supreme Court’s decision and the meanings it would come to have over time.”</p>
<p>Culture of Life Foundation</p>	<p>Complex moral issues made simple</p>
<p>Global Health and Human Rights Database</p>	<p>“The Global Health and Human Rights Database is a free online database of law from around the world relating to health and human rights. Developed by Lawyers Collective and the O’Neill Institute for National and Global Health Law at Georgetown University, in collaboration with a worldwide network of civil society partners, the database offers an interactive, searchable, and fully indexed website of case law, national constitutions and international instruments.”</p>
<p>Human Life International Truth and Charity</p>	<p>“The <i>Truth and Charity Forum</i> is an online publication of Human Life International (HLI), dedicated exclusively to the sacredness and gift of all human life, the mission and vocation of the family, and the right to live in accord with our Catholic faith.”</p>
<p>Life Issues</p>	<p>Updated daily with articles to provide “clear thinking about crucial issues.”</p>
<p>Mirror of Justice</p>	<p>A blog dedicated to the development of Catholic legal theory.</p>
<p>National Museum of Health</p>	<p>From the Carnegie Stages of Human Embryonic Development.</p>

and Medicine, Human Developmental Anatomy Collection, Stage 1a	
Social Science Research Network (SSRN)	SSRN (the Social Science Research Network). “Our vision was (and still is) to enable scholars to share and distribute their research worldwide, long before their papers work their way through the multi-year journal refereeing and publication process.”
USCCB Human Life and Dignity web page	United States Conference of Catholic Bishops
Witherspoon Institute Public Discourse	Public Discourse is an online publication of the Witherspoon Institute that seeks to enhance the public understanding of the moral foundations of free societies by making the scholarship of the fellows and affiliated scholars of the Institute available and accessible to a general audience.
World Expert Consortium for Abortion Research and Education	International research collaboration, Scientific information dissemination, Professional education, Consultation, Expert testimony, Program evaluation, Grant writing
Journals and Online Publications	
Charlotte Lozier Institute (Susan B. Anthony List)	The education and research arm of the Susan B. Anthony List
Ethika Politika	Ethika Politika is a publication of the Center for Morality in Public Life. Its purpose is to put the search for wisdom at the service of good practical decisions, and to engage contemporary ethical and cultural issues from an elevated yet common sense perspective.
Human Life Review	
Linacre Quarterly	Journal of the Catholic Medical Association.
Post-Abortion Review	“Documents abortion's injustice and harm to women”
Organizations	
Americans United for Life	
Bioethics defense fund	<p>Bioethics Defense Fund (BDF) is a public-interest law firm whose mission is to advocate for the human right to life via litigation, legislation and public education.</p> <p>BDF provides legal expertise and public education on the issues of healthcare rights of conscience, abortion and its impact on women, human cloning/destructive human embryo research, and end of life issues including physician-assisted suicide and healthcare rationing.</p>
Catholic Medical	

Association	
Center for Bioethics and Human Dignity	“The Center for Bioethics & Human Dignity explores the nexus of biomedicine, biotechnology, and our common humanity. Within a Judeo-Christian Hippocratic framework, we anticipate, interpret, and engage the pressing bioethical issues of our day. As a center of rigorous research, theological and conceptual analysis, charitable critique, and thoughtful engagement, we bring clarity to the complex issues of our day.”
Feminists for Life	
Healing the Culture	Promotes the Life Principles of UFFL co-founder Robert J. Spitzer, SJ.
The International Center on Law, Life, Faith and Family (ICOLF)	“The International Center on Law, Life, Faith and Family (ICOLF) was established with a view to producing, compiling and providing a broad range of resources and materials for a number of interested parties working on “Law, life, faith and family” issues on the national, regional and international levels.”
National Catholic Bioethics Center	Publishes the <i>National Catholic Bioethics Quarterly</i>
Prolife Center at the University of St. Thomas	Founded and headed by UFFL member Teresa Collett to defend the sanctity of human life by training law students and lawyers, by assisting government officials in drafting, passing and defending prolife laws, and developing the necessary legal scholarship necessary to create a culture of life.
Society of Catholic Social Scientists	
Women Deserve Better	
News	
Bioedge	LifeNews.com
National Right to Life News	LifeSiteNews