

*ROE v. WADE:*  
EFFECTS OF TWENTY-FIVE YEARS OF  
CONSTITUTIONALIZED ABORTION ON  
DEMAND

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I. INTRODUCTION

In this the year of the twenty-fifth anniversary of *Roe v. Wade*, it is appropriate to consider the state of affairs in our society a quarter of a century after the U.S. Supreme Court established abortion-on-demand as a fundamentally protected constitutional choice. As we consider the tragic consequences of the practice and the ethic of abortion-on-demand in the individual and collective lives of the people of North America at the end the of twentieth century, we cannot help but ask, as did Isaiah many years ago, “Lord how long?”<sup>i</sup> And we hear an echo of the reply: “Until the cities be wasted without inhabitants, and the houses without men, and the land be utterly desolate.”<sup>ii</sup>

In this paper I am going to consider three of the effects that *Roe* has had on life, law, and society in North America a quarter-century after that infamous decision: first, the effect on pregnancy, birth, and the practice of abortion (statistics); second, on the values and visions of the nation; and third, on growing intolerance for pro-life free speech and increasing efforts to suppress it.

II. THE PRACTICE OF ABORTION-NUMBERS, RATES, ETC.

In reviewing statistics about the practice of abortion in the United States, it is important to understand the difference between reports from the Centers for Disease Control (CDC) and those from the Alan Guttmacher Institute (AGI). CDC is a government agency that obtains data that the states collect about abortions. The collection of abortion data by the states varies tremendously and is neither consistent nor complete. Thus, CDC data is useful but incomplete. AGI, on the other hand, is the research arm of Planned Parenthood, which is the largest provider of

abortions in the United States. It serves as one of the leading research outlets for the abortion industry. With its abortion-provider ties, AGI is able to obtain much more complete abortion data than CDC. Figure 1 shows the disparity between CDC and AGI abortion reports. For a decade or so the disparity was about 15-20%, that is, CDC consistently reported about 15-20% fewer abortions than reported in AGI.<sup>iii</sup> AGI has acknowledged that its own reports are 3-6% low,<sup>iv</sup> probably because of the reluctance of the abortion providers to report some abortions (such as late-term abortions or abortions on minors). In the 1990's the gap between AGI and CDC data has been lessening and in latest year for which there is AGI data available, 1992, the disparity was about 13%—that is, CDC reported about 13% fewer abortions than were reported by AGI.

CDC publishes its data much more regularly and much more currently than does AGI. The most recent year for which AGI data is completely available is 1992. However, AGI is in the process of gathering data from 1992 to 1996, and AGI staff told my research assistant that the material would be published later this year.

Chart 1 shows the number of abortions in the United States as reported to AGI between 1972 and 1992. You will note that abortions increased from about 600,000 to about 1,600,000. After rising dramatically for seven years, the number of abortions stabilized at about 1.5 to 1.6 million abortions per year for a dozen years—from 1979 to 1990—and has shown a slight drop since then. Graph 1 shows in graph form the number of abortions performed in the United States from 1972 to 1992, using the AGI data. You will see that this pattern (steep rise, long plateau, recent modest decline) has been relatively consistent in most of the abortion data reported.

Chart 2 shows the abortion ratio as reported by AGI from 1972 to 1992. The abortion ratio is the number of abortions to known pregnancies (live births plus abortions). Starting in 1973 the ratio has risen from 193 per 1,000 known pregnancies (19%) to about 30% in the early 1980's, and now has dropped back down to about 27.5%—meaning that 27.5% of all known pregnancies in the United States now end in abortion. This means that one out of every four American women who becomes pregnant

terminates her pregnancy by abortion. Graph 2 shows the abortion ratio in visual form. Again, it shows that there has been a pretty consistent level of abortion, with a very slight decline at the end of the 1980's, but an overall consistent level of abortions since the late 1970's.

Chart 3 gives the percentage of repeat abortions—that is, the percentage of abortions that are performed in any given year on women who have previously had one or more abortions. The earliest data available is for 1974—in that year repeat abortions accounted for just over 15% of all abortions. By 1990 that percentage had risen to 45%. In a press release issued earlier this year, in connection with the twenty-fifth anniversary of *Roe v. Wade*, the Alan Guttmacher Institute announced that the percentage of women getting abortions in 1992 who had previously had one or more abortions was 47.5%.<sup>v</sup> That is a stunning statistic. It means that nearly *half* of all abortions are performed on women who are using abortion as a means of birth control. These are not women who have simply made a mistake—a tragic mistake—that they will never repeat. It is evidence about a pattern in the use of a ghastly practice—killing children in the womb—as a substitute for contraception, for the personal convenience of women who repeatedly and irresponsibly conceive children that they do not want and are willing to kill.

Chart 4 shows the percentage of all abortions that are performed on women who are unmarried. It has risen from about 71% to 82%. (Interestingly, this is just the converse of the situation in Japan, where most abortions are performed on married women. In Japan, until recently, chemical birth control has not been widely available, so abortion has been used as a means of safety-net protection to limit family size.<sup>vi</sup> About 70% of all abortions in Japan are performed on married women.<sup>vii</sup>)

Chart 5 shows all of the aforementioned data as well as the percentage of all abortions that are performed on women who are under 19. That rate has steadily dropped from about one-third of all abortions to less than one-fourth. That probably reflects the effect of parental notice and parental consent laws. This chart also shows the “abortion rate,” that is, the number of abortions each year per 1,000 women age 15-44. Note the rise from 1973 to 1978, the “plateau” from 1978-1990, and the small drop downward in recent years. That pattern is consistent with the

number and ratio patterns.

The next graph (Graph 3), shows the percentage of abortions performed on women who are not married, the percentage of repeat abortions (which is consistently rising), and the percentage that are performed on teenagers. The rate of abortion on minors has dropped consistently, but seems to be leveling out at about 25% of all abortions. The most interesting thing that this graph shows is *what accounts for the maintenance of the level of abortion in America today*. It is not new women who are having *first-time* abortions, but it is women who have previously had abortions who are continuing to engage in this practice. Perhaps that gives us hope that when that generation of women (the baby boom generation) passes through their child-bearing years, this scourge of abortion will largely pass with them (unless, by then, it has become an established social custom, a rite of passage among significant numbers of women).

Next, Chart 6 is taken from CDC's abortion surveillance report and it indicates the week of gestation in which abortion is performed. You will note that as of 1995, 1.4% of all abortions are performed when the fetus is 21 weeks or more in gestation. Another 4.2% are performed when the fetus is 16 to 20 weeks along. This means that of all the abortions reported by CDC, a total of 5.6% are done very late in pregnancy when the fetus is either viable or very close to being viable. Another 6.1% are performed between the 13th and 15th weeks, and an additional 10.6% are done in the 11th and 12th weeks. That means that more than one-quarter of all abortions are performed on fetuses that are in at least the eleventh week of gestation—with beating hearts and brain waves, visible limbs and other organs, and most of the functions that the child has at the time of birth, in an early, developing form.

Chart 7 shows Utah abortion statistics for twenty years, 1974-1993. Utah has required the doctor or facility performing abortions to report the reason for the abortion. Some abortions are performed because of very difficult circumstances, such as pregnancy due to rape or incest, fetal malformation, or risk to maternal life or health. Note, however, the numbers. In 1991, for example, only 65 out of 3,759 abortions (a mere 2% of the total number of abortions) were for those “hard case” reasons.

Som 98% of all abortions were done purely for reasons of personal convenience, not for reasons of hardship or necessity.

We cannot leave this review of the current practice and scope of abortion without mentioning partial birth abortion. This, of course, represents the zenith of murderous contempt for the life of the unborn child—the willful, callous, brutal killing of a child that is for all intents and purposes born. When one considers the nature of “partial birth abortion,” one can understand the urge to lie about it. It is a matter of deliberately delivering a child in the breach (bottom-first) position, stopping the delivery when the body is out but the head is still in the birth canal, stabbing the baby in the back of the head where the neck joins the head, then sucking out the brains and crushing the skull. But one cannot understand the corruption of officials who, knowing what “partial birth abortion” is and does, refuse to enact or sign or uphold laws that would ban this outrageous crime against humanity and this obscene violation of common decency.

Thus, the state of respect for the life of the pre-born and developing vulnerable infant *in utero* in the United States today is deeply distressing. As I think of the tens of millions of precious human lives that have been deliberately *destroyed*, wantonly *wasted*, callously *killed* by abortion in the twenty-five years since *Roe v. Wade*, I remember the words of Thomas Jefferson about a similar scourge in violation of basic human rights that was widespread and popular in his day. Jefferson wrote about slavery: “Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift of God? that they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just: that His justice cannot sleep forever.”<sup>viii</sup>

### III. THE IMPACT OF *ROE* ON THE VALUES AND VISIONS OF A NATION

There have been thirty major Supreme Court decisions about abortion, beginning with *United States v. Vuitch*,<sup>ix</sup> in 1971, through the Supreme Court’s decisions last year in *Lambert v. Wickland*<sup>x</sup> and *Mazurek v. Armstrong*.<sup>xi</sup> (This number excludes summary dispositions and cases in which the issue was primarily procedural or otherwise only incidentally

abortion.) They are listed in Appendix 1. Justice O'Connor correctly described the effect of these Supreme Court decisions on constitutional law when she noted in her dissent in *Thornburgh v. American College of Obstetricians and Gynecologists*, that the abortion doctrine distorts everything it touches.<sup>xii</sup>

The corrosive effect of the legalization of abortion-on-demand is not limited to legal doctrine. The constitutionalization of abortion-on-demand has had a profound and corrupting influence on the moral and political life of the nation in general. *Roe*, the abortion doctrine, and the practice of abortion-on-demand are built upon a foundation, a mountain, of dishonesty and mutual self-deception, of cheap lies and tawdry fictions that are required to maintain in law and in social consciousness the doctrine and practice of abortion-on-demand. I will review eleven of the most common lies that support the abortion doctrine.

1. *We don't know when life begins.*<sup>xiii</sup> *Roe* is based on this disingenuous and misleading assertion. The basis for the assertion is that philosophers and theologians disagree about when life begins because life can be defined broadly and collectively to mean any and all human life, going back to Adam (or even to the first protozoan, for Darwinians). In such abstract and symbolic ways it is true that we don't know (at least there is no certain consensus about) when life (life as a collective or continuum) begins. But by the same token we don't know when life (as a collective or continuum) ends in that sense, either. Yet the fact that philosophers and theologians do not agree as to when life in the broad, abstract sense ends has never prevented or interfered with murder prosecutions, such as the government prosecution of Timothy McVeigh for the Oklahoma City bombing, a ghastly and brutal massacre on a much smaller scale than takes place any week in ordinary abortion clinics. Can you imagine what the reaction would be if McVeigh or O. J. Simpson or Theodore Kaczynski (the Unabomber) or any other high-profile person charged with killing had raised a defense that no one really knows when life ends?

2. *This is a private matter between the woman, her doctor, and her God.* Never before in Anglo-American history (even in the slavery era) has killing a human being been deemed a purely private matter and

society's interest in protecting life been so totally denied. I will never understand why an action that requires the consent of one person and the assistance of a second person and which results in the death of a third human being is deemed "private." The transaction clearly involves a public exchange and a profound effect upon the public interest. Surely there are "private interests" involved in abortion, but the public interest also is directly implicated. Yet the official, doctrinal analysis of abortion regulation has consistently and completely ignored the public interest in abortion.

3. *Abortion is a fundamental constitutional right.* John Hart Ely's curt response years ago unmasked this false claim. Ely wrote: "*Roe* lacks even colorable support in the constitutional text, history, or any other appropriate source of constitutional doctrine."<sup>xiv</sup> He further added that *Roe* "is bad because it is bad constitutional law, or rather because it is *not* constitutional law and gives almost no sense of an obligation to try to be."<sup>xv</sup> *Roe* simply fails to satisfy any of the legal standards for identifying unwritten fundamental rights. *Roe* was an exercise of pure judicial legislation, inserting into constitutional law by substantive due process the private preferences of a small cadre of justices who by ill-fortune happened to have prevailing influence on the Supreme Court during a low and dark period of American judicial history.

4. *This is entirely a woman's choice because it is her body.* Portia's response to Shylock in *The Merchant of Venice* definitively refutes this claim. In essence, the answer is "fine, you may do with *your* body (your pound of flesh) as you choose, but you may not take one drop of blood that does not belong to you."<sup>xvi</sup> The child *in utero* is not an appendage or a part or an organ of the mother's body. The fetus, the unborn child, is a genetically autonomous, sovereign being—not a part of the mother but a separate being temporarily residing within the uterus of the mother. The "my body" claim is why abortion is often called "chattel abortion" for abortion treats the unborn child as if he or she were a "chattel personal," a species of property belonging to the mother—like a slave.<sup>xvii</sup> I would have no objection to a mother ending her pregnancy so long as doing so did not end the life that was not hers. But so long as abortion involves the death and destruction of the child, the "it's my body" rationale evades

rather than answers the question.

5. *Abortion is a part of the fundamental right of privacy, the right to be let alone.* The resort to privacy is an age-old response when people want to evade the merits of the matter. They say, “mind your own business, and leave us to ours.” Thus, a nineteenth century version of privacy (in the form of states’ rights) was the primary response of the slave states to abolitionist arguments. They told the northern states and their citizens that slavery was none of their business. Privacy, in the form of South African national sovereignty, was the response to criticism of the practice of apartheid. Privacy in the form of parents’ rights or family privacy is the response of child abusers to persons who investigate child abuse in the home.

Moreover, the argument that abortion is a woman’s “private” matter is the age-old response of predatory men to the victimized women whom they have sexually exploited for sexual gratification. Their response is: “Oh, it’s your problem. You take care of it!” That is the core message of the Supreme Court’s doctrine of abortion privacy. The Supreme Court has abandoned women to their “privacy” and has told them: “It is your problem, yours alone, so you take care of it.”

6. *The child is unwanted.* By whom? Mother Teresa eloquently refuted that claim. She pleaded, “Please don’t kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted, and to give that child to a married couple who will love the child, and be loved by the child.”<sup>xviii</sup> That is the compelling answer to the myth that these children are unwanted. Every year, one million couples or single individuals seek to adopt children, and only 65,000 unrelated children are adopted in the United States in a given year.<sup>xix</sup> Most aborted children are *not* unwanted.

7. *Abortion is an unfortunate but necessary solution to social problems.* Killing is an unacceptable solution to social problems. Period. Moreover, after twenty-five years of abortion-on-demand, we know that abortion doesn’t work as a solution to social problems. It doesn’t reduce those problems but causes them to increase (as may be seen in soaring illegitimacy rates, increased child abuse and domestic violence, and rising child poverty). The ethic and doctrine of abortion-on-demand is



linked in logic and principle to the sexual exploitation of women, to pregnancy out of wedlock, to assisted suicide, to euthanasia. It is no wonder that as the practice of abortion has increased, these and other grave social problems have also increased.

8. *Abortion is a liberty necessary for women and their families to be free.* The Supreme Court raised this specious claim, most notably in the 1992 decision in *Planned Parenthood v. Casey*, where the plurality opinion talked about women ordering their lives on the basis of the liberty of abortion.<sup>xx</sup> First, abortion is not liberty. It is a mere illusion that we have a “right” (in this case a constitutional right) to free ourselves by any means (even killing) from the inconvenience and burden caused by other human beings with whom we feel no personal connection. That creates a very deadly ethic that quickly spreads like a social cancer in destructive ways. Moreover, abortion destroys the first liberty—at least Mr. Jefferson’s first inalienable right—the right to life. There is no liberty to destroy the liberty of others—the right of others to be.

9. *Abortion is necessary to allow women to preserve relationships.* This myth is based on the falsehood that a woman must choose between her unborn child and her “man,” that is, her boyfriend, her fiancé, or even her husband, who presumably or expressly does not want the child to be born. That is a false assumption. Abortion leads to the disintegration of relationships. Like night is followed by day, abortion is followed by troubles in the relationship that the woman was trying to preserve when she had the abortion and often leads to its break-up.<sup>xxi</sup>

10. *Equality demands that abortion-on-demand be legal.* This argument is premised on the sexist notion that somehow men are superior to women and that because men do not have to endure pregnancy and child birth, it is necessary to give women the right to practice abortion-on-demand in order to make them equal to men. Certainly, women and not men bear the unique experiences of pregnancy and giving birth, and have the major responsibility of nurturing and teaching children. However, it is a tragically twisted social construct that attaches a stigma to pregnancy and portrays motherhood as a disability. Gender difference does not connote superiority or inferiority but complementarity. Moreover, neither men nor women have a right to take any other human

life. Men and women equally are forbidden to kill. And the practice of killing, even killing the unborn, is fundamentally inconsistent with the foundational premise of the democratic principle of equality—the equal worth of all human lives. For if we decide some human lives are not equally worth protection of the laws, equality ceases to be of value and becomes only an amoral, meritless quibble.

*11. Partial-birth abortion is a necessary medical procedure.* Finally, no list of the leading lies about abortion would be complete without at least some mention of the scandalous multitude of lies and false testimony given to Congress and the public about partial birth abortion by representatives of the abortion industry. Defenders of the ghastly practice have been caught lying before Congress about how they are performed (lying that the anesthetic kills the baby), when they are performed (even in the fifth and sixth months of gestation, not merely in the last three months, as emphasized in testimony), why they are performed (for elective reasons of personal convenience, not merely in cases of medical necessity), and how many are performed (approximately 4,000 to 5,000 per year, not just a few hundred).<sup>xxii</sup> The Executive Director of the National Coalition of Abortion Providers admitted on Nightline that he had “lied through my teeth” when he testified before Congress concerning the procedure.<sup>xxiii</sup> Like the tip of an iceberg that pokes through the surface of the water to give one an idea of what is lurking below, these lies and deceptions represent only a small fraction of the mountain of falsehoods that underlie the constitutional doctrine and public justification of abortion.

Thus, the historical and doctrinal lies that were an integral part of *Roe* twenty-five years ago were only the beginning of an ever-inflating series of misrepresentation and deception that have come to characterize the abortion doctrine. The lies have grown, the falsehoods have increased. The abortion doctrine today is rotten to the core, a mountain of lies and distortions.

Interestingly, however, it does not appear that public opinion has changed substantially in favor of abortion-on-demand in the twenty five years since *Roe v. Wade*. After a generation of legalized abortion-on-demand, there has not been a significant shift of support in favor of that

moral and legal position. That is very surprising and very promising.

The response to Gallup Poll questionnaires asking “Do you think abortion should be legal under any circumstances, legal under only certain circumstances, or illegal in all circumstances?” is found in Chart 8. The data shows that those who believe that abortion should be legal in any circumstances have risen from 21% to 23%. This cohort actually increased to 34% in 1992 but then began a steady decline. The percentage answering “yes” in 1998 is 23%. Those who believe that abortion should be legal *under certain circumstances only*—in some but not all cases—have remained the steadfast majority, constituting 54% in 1975 and 59% in 1998; the high of 61% came in 1997, the low of 48% in 1992. The number of those who believe that abortion should be *illegal under all circumstances* fell from 22% down to 12% in 1995, but this number has risen to 17% in 1998. In other words, those who are the most strongly pro-life with no exceptions and who believe that abortion should always be illegal, have lost 5% of the popular opinion, while those who believe it should be legal under any circumstances have gained 2%, and those who believe that it should be legal only under certain circumstances have gained 2% in approximately a quarter of a century. Graph 4 shows this in graphic form.

Similarly, as Chart 9 shows, a National Opinion Research Center (NORC) public opinion poll on abortion shows significantly the same results. This poll asks people whether they think abortion should be legal in seven circumstances: (1) for the health of the mother, (2) in cases of rape, (3) birth defects, (4) poverty, (5) if an unwed mother is pregnant, (6) if the woman is married and does not want any more children, and (7) for any reason at all. From 1972 the first three reasons (the “hard cases”) have remained steady at about 80% (health of the mother being close to 90%). The four “soft reasons” (poverty, single motherhood, wanting no more children, or for any reason) have remained roughly constant at about the 40% level. There has been no dramatic change. However, there is a profound and significant gap (about a 40% difference in support for abortion) between the hard cases and the soft cases, and that gap does not show any indication of closing. An overwhelming majority of Americans believe that abortion should be legal in hard cases but not

in the soft cases. Graph 5 displays this visually.

Likewise, another NORC survey shows the difference in people classified within three broad categories: pro-life, intermediate, or pro-choice. Chart 10 shows that the pro-life portion of the population has remained solid between 1977 and 1996 at 6%. The intermediate has remained about the same, moving from 63% to 61%, while pro-choice grew only 2%, from 31% to 33% in 1996. These trends are shown in the Graph 6.

In dealing with polls, however, one must be very careful. For instance, during the week of the twenty-fifth anniversary of *Roe v. Wade*, an Associated Press story that appeared in my local newspaper reported that “47% [of persons polled] said they favored the 1973 *Roe v. Wade* ruling, in which the Supreme Court ruled a woman could have an abortion at any time during the first three months of pregnancy.”<sup>xxiv</sup> Of course, the Supreme Court did *not* rule in *Roe v. Wade* that abortion would be legalized *only during the first three months* of pregnancy. Rather, *Roe* legalized abortion-on-demand at least until viability, and created such a large loophole for choice of abortion after viability (for “health reasons,” defined so broadly as to be entirely subjective) that the point of viability has been virtually meaningless. Interestingly, even with the grossly distorted survey question that substantially misstated the holding in *Roe v. Wade*, less than half of Americans supported that decision.

Thus, the long-term effect of abortion-on-demand has, surprisingly, not significantly eroded opposition to legalized abortion. In fact, during the past two years, a clear trend away from abortion has emerged in the polls. It is significant that in March 1998 it was reported that: “Since 1996, Gallup has recorded a significant drop in the number of Americans saying that abortion should be legal under ‘under any circumstances.’ The change seems related to the effort by abortion opponents to ban partial-birth abortions.”<sup>xxv</sup> Likewise, *USA Today* reported that

Public opinion is moving away from allowing unrestricted access to abortion, the first such shift since the Supreme Court legalized abortion nationwide 25 years ago.

An analysis of eight USA Today-CNN-Gallup polls taken since 1994 showed a significant drop—8 percentage points—in the number of people who say they

support legal abortion under any circumstances.

The shift, seen in four polls since July 1996, coincides with the political debate over what opponents call “partial-birth abortion” which is used in the last six months of pregnancy.<sup>xxvi</sup>

Thus, if anything, the trend in American public opinion is running *against* abortion-on-demand and is *opposed to* the Supreme Court decision in *Roe v. Wade*, despite twenty-five years of propaganda, hype, and the widespread practice of open abortion.

#### IV. THE EFFORT TO SUPPRESS PRO-LIFE FREE SPEECH

There has been substantial increase in the number of incidents in which pro-abortion activists, abortion clinics, doctors, and their support groups have successfully suppressed or punished pro-life free speech. The most recent example is the Federal court judgment against three pro-life leaders, finding them liable under federal racketeering laws in connection with their efforts to demonstrate outside abortion clinics in Chicago.<sup>xxvii</sup>

The jury ordered the defendants to pay over \$85,000 in compensatory damages (to be trebled for exemplary effect, plus attorney fees estimated at over \$1,000,000) to two clinics to cover the expenses they incurred in providing additional security. The defendants were found to have engaged in forming human barricades to prevent access to the clinics; patients were found to have been threatened, grabbed, and pushed.<sup>xxviii</sup> I certainly believe that any person who engages in pushing and threatening people has committed an assault for which they should be civilly (and in appropriate cases criminally) liable. However, the misuse of the RICO law in this case was substantial and chilling. It is a profoundly disturbing development that such a severe, punitive law, including the potential to treble damages, and to award attorneys fees, which was designed to deter mafia activities, was misapplied to punish ordinary expression of free speech about a very controversial practice in which there apparently was some yelling of perceived threats, or possibly shoving (who started the shoving is not really known).

Likewise, the 1995 judgment that awarded \$8.65 million against picketers who told an abortion doctor that if he did not shut down they would “make his practice go away” is very disturbing.<sup>xxix</sup> Again, acts of

assault should not be tolerated. But free speech on a controversial subject that gets carried away into shouting is not an appropriate subject for multi-million dollar damages. Those kinds of vicious legal awards have the effect of chilling free speech.<sup>xxx</sup> This would not be tolerated by liberals in this country if it were aimed at pro-abortion protesters, anti-war protesters, or protesters who demonstrate against Supreme Court Justice Clarence Thomas. Yet, singling out pro-life protesters for especially harsh treatment is tolerated and even applauded.

Finally, we must remember that there is an historical precedent and parallel for both the moral opposition to abortion-on-demand and to the heavy-handed effort to suppress the expression of that moral opposition. I refer to the effort to suppress abolitionist speech in the thirty years before the Civil War. To defenders of slavery, “[t]here seemed to be no choice but to construct ‘an intellectual blockade’ against ideas hostile to slavery if property were to be protected and peace of society secured.”<sup>xxxi</sup>

The slave codes in all the Southern states were brutally severe to anyone who attempted to teach slaves to read or write because it might lead them to discover abolitionist material:

Every slave state made it a felony to say or write anything that might lead directly or indirectly to discontent or rebellion. In 1837 the Missouri legislature passed an act “to prohibit the publication, circulation, and promulgation of abolitionist doctrines.” The Virginia code of 1849 provided a fine and imprisonment of anyone who maintained that “owners have not a right of property in their slaves.” Louisiana made it a capital offense to use “language in any public discourse, from the bar, the bench, the stage, the pulpit, in any place whatsoever” that might produce “insubordination among the slaves.”<sup>xxxii</sup>

Abolitionists were denounced in both the North and the South as trouble-makers who disrupted society.<sup>xxxiii</sup> Abolitionist presses in two Northern states—Ohio and Illinois—were destroyed and the editor of one of them, in Alton, Illinois, was killed in the process.<sup>xxxiv</sup>

During that time, a president of the United States, Andrew Jackson, in an annual State of the Union message, recommended that Congress pass a law that would prohibit “under severe penalties” the circulation in the Southern states through the mail of any material that might incite the slaves to insurrection.<sup>xxxv</sup> Indeed, for eight dark years, between 1836 and

1844, Congress operated under what was called “the gag rule,” which forbade the reading and debate of abolitionist petitions to Congress.<sup>xxxvi</sup>

It took a civil war to bring an end to legal slavery and to rid the country of that evil practice. However, many of the consequences of slavery have not been entirely eradicated and we struggle, even today (more than 130 years after the end of the Civil War), with the malignant after-effects of that abhorrent practice. I fear that we shall struggle just as long with the malignant social effects of the ethic and doctrine of a “right” to legalized abortion-on-demand.

The news, then, for Joseph Schiedler and other anti-abortion protestors and demonstrators is not very encouraging. The persecution of pro-life advocates and activists is likely to get a lot tougher, and the night will get a lot darker before the things begin to get better. The effort to suppress pro-life free speech will continue, emboldened, I fear, by the disturbing verdict in Chicago.

#### V. CONCLUSION: ADDRESSING “THE REMNANT”

Abortion is the deliberate, calculated killing of human life for reasons of personal and social convenience. It is one of the most profound evils of our generation. Abortion is a cruel and inhumane practice, an act of violence, that is fundamentally inconsistent with the very principles of our law. Abortion is a form of child abuse—the most widespread and violent form of child abuse. It is the most invidious discrimination, practiced against the most vulnerable and defenseless class of victims. It is a ghastly crime against humanity, an outrage against all human kind. If abortion is right, nothing is wrong. More than 130 years ago, at Cooper’s Union and in other speeches, Abraham Lincoln asked: “Is a man not a man because he is black?”<sup>xxxvii</sup> and today we in the pro-life movement ask “Is a child not a child because he or she is living in the womb?” for the underlying issue is the same. It is about humanity. It is about excluding from the protection of the law a class of human beings who are perfectly weak and harmless and unable even to cry aloud in their own defense. It is about Mr. Jefferson’s *first* inalienable right, the right to life.

Albert Schweitzer wrote insightfully about the difference between ideas that are artificial and false and ideas that are natural and true. A regime

of falsehoods must be constantly maintained by artificial means, by incessant propaganda and hype, by manipulation and media, lest adherents have a quiet moment in which the whisperings of the inner voice of conscience might be heard and doubts—terrible doubts—might arise. But the regime of artificial reality cannot be maintained indefinitely. The propaganda grows stale, the manipulation slips, and a new generation arises that begins to ask the unthinkable questions. As Dr. Schweitzer put it:

A new public opinion must be created privately and unobtrusively. The existing one is maintained by the press, by propaganda, by organization, and by financial and other influences which are at its disposal. This unnatural way of spreading ideas must be opposed by the natural one, which goes from man to man and relies solely on the truth of the thoughts and the hearer's receptiveness for new truth....<sup>xxxviii</sup>

The truth may be suppressed or ignored temporarily, but it cannot be killed. It remains, and it can be found by those who search for it. And if we as parents, neighbors, teachers, pastors, and citizens do our part, there will always be some men and women among the future generations who will search for it. "The truth has no special time of its own. Its hour is now—always, and indeed ... most truly when it seems most unsuitable to actual circumstances."<sup>xxxix</sup>

We know the truth about the value of the life of the unborn human being. We know the truth about the ghastly evil of abortion-on-demand. That knowledge creates a great responsibility in us. Indeed, because of the knowledge we have, we must be a light to the world, a city set on a hill, a light put on a candlestick.<sup>xl</sup> How are we to do that? The Savior taught: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use you and persecute you."<sup>xli</sup> The truths we know must not make us proud or insensitive, nor should the price we pay for speaking these unpopular truths make us bitter or uncharitable to those who oppose and persecute us. How we treat those who mock and ridicule, who oppose and denigrate, because they do not understand, may, in the *long* run—in the eternal measure—be the greatest force of our movement. We must treat with kindness, with



patience, with all long-suffering, with consideration, meekness, and charity, all those who oppose and abuse us as we boldly continue to declare the truth.

We live in a degenerate time, the time of a terrible, brutal holocaust—the holocaust of abortion-on-demand. The Prophet Isaiah also lived in a degenerate time when his people and his generation had hearts that were cold, eyes that did not see the great evils among them, ears that did not hear truth or the cries of the suffering and the sorrow of others. Isaiah learned that much more suffering and terrible destruction awaited his people because they would not abandon their false philosophies and selfish, evil practices. But Isaiah was not left without hope. For after he was told by the Lord of the terrible judgments and devastating dispersion that would come upon his once great people, the Lord told him: “Yet a remnant ... shall return.”<sup>xlii</sup> And Isaiah looked to the future and wrote for that remnant.

So we also should look to the future with hope, for a remnant of our people shall one day return to the principles of respect for all human life as morally sacred and legally equal and shall extend full legal protection for the unborn and celebrate as glorious all human life. One day our law again shall recognize and enshrine the right to life as a fundamental, inalienable right. It is for them, that future remnant, that we now work, that we now write, that we now speak. Some day that remnant will initiate a renaissance of the right to life and of the ethic of respect for all human life. Our research, our writing, our labors (scholarly and civic, personal and familial), our records, and all that we have done to preserve the principle of respect for human life will be the legacy we leave them. That may be the foundation upon which they, that future “remnant” will build a more just society. May we be true to the trust which God has given us to pass on to them, that future remnant, through our scholarship and our teaching, our civic activities, and our very lives, a legacy of courageous charity and bold integrity—a legacy worthy of the truth we know.

### Major Supreme Court Abortion Cases

(excluding most summary dispositions and procedural or incidental cases)

1. *United States v. Vuitch*, 402 U.S. 62 (1971)
2. *Roe v. Wade*, 410 U.S. 113 (1973)
3. *Doe v. Bolton*, 410 U.S. 179 (1973)
4. *Bigelow v. Virginia*, 421 U.S. 809 (1975)
5. *Connecticut v. Menillo*, 423 U.S. 9 (1975)
6. *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976)
7. *Bellotti v. Baird (I)*, 428 U.S. 132 (1976)
8. *Maher v. Roe*, 432 U.S. 464 (1977)
9. *Beal v. Doe*, 432 U.S. 438 (1977)
10. *Poelker v. Doe*, 432 U.S. 519 (1977)
11. *Colautti v. Franklin*, 439 U.S. 379 (1979)
12. *Bellotti v. Baird (II)*, 443 U.S. 622 (1979)
13. *Harris v. McRae*, 448 U.S. 297 (1980)
14. *Williams v. Zbaraz*, 448 U.S. 358 (1980)
15. *H. L. v. Matheson*, 450 U.S. 398 (1981)
16. *City of Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. 416 (1983)
17. *Planned Parenthood Association of Kansas, Missouri, Inc. v. Ashcroft*, 462 U.S. 476 (1983)
18. *Simopoulos v. Virginia*, 462 U.S. 506 (1983)
19. *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986)
20. *Diamond v. Charles*, 476 U.S. 54 (1986)
21. *Webster v. Reproductive Health Center, Inc.*, 492 U.S. 490 (1989)
22. *Hodgson v. Minnesota*, 497 U.S. 417 (1990)
23. *Ohio v. Akron Center for Reproductive Health, Inc.*, 497 U.S. 502 (1990)
24. *Rust v. Sullivan*, 500 U.S. 173 (1991)
25. *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)
26. *Bray v. Alexandria Women's Health Clinic*, 508 U.S. 263 (1993)

- 27. *National Organization for Women, Inc. v. Scheidler*, 510 U.S. 249 (1994)
- 28. *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753 (1994)
- 29. *Lambert v. Wicklund*, 117 S.Ct. 1169 (1997)
- 30. *Mazurek v. Armstrong*, 117 S.Ct. 1865 (1997)

### Other Supreme Court Cases Involving Abortion

- Arnold v. Sendak*, 429 U.S. 968 (1976)
- Guste v. Jackson*, 429 U.S. 399 (1977)
- Hartigan v. Zbaraz*, 108 S.Ct. 479 (1987)
- Fargo Women's Clinic v. Schafer*, 507 U.S. 1013 (1993)
- Lawson v. Murray*, 515 U.S. 1110 (1995)
- Leavitt v. Jane L.*, 116 S.Ct. 2068 (1996)
- Janklow v. Planned Parenthood*, 517 U.S. 1174 (1996)

### Chart 1

#### Number of Abortions in the United States

1972	1979
1973	1980
1974	1981
1975	1982
1976	1983
1977	1984
1978	1985

1986  
1987  
1988  
1989  
1990  
1991  
1992

587,000  
745,000  
899,000  
1,034,000  
1,179,000  
1,317,000  
1,410,000  
1,498,000  
1,554,000  
1,577,000  
1,574,000<sup>1</sup>  
1,515,000<sup>2</sup>  
1,577,000  
1,589,000  
1,574,000  
1,559,110  
1,590,800  
1,557,000  
1,609,000  
1,557,000  
1,529,000

<sup>1</sup> Total costs for all abortions in 1982 = \$484 million.

<sup>2</sup> Average amount paid for 1,068,000 first-trimester abortions in 1983  
= \$200 per abortion.

Data taken from *Planning Planning Perspectives*, published by Alan Guttmacher Institute and the Statistical Abstract of the United States,

U.S. Dept. of Commerce 95 (1994).

## Chart 2

### Abortion Ratio per 1000 Known Pregnancies (Live births plus abortions)

1972	N/A
1973	193
1974	220
1975	249
1976	265
1977	286
1978	292
1979	296
1980	300
1981	301
1982	300
1983	304
1984	297
1985	297
1986	294
1987	288
1988	286
1989	275
1990	280
1991	274
1992	275

Data taken from *Family Planning Perspectives*, published by Alan Guttmacher Institute. The ratios for 1983, 1986, 1989, and 1990 are estimated by interpolations of number of abortions.

## Chart 3

% of Repeat Abortions  
(Women having second or more abortion)

1972	N/A
1973	N/A
1974	15.2
1975	21.5
1976	22.7
1977	26.6
1978	29.5
1979	31.7
1980	33.0
1981	35.1
1982	36.8
1983	38.8
1984	N/A
1985	40.5
1986	41.4
1987	42.2
1988	N/A
1989	N/A
1990	45.0
1991	---
1992	47.5

Data taken from *Family Law Perspectives*, published by Alan Guttmacher Institute and Statistical Abstract of the United States, U.S. Dept. of Commerce 85 (1994).

## Chart 4

Women having abortions  
% not married

1972	N/A
1973	71.0
1974	72.4
1975	73.7
1976	75.4
1977	77.2
1978	76.5
1979	78.5
1980	79.4
1981	81.1
1982	80.9
1983	81.3
1984	81.8
1985	82.3
1986	82.3
1987	82.4
1988	82.6
1989	N/A
1990	82.0

Data taken from *Family Planning Perspectives*, published by Alan Guttmacher Institute and Statistical Abstract of the United States, U.S. Dept. of Commerce 85 (1994).

**Chart 5**  
Abortions in the United States

Year	Number of Abortions	Rate <sup>1</sup>	Ratio <sup>2</sup>	% Repeat <sup>3</sup>	% < 19 yrs.	% not married
1972	587,000	N/A	N/A	N/A	N/A	N/A
1973	745,000	16.3	193	N/A	32.8	71.0
1974	899,000	19.3	220	15.2	32.5	72.4
1975	1,034,000	21.7	249	21.5	32.9	73.7
1976	1,179,000	24.2	265	22.7	32.1	75.4
1977	1,317,000	26.4	286	26.6	31.3	77.2
1978	1,410,000	27.7	294	29.5	30.8	76.5
1979	1,498,000	28.8	297	31.7	30.8	78.5
1980	1,554,000	29.3	300	33.0	29.6	79.4
1981	1,577,000	29.3	300	35.1	28.5	81.1
1982	1,574,000	28.8	299	36.8	27.5	80.9
1983	1,515,000	27.4	294	38.8	27.1	81.3
1984	1,577,000	28.1	297	N/A	26.4	81.8
1985	1,589,000	28.0	298	40.5	26.2	82.3
1986	1,574,000	27.4	294	41.4	25.7	82.3
1987	1,559,110	26.9	289	42.2	25.4	82.4
1988	1,590,800	27.3	288	N/A	25.6	82.6
1989	1,557,000	26.8	275	N/A	N/A	N/A
1990	1,609,000	27.4	280	45.0	23.0	82.0
1991	1,557,000	26.3	274	N/A	N/A	N/A

<sup>1</sup> Abortion Rate per 1,000 women, 15-44

<sup>2</sup> Abortion Ratio per 1,000 pregnancies (live births plus abortions)

<sup>3</sup> Women having a second or more abortion.

Data taken from *Family Planning Perspectives*, published by Alan Guttmacher Institute, and *Statistical Abstract of the United States (1994)*, U.S. Dept. of Commerce 95.



Chart 6  
Gestational Age at Time of Abortion, % of Abortions

Year	< 9 weeks	9-10 weeks	11-12 weeks	13-15 weeks	16-20 weeks	≥ 21 weeks
1973	38.2	29.7	17.5	6.0	7.2	1.4
1974	44.5	28.5	15.0	4.9	6.0	1.1
1975	46.5	28.1	14.6	4.4	5.4	1.0
1976	47.4	28.3	14.5	4.2	4.7	0.9
1977	50.0	27.4	13.6	4.0	4.1	0.9
1978	50.2	27.6	13.3	4.5	3.6	0.8
1979	50.0	27.6	13.6	4.7	3.3	0.8
1980 <sup>1</sup>	51.0	26.6	12.9	5.1	3.5	0.9
1981	50.9	26.6	12.8	5.3	3.4	1.0
1982	50.7	26.4	12.9	5.3	3.7	1.0
1983	49.8	26.7	13.2	5.8	3.7	0.8
1984	51.2	26.7	12.6	5.6	3.4	0.5
1985	51.1	26.8	12.4	5.7	3.5	0.5
1986	51.5	26.4	12.3	5.8	3.5	0.5
1987	50.8	26.7	12.5	5.8	3.6	0.6
1988	50.3	26.7	12.4	6.1	3.8	0.7
1989	N/A	N/A	N/A	N/A	N/A	N/A
1990 <sup>2</sup>	53.0	26.0	12.0	10	N/A	N/A
1995 <sup>3</sup>	52.8	22.5	10.6	6.1	4.2	1.4

<sup>1</sup> A different method of calculation was used beginning in 1980.

<sup>2</sup> These numbers come from *Statistical Abstracts*, which include all abortions in the 13<sup>th</sup> week and later in the same category.

<sup>3</sup> CDC, *Morbidity and Mortality Weekly Report* (July 3, 1998) Vol. 47, No. SS-2, at 31, 50-51.

Data from *Abortion Factbook* (1992), published by the Guttmacher Institute, at 180-81 and *Statistical Abstract of the United States* (1994), U.S. Dept. of Commerce at 85.

**Charter 7**  
Utah Abortion Statistics (1974-1993)

Year	Total Number	Reasons:				Number after 20 weeks
		Maternal Health	Fetal Malfor- mation	Rape	Incest	
1974	1,189	N/A	N/A	N/A	N/A	None
1975	2,146	N/A	N/A	N/A	N/A	None
1976	2,382	N/A	N/A	N/A	N/A	1
1977	2,832	N/A	N/A	N/A	N/A	2
1978	3,130	18	7	26	4	None
1979	3,697	13	4	37	2	None
1980	4,086	10	9	28	2	None
1981	3,842	18	17	26	0	None
1982	3,987	19	11	21	2	None
1983	3,778	22	15	17	1	None
1984	4,022	21	22	27	0	1
1985	4,129	29	25	33	1	None
1986	4,450	36	30	30	1	None
1987	4,556	21	29	31	3	5
1988	4,732	20	20	24	3	None
1989	4,950	16	21	27	1	6
1990	4,786	21	28	56	1	4
1991	3,759	9	18	38	0	3
1992	3,525	N/A	N/A	N/A	N/A	N/A
1993	3,615	N/A	N/A	N/A	N/A	N/A
Totals <sup>1</sup>	57,904	273	256	421	21	22

<sup>1</sup> These totals include the statistics from 1978 to 1991 only.

Data from Utah Dept. of Health, *Induced Abortions in Utah*.  
Chart 8: Summary of Gallup Polls 1975-1993

## National Trends in American Public Opinion Regarding Abortion

Question: "Do you think abortions should be legal under any circumstances, legal only under certain circumstances, or illegal under all circumstances?" (Figures are in percentages; data from CNN/USA Today/Gallup Poll, Final Update, January 16-18, 1998).

Year	21	Certain	Illegal	No opinion
	22			
1975	22	54	22	3
1977	22	55	19	4
1978	25	55	19	4
1979	23	54	19	5
1980	23	53	18	4
1981	24	52	21	4
1983	27	58	16	3
1988	29	57	17	2
1989	31	50	18	5
1989	32	51	17	3
1990	33	53	12	4
1991	31	50	17	1
1991	34	49	14	4
1992	32	53	14	2
1992	31	48	13	5
1993	33	51	13	4
1994	33	51	15	3
1994	31	52	13	2
1995	25	50	15	2
1995	24	54	12	3
1996	22	58	15	2
1996	26	52	17	7
1997	23	61	15	2
1997		55	17	2
1998		59	17	1
Any				

Chart 9: Trends in Abortion Attitudes, 1965-1996

People who think abortion should be legal in the case of: (1) the health of the mother, (2) rape, (3) birth defects, (4) poor, (5) single motherhood, (6) married, no more children, and (7) any reason:

Year	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1965	70.5	55.9	54.5	21.2	17.4	15.5	
1972						37.7	
1972	83.4	74.6	74.6	45.8	40.7	41.5	
1973	90.7	80.7	80.7	51.8	47.5	46.1	
1974	90.4	82.9	82.9	52.4	47.9	44.6	
1975	88.4	80.0	80.0	50.7	45.9	43.8	
1976	88.1	80.8	80.8	51.0	48.4	44.7	
1977	88.5	80.9	80.9	51.8	47.7	44.7	36.6
1978	88.5	80.7	80.7	45.6	39.7	39.1	32.4
1980	87.9	80.4	80.3	49.7	46.4	45.3	39.5
1982	89.6	83.4	83.4	49.8	46.8	46.4	39.4
1983	87.1	76.2	79.5	42.0	37.6	37.7	33.2
1984	87.6	77.2	77.2	44.8	43.0	41.4	37.5
1985	87.0	76.2	78.2	42.5	40.0	39.2	35.8
1987	85.7	77.0	77.5	43.6	40.5	40.4	37.8
1988	85.8	76.3	76.9	40.5	37.7	38.9	34.7
1989	88.0	78.6	80.3	46.0	43.5	42.9	38.8
1990	89.1	78.1	81.1	45.6	43.3	43.4	41.7
1991	88.6	80.0	82.9	46.5	43.2	43.0	41.1
1993	86.2	78.5	79.4	47.5	45.6	44.9	42.8
1994	88.0	79.5	81.0	48.7	46.4	46.7	45.0
1996	88.5	79.0	80.9	44.5	43.0	44.5	42.8

Source: Tom W. Smith, General Social Survey Director, National Opinion Research Center, Public Opinion on Abortion, NORC, at <<http://www.norc.uchicago.edu/abort25.htm>> visited May 30, 1998.

Chart 10: Trends in Abortion Attitudes, 1965-1996

Year	Pro-Life	Intermediate	Pro-Choice
1977	6	63	31
1978	7	68	25
1980	6	62	32
1982	6	62	32
1983	6	69	25
1984	7	62	31
1985	7	64	29
1987	8	61	31
1988	7	64	29
1989	6	61	33
1990	5	63	32
1991	6	61	33
1993	7	58	35
1994	7	55	38
1996	6	61	33

Source: Tom W. Smith, General Social Survey Director, National Opinion Research Center, Public Opinion on Abortion, NORC, at <<http://www.norc.uchicago.edu/abort25.htm>> visited May 30, 1998.

- A) If there is a strong chance of serious defect in the baby?
- B) If she is married and does not want any more children?
- C) If the woman's own health is seriously endangered by the pregnancy?
- D) If the family has a very low income and cannot afford any more children?
- E) If she became pregnant as a result of rape?
- F) If she is not married and does not want to marry the man?

Pro-Choice = Yes to all 7 items                      Pro-Life = No to all 7 items  
 Intermediate = Some combination of Yes, No, and/or Don't Know













## NOTES

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i. Isaiah 6:11 (KJV).

ii. Isaiah 6:12 (KJV).

iii. See generally Christopher Tietze, "Induced Abortion" (New York: Population Council, 1981) at 19-26.

iv. Stanley K. Henshaw *et al.*, "Abortion Services in the United States, 1979 and 1980" in *Family Planning Perspectives* 14 (1982) 5-15 at 7.

v. Alan Guttmacher Institute, Facts in Brief, Induced Abortion, [http://www.agi.usa.pubs\fb\\_abortion2\fb\\_abortion.html](http://www.agi.usa.pubs\fb_abortion2\fb_abortion.html).

vi. Lynn D. Wardle "Crying Stones: A Comparison of Abortion in Japan and the United States" in *New York Law School Journal of International & Comparative Law* 14 (1993) 183, 224.

vii. *Ibid.*

viii. Noble E. Cummings, Jr., *In Pursuit of Reason: The Life of Thomas Jefferson* (Baton Rouge: Louisiana State Univ. Press, 1987) 62-63.

ix. 402 U.S. 62 (1971).

x. 117 S. Ct. 1169 (1997).

xi. 117 S. Ct. 1865 (1997).

xii. *Thornburgh*, 476 U.S. 747, 814 (1986) (O'Connor, J., dissenting).

xiii. *Roe*, 410 U.S. at 159-60.

xiv. John Hart Ely, "The Wages of Crying Wolf: A Comment on *Roe v. Wade*" in *Yale Law Journal* 82 (1973) 920-49 at 943.

xv. *Ibid.* at 947.

xvi. William Shakespeare, *The Merchant of Venice*, IV:1:323-24. Portia tells Shylock: "Shed thou no blood, nor cut thou less nor more/ But just a pound of flesh."

xvii. See Kenneth M. Stampf, "Chattels Personal" in Lawrence M. Friedman and Harry N. Schreiber, eds., *American Law and the Constitutional Order*

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(1978) 203.

xviii. "Mother Teresa Speaks on Abortion" (speech at the Washington, D.C. National Prayer Breakfast) at <http://www.castlecom/teresa.html>.

xix. Telephone interview with Mara Duffy, National Council for Adoption (July 15, 1998): 52,000 domestic adoptions and 13,000 international adoptions.

xx. *Planned Parenthood v. Casey*, 505 U.S. 833, 856 (1992).

xxi. See generally Janet Mattison, *The Effects of Abortion on Marriage: Medical Progress and Social Implications* (CIBA Foundation. Symposium, 1985) 165-77; Kristin Luker, *Taking Chances: Abortion and the Decision Not to Contracept* (Univ. California Berkeley Press, 1975) 135-36; David H. Sherman *et al.*, "The Abortion Experience in Private Practice" in *Women and Loss: Psychological Perspectives*, ed. William F. Finn (New York: Praeger, 1985) 98-107.

xxii. Wanda Franz, "A Look at...the New Politics of Abortion; Abortion Realities Overtake the Rhetoric" in *The Washington Post* (June 19, 1997) at C3; Joe Fitzgerald, "Abortions Rights Activists Play Loose With the Truth" in *The Boston Herald* (Jan. 31, 1998) at 4 (1998 WL 7336149).

xxiii. Charles T. Canady, "Compromise Just Continues Abortion Lies" (Op Ed) in *L.A. Times* (Mar. 4, 1997) at B7 (1997 WL 2187826).

xxiv. Eun Kim, "After 25 years, 47% Support *Roe vs. Wade* Decision" in *The Provo Daily Herald* (Jan. 20, 1998) at A1 (Associated Press).

xxv. Lydia K. Saad, "A Slight But Perceptible Shift in Abortion Opinion" in *The Orlando Sentinel* (Mar 15, 1998) (<http://proquest.umi.com/pqd.web?did...@deli=1@mtd=1@idx=19@sid=2@rqt=309>).

xxvi. Mimi Hall, "Polls: Shift in Support for Abortion" in *USA Today* (Jan. 1998) (<http://proquest.umi.com/pqd.web?did...@deli=1@mtd=1@idx=19@sid=2@rqt=309>) (emphasis added).

xxvii. John Jetter, "Jury Says Abortion Opponents Are Liable" in *The Washington Post* (Apr. 21, 1998) at A-01 (1998 WL 11576025); Mike Robinson, "Abortion Foes Held Liable for Clinic Violence" in *AP Online* (Apr. 21, 1998) (1998 WL 6653623).

xxviii. *Ibid.*

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xxix. "Jury Awards \$8.65 Million in Anti-Abortion Protests" in *The Wall Street Journal* (Oct. 26, 1995) at A13.

xxx. "A Big Chill from a Law Misapplied" (editorial) in *Chicago Tribune* (Apr. 21, 1998) at 16 (1998 WL 2847991).

xxxi. Stamp, *supra* note 17, at 209.

xxxii. *Ibid.* at 209.

xxxiii. *Slavery: Opposing Viewpoints*, ed. William Dudley (San Diego: Greenhaven Press, 1992) at 163.

xxxiv. Gilbert Hobbes Barnes, *The Anti-Slavery Impulse, 1830-1844* (New York: Peter Smith, 1957) 108-18.

xxxv. Louis Filler, *Crusade Against Slavery, Friend, Foes, Reforms, 1820-1860* (Algonac: Reference Publications, 1986) 98.

xxxvi. Barnes 110-11.

xxxvii. See William F. Buckley, Jr., "A Letter from a Friend" in *Human Life Review* 10/1 (Winter 1980) 6.

xxxviii. *Albert Schweitzer: An Anthology*, ed. Charles R. Joy (Boston: Beacon Press, 1947) 32, from Albert Schweitzer, "The Decay and Restoration of Civilization" at 74.

xxxix. *Albert Schweitzer: An Anthology*, ed. Charles R. Joy (Boston: Beacon Press, 1947) 30, from Albert Schweitzer, "On The Edge of the Primeval Forest" at 174.

xl. Matthew 5:14-16 (KJV).

xli. Matthew 5:44 (KJV).

xlii. Isaiah 6:13 and 10:21 (KJV).