

# Right To Life

This special supplement was sponsored as a public service by the Florida Right-To-Life Committee, an affiliate of the National Right-To-Life Committee, Washington, D.C.



-Life Magazine Photo

**CLEARLY SUCKING** its thumb, this 18-week-old fetus measures more than six inches from head to toe. The fetus at this stage is active and energetic and does a lot of muscle-flexing. It can make an impressively hard fist and the punches and kicks are plainly felt by the mother. It is equipped with a complete set of vocal cords, but in the absence of air, it cannot make a sound.

# Abortion: Yes Or No

## INTRODUCTION

Abortion has become a headline word in newspapers and the subject of feature articles in popular magazines and journals. It has provoked discussion in homes, argument in medical and legal societies, and debate in state legislatures. Opponents hold the centuries old view that it is a cruel word, an ugly, shameful act and a crime. Proponents speak of it as desirable, an act of mercy and compassion, and want it legalized.

Unfortunately most magazine and newspaper articles have been sensational and emotional, but not too factual. Likewise, most news reports have been incomplete and have presented only one side of the issue. Consequently the public opinion which has been formed often has been based on misrepresentations and limited information.

Because abortion, right or wrong, is a very serious matter, an unemotional analysis certainly is in order. I want to give you facts, logical arguments, and reliable opinion from respected authorities in various fields, and I will begin by defining the term.

## DEFINITIONS

Webster's dictionary defines abortion as the expulsion of the human fetus prematurely. A medical dictionary defines it similarly, but lists some twenty two classifications or types of abortions; for example, accidental, criminal, habitual, induced, infectious, natural, and therapeutic. Obviously the legislation in question does not deal with the usual accidental or natural cause of an abortion or "miscarriage," such as intra-

by John L. Grady, M.D.

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A graduate of Creighton University School of Medicine, Omaha, Nebraska, who interned at Mound Park Hospital, St. Petersburg, Dr. Grady is chairman of the Florida Right-To-Life Committee.

He and his wife Carol are the parents of two sons and a daughter.



uterine infection, incompetent cervix, trauma, and the like. Rather the question now before the people and their legislators is whether or not there should be a lifting of restrictions

on what Webster calls **aborticide**, that is, the act of destroying a fetus in the womb either by direct use of instruments or by the use of a chemical or "medication" that kills the fetus and/or causes it to be expelled.

## PRESENT STATUS OF THE LAW

Prior to 1967 the general pattern of the law in all 50 states was complete prohibition of abortion except to preserve the life of the mother. Between 1967 and the printing of this treatise ten states have liberalized their abortion statutes in varying degree or declared their existing laws unconstitutional. In the District of Columbia, where the existing law was recently declared unconstitutional, there is now no effective or recognized statute; consequently, an abortion can be performed up to the day the baby is born.

During this same time 40 state legislatures have defeated or refused to consider similar legislative proposals.

## ABORTION ARGUMENTS CLASSIFIED

Most of the arguments in favor of abortion fall into one or more of the following medical, social, or economic categories or situations which demonstrate the hardships and dangers of pregnancy, and conclude that liberalization of the present laws against abortion will permit solution of these problems.

1. The baby is a threat to the mother's physical or mental well being.
2. The baby is the result of rape or incest. Also included in this category in the more liberal proposals is the "unwanted baby." Unwanted because it is illegitimate, or when the mother is too young (the proposed age under which any girl may automatically qualify for an abortion is usually 16 years), because either or both parents are of low intelligence or poor character, or when the baby will be an economic burden to the family or the state.
3. When there is a possibility the baby will be physically deformed, mentally retarded, or in some other way imperfect. The cases usually cited are when the fetus has been exposed to some physically damaging drug, chemical, or disease (such as the drug Thalidomide, LSD or German measles). These are frequently referred to as the "fetal indications" for abortion.
4. The mother alone should have the authority or right to determine if a pregnancy is to be carried to term and how many, if any, living children she is to bear. That abortion is a personal matter between a woman and her doctor, and that she has the right to rid herself of any unwanted pregnancy.

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**A SMILING, bright-eyed youngster** — new to the experience of life — shares with yet unborn children the right to life. He has come through nine months of development to birth into any number of circumstances — poverty, wealth, hope and despair, but as in this picture, the comforting hand of a loving adult assures him that his embryonic journey was only a beginning.

# Reforming the Abortion Laws: A Doctor Looks at the Case

By DENIS  
CAVANAGH, M.D.

**Therapeutic abortion  
in a good hospital — not  
entirely safe.**

It is frequently claimed by proponents that therapeutic abortion performed in a good hospital is a completely safe procedure. I challenge this statement.

In the "World Medical Journal" (Vol. 13, 1966, pp. 78-90), Mueller has reported that in the 8-year Soviet experience with free abortion, operative mortality was 0.7 to 1 per cent, perforation of the uterus and its consequences of hemorrhagic shock being the most common cause of death. Inflammatory conditions were frequent, and tubal pregnancy a common sequel.

It might appear, of course, that though these findings apply in the Soviet Union they do not necessarily apply in the United States or Canada; but I submit that this information should be balanced against the "magnificently safe" reports of three deaths per 100,000 abortions from Hungary.

It is interesting, too, that while statements are being made to the effect that abortion is safer than pregnancy, this does not prove to be so in either Sweden (40 deaths per 100,000 abortions) or Great Britain (30 per 100,000).

Here are several passages from an article in the March 1, 1969, issue of the "American Journal of Obstetrics and Gynecology," "The First Year Experience in Colorado with the New Abortion Law," by Droegemueller, Taylor and Droese:

"On reviewing the hospital records, we were impressed by the spectrum of complications that followed therapeutic abortion procedures. Hemorrhage was the outstanding one, with eight per cent of the patients re-

quiring one or more transfusions." (A single unit blood transfusion today carries approximately the same mortality rate as uncomplicated elective appendectomy.)

Later, the authors state: "All infections were short in duration and were readily responsive to antibiotic drugs. Five patients had uterine perforations that occurred at the time of uterine evacuation; four of these perforations were followed by exploratory laparotomy." Again: "Not enough time has elapsed to determine whether or not such complications as sterility, incompetent cervical os and delayed reactive depression will be significant factors in the future."

The authors state further: "Our prediction is that it will be a long time before the Colorado law is made as liberal as some European laws, although we are sure there will be a continuing discussion by groups who favor even greater liberalization and greater opportunity for termination of the unwanted pregnancy."

With vaccine, rubella to disappear as U.S. problem.

Another point seldom mentioned is the fact that rubella vaccine will be in full use before the next rubella epidemic. By the use of this vaccine rubella should disappear from the United States as a significant problem, just as poliomyelitis has disappeared since the introduction of the polio vaccine. Thus it is not unlikely that liberalization may increase rather than decrease maternal mortality. Also there is evidence that it will increase fetal loss in future "wanted" pregnancies.

**Do we kill normal babies to prevent a minor birth defect?**

There are other uncommon causes of fetal anomalies,

but even with modern methods it is usually impossible to tell for certain when a child will be born with certain defects. A prediction can usually only be based on probabilities. Thus a significant number of normal children will be killed to prevent the birth of one having what may be only a minor birth defect. After all, what is a birth defect? Adolf Hitler believed that being Jewish was a defect of birth. Some scientists interested in preserving only the best of our human species believe it is a defect to be too stupid, too tall, too short, too white or too black.

**Where life or death is the issue, it is not unreasonable to insist that a duty is owed to the living but as yet unborn fetus. If the doctor has erred in his diagnosis, has acted unreasonably or is engaged in a thriving abortion business, there is no appeal from his decision, no rehearing and no retrial. His judgment is final, conclusive and irrevocable. There is no tomorrow for the aborted child.**

The so-called humane provision regarding birth defects, unless analyzed carefully, may very well result in a significant change in the moral and legal philosophy upon which our culture is based. Once it has been determined that life can be taken away for a birth defect, it may be taken away for other reasons.

After all, the true description of the procedure with regard to the presumably deformed child is not therapeutic abortion, because there is nothing therapeutic in it for the baby. It is the best fetal euthanasia. . . .

The New Jersey Supreme Court has eloquently answered this question in the affirmative in the 1967 case of *Gleitman V. Cosgrove* (1945-49 N.J. 22).

The court declared: "It is

basic to the human condition to seek life and to hold on to it however heavily burdened. If Jeffrey (the baby born deformed, whose parents brought suit) could have been asked as to whether his life should be snuffed out before his full term of gestation could run its course, our felt intuition of human nature tells us that he would almost surely choose life with defects as against no life at all." Leaving aside all the theological and legal arguments, as Theocritus said, "for the living there is hope but for the dead there is none."

**Woman's rights versus the child's right to life.**

The crux of the moral and legal debate over abortion is, in essence, the right of the woman to determine whether or not she should bear a particular child versus the right of the child to life. The most vigorous proponents of liberalization talk about the fetus as "a blob of protoplasm" and feel it has no right to life until it has reached a certain stage of development.

This is given variously as from 12 weeks to 28 weeks of intrauterine life, and some apparently feel it has no right to life until after full-term delivery. On the other hand, the most vigorous opponents of liberalization maintain that the fetus is human from the time of conception, and so interruption of pregnancy cannot be justified from the time of fertilization.

I have some doubt about whether the fetus can be recognized as a separate human being from the time of fertilization. But it certainly seems logical that from the stage of differentiation, after which neither twinning nor recombination will occur, the fetus implanted in the uterine wall deserves respect as a human life.

(Following are excerpts from an article in "America" Magazine by Dr. Denis Cavanagh, Chairman of the Department of Gynecology and Obstetrics at St. Louis University School of Medicine. Formerly a seven-year member of the University of Miami School of Medicine as a professor of gynecology and obstetrics, he is the author of some 50 scientific publications and of a book, "Obstetrical Emergencies".)

If we take the definition of life as being said to be present when an organism shows evidence of individual animate existence, I think that certainly from the blastocyst stage the fetus qualifies for respect. It is alive because it has the ability to reproduce dying cells. It is human because it can be distinguished from other non-human species, and once implanted in the uterine wall it requires only nutrition and time to develop into one of us.

**Britain's experience shows the shape of things to come.**

I think that the English experience should be of some interest to all of us who are facing a decision on whether to keep our present laws or to liberalize them. It seems apparent that where "mental health" and "total environment" clauses are included, problems are certain to arise. These indications have been mainly responsible for the problems that have arisen under the British Abortion Act. Prior to the introduction of the liberalized law in Britain there were about 10,000 legal abortions per year. In the first eight months under the new law there were 22,256 legal abortions.

Gynecologists and nurses working in the Department of Obstetrics and Gynecology are particularly unhappy about the present situation because the Abortion Act has created a shortage of hospital beds. Too many are being used for patients demanding abortions, and there are not adequate facilities for patients with gynecological problems.

Gynecologists find themselves spending half their office hours passing judgment on patients seeking abortions and half their operating time performing them. With the

same type of law, do we seriously expect conditions to be different in North America?

**The law works in favor of the rich, not the poor.**

Mrs. Jill Knight, Member of Parliament from Birmingham, England, and a Protestant, has pointed out that the vast majority of gynecologists in England are conscientious men who consider very seriously their commitment to protect life whenever possible, but about half of all abortions now being performed are being done in poorly equipped private nursing homes. These facilities have been established throughout the country, particularly in London, and legal abortions can be performed on the basis of a five-minute psychiatric interview, for a standard fee of £150 (\$375) payable in advance.

It is obvious that in this context and with this arrangement the poor do not have much chance to secure an abortion. Yet the propaganda favoring liberalization of the current abortion statutes always refers to a discrimination against the poor under the present laws and the equality of opportunity that will result from liberalization.

Mrs. Knight has recently made two other important observations. First, because of the very existence of a liberal law, women now feel they have a "right" to have an abortion, and they consider that they also have the right to sue a doctor or a nurse who refuses to participate in that abortion. In the construction of the English law (and for that matter in the writing of the Colorado law) no effective "conscience clause" was included.

## Liberal Abortion A Hawaiian 'Punch'

By MARJORIE L. FILLYAW  
(Reprinted courtesy of The Voice)

Liberalized abortion — abortion on demand — and then what?

"Appalled at the apathy of the American people," Robert Pearson of Hawaii not only tells it like it is on the islands since the nation's newest state adopted an "abortion on demand" law but also points out how it could be in mainland states which have already passed or are proposing relaxed abortion laws.

No novice to the anti-abortion campaigns being waged not only in Florida but in other states, Pearson, a native of Algonac, Mich., who has lived in Hawaii for two years, has already spent almost \$10,000 of his personal funds, in fighting the repeal of Hawaii's 101-year-old abortion law which, like the Florida law, prohibited abortion except when the life of the mother was in danger.

Despite his purchase of television time and newspaper ads, many trips to Honolulu to plead the case of the unborn child, and his leadership of two silent protest marches at the state capital, Hawaii's abortion law was repealed with only three restrictions: that the abortion be performed by a licensed physician and in a licensed hospital, and the woman must be a resident for 90 days.

However the land developer, who resides on the island of Maui, does not feel that his efforts have been in vain. He believes that the entire problem is one of educating the public to the "drama of life before birth" and feels that his campaign has helped to educate many people. Married and the father of six children, three of whom are adopted, Pearson isn't giving up — he plans to take the matter to court.

"I don't think it makes any difference if it's at conception, one month, one year or five years," he pointed out. "You are destroying a live being. I intend to prove the fact via science and medical knowledge, that the fetus is a human being and should be protected under the 14th Amendment of the Constitution. No state, under that amendment, will deny any person within its jurisdiction equal protection under the law."

"It amazes me that people today can think this way and have so little regard for life," he declared, adding that although he is a Catholic the issue is not one of religion. "I consider life important and I didn't become a Catholic until

my mid 20's. Before that I had written letters to the editor against talk of repeal of abortion laws in Michigan."

The repeal of Hawaii's abortion law is not the only concern of Pearson, who revealed that the islands' hotels are now "advertising cut-rates" to women seeking abortion. A report by the Committee on Public Health, Welfare and Housing which accompanied and recommended passage of the abortion bill said in part... "Another suggestion made is to limit the time within which an abortion is permissible. It seems to have some merit but testimony indicates that even the medical profession is not certain as to how to measure the time of pregnancy and also measure with any kind of certainty when a fetus is viable."

"Your committee feels real concern for those physicians who may be faced with the problem of destroying a fetus in the later stages of pregnancy due to medical indications, but this problem can be resolved by the fact that this kind of operation can be provided to physicians by amending the present law on murder and wrongful death."

The report continued: "Some of the moralists have expressed concern that repeal of the abortion laws will lead to increased promiscuity. Testimony from Dr. Milton Diamond, presently teaching sexual behavior at the University of Hawaii School of Medicine, indicates that from all available studies, since the 1920's sexual behavior in American society has not markedly changed at all — only one's attitudes or society's attitudes toward sexual behavior. . . . Since we can expect the sexual behavior to stay about the same regardless of what is done by the State of Hawaii, what we will reduce by repeal of abortion laws is the number of unwanted pregnancies and the number of cases of unwanted children."

"Sex education and birth control information are vital because pregnancy is often the result of a miscalculation or accident. Abortion in Japan was once the most common method of family planning. In the course of three years of intensive family-planning education undertaken by the government, the prevalence of contraceptive practice has risen from 40 per cent to about 70 per cent and the incidence of abortion has declined," the Committee contended.

Pearson points out that in England where abortion was liberalized, following the arguments of proponents that such legislation would eliminate the "back-room" abortionist, the number of illegal abortions had increased last year,

numbering 60,000 against 50,000 performed under the provisions of the law. "Reports of butchery in England are being hushed-up in the press," he charged.

According to Pearson, he anticipates that Hawaii hotels will soon be participating in package abortion tours similar to those now available in England and he added that a bill will be proposed in the near future in the state's legislature to make sterilization compulsory for men who are already the fathers of two children.

"Meanwhile," he said, "The physicians who do not approve of abortion continue to treat their regular patients except for abortions and those who will perform abortions are getting rich."

In his opinion, the passage of the abortion on demand law is having a drastic effect on Hawaii. "Hawaiians themselves don't believe in abortion. Hawaii is known for its love of children," he stated.

As evidence of his concern for life and compassion for others, Pearson is offering to those women considering an abortion a free three-month trip to Maui where free room and board will be provided in one of three homes, including his own, that are being transformed into dormitory-type accommodations.

"We want women who are thinking about abortion to come to the beautiful island of Maui to think it over," he said, emphasizing that transportation will be paid and no questions will be asked. During their stay, however, those who take up the offer will be counseled as to why they want the abortion and what alternative could be, such as putting the baby out for adoption. Two physicians have volunteered to provide free prenatal care for those who decide to have their babies, and other volunteers will help supply and prepare food for the women until delivery.

"When we liberalize abortion laws, this is what we are destroying," Pearson said, as he held up a color picture of a 16 week old fetus.

"Can you throw this into the incinerator?"

**RIGHT TO LIFE**

# The Drama Of Life Before Birth

## Embryo Life At

### One Month

The embryo is about one quarter of an inch long if measured in a straight line from head to tail. Recognizable traces of all organs have become differentiated. Yet there is already impressive internal development. This embryo has the beginnings of eyes, ears and nose, spinal cord, nervous system, thyroid gland, lungs, stomach, liver, kidney and intestines. Its primitive heart, which began beating haltingly on the 18th day, is now pumping confidently. The incipient arms



and legs are represented by small nubbins that resemble buds.

## Fetal Life At Two

### Months

This is the transition point when an embryo, a Greek word meaning to swell, is technically termed a fetus, a Latin word meaning young one. The fetus has a control nervous system, well-developed muscles, and nerves, an ingestive, digestive and excretory system, an identifiable cranium with brain cells, ears, eyes, nose, toes, fingers, arms and even sweat glands.



## Fetal Life At Three Months

The fetus now measures somewhat over three inches in length and weighs almost an ounce. The sex can now be distinguished. The fingers and the toes have become differentiated, and the fingernails and toe nails appear as fine membranes. Early in this month, buds for all the temporary baby teeth are present and sockets for these develop in the jawbone. Rudimentary kidneys have developed and secrete small amounts of urine into the bladder. Fetal movement can now be detected by medical science.



## Fetal Life At Four Months

The fetus from head to toe is now six and one-half inches long and about four ounces in weight. The eyes are still closed. The movement in the womb is much stronger.

The following are actual pictures taken from Zabriskie's *Obstetrics for Nurses* and are actual sizes of the fetus at the month shown.



## Fetal Life At Five Months

The length of the fetus now approximates 10 inches, while its weight is about eight ounces. A fine, downy growth of hair, lanugo, appears on the skin over the entire body. At this point, the mother usually becomes conscious of slight fluttering movements in her abdomen which are due to movements of the fetus. Their first appearance is referred to as quickening, or the perception of life. At this period, the physician often is able to hear the fetal heart for the first time. If a fetus is born now it may make a few efforts to breathe, but its lungs are insufficiently developed to cope with conditions outside the uterus and it invariably succumbs within a few hours at the most.



## No Crime Curb

"There is absolutely no evidence that moderate liberalization of abortion laws will reduce the criminal abortion rate, and all we will do is increase the total number of abortions. Thus it is not unlikely that liberalization may increase rather than decrease maternal mortality. Also there is evidence that it will increase fetal loss in future 'wanted' pregnancies."

## Sounds Good...But

"How can we call abortion 'humanitarian' when discussing a presumably deformed fetus? This sounds good until you try to put yourself in the position of that fetus. It is difficult for any obstetrician, after all, to decide whether the child, even though deformed, does not have the right to be born, for the deformities may be minimal."

At left are excerpts from the article, "Reforming the Abortion Laws: A Doctor Looks at the Case," which appears this month in *America* magazine, authored by Dr. Denis Cavanagh, M.D.

# Abortion: Yes Or No

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5. Abortions are now being performed daily throughout the United States. Some are being done in hospitals by doctors, in violation of the present laws. However, the majority of the abortions are being done by non-medical personnel outside the hospital, namely criminal abortionists. Furthermore, the woman or girl who has a criminal abortion is subjected to considerable injury and even death because of infection or other physical damage from improper or unsterile technique because a physician is not able to perform the abortion in the hospital. It is stated that legalizing abortion will eliminate the criminal abortionist. It is further argued that since abortion is now legal in other countries, it should be permitted in the United States.

## ARGUMENTS AGAINST ABORTION

Those against liberalization of the abortion law take the position that the fetus or baby is a living human being and as such has every right to life. They state this simply and categorically, bringing multiple arguments to bear that show legally, morally, and medically that this has been the commonly accepted concept throughout the history of western civilization.

They cite the United Nations Charter on Human Rights, written in 1948, which guarantees to every person the right to life, that children should be given special consideration in the law, and that the right to life should be guaranteed before as well as after birth. In addition, the opponents to abortion present the following counter-arguments against the aforementioned categories advanced by the proponents of abortion:

### MEDICAL INDICATIONS

Opponents to abortion state that there are really few instances where the baby actually threatens the life of the mother. They easily support this assertion with the fact that many recognized medical authorities in the field of obstetrics and gynecology have clearly stated that in the present day of excellent medical and surgical care, the situation rarely if ever exists where the baby must be sacrificed to preserve the life of the mother. Perhaps the most famous statement relative to abortion was made by Dr. Roy S. Heffernan of Tufts University to the Congress of The American College of Surgeons. "Anyone who performs a therapeutic abortion is either ignorant of modern methods of treating the complications of pregnancy or is unwilling to take the time to use them." According to Dr. Joseph P. Donnelly, former Medical Director of Margaret Hague Hospital, New Jersey, "Abortion is never necessary to save the life of the mother." There were 115,000 deliveries at this maternity hospital from 1947 to 1961, during which time no abortions were done. According to Dr. Edwin DeCosta, Professor of Obstetrics and Gynecology, Northwestern University Medical School, (who favors abortion for social and economic reasons states), "strictly speaking and from the viewpoint of obstetrical and medical indications, there are few reasons today to perform therapeutic abortions." Dr. Leo T. Heywood, Professor of Obstetrics and Gynecology and Chairman of the Department, at Creighton University School of Medicine in Omaha states, "I am against abortion. It is not necessary in the practice of medicine, and it destroys the very thing the physician is dedicated to preserve — human life." States Dr. Bernard J. Pisani, Professor of Obstetrics and Gynecology, New York University School of Medicine, "Medical reasons for provoking abortion are just about non-existent, in fact no basis on pure medical grounds ever really stands up." In addition, thousands of physicians across the United States who have cared for hundreds of mothers and infants during their respective years of practice state firmly they have never in these thousands of pregnancies seen a single instance where the infant had to be sacrificed to save the mother, nor have they seen a situation where a mother has been lost for failure of the physician to perform an abortion. In fact, in ten years of obstetrical practice I have never lost a mother from any cause. Moreover, at the public hospital where I am a staff member there have been thousands of babies delivered and, to my knowledge, not a single therapeutic abortion. However, should this theoretical situation actually arise the present laws would permit an abortion if it were really necessary to save the mother's life.

### PSYCHIATRIC INDICATIONS

Doctors opposed to abortion strongly state that no one has ever established a cause and effect relationship between pregnancy and mental illness. Women who are emotionally unstable get pregnant, but pregnancy is not the cause of their illness. These doctors consider the argument that a pregnancy might threaten the mental well being of the mother as vague, extremely rare, and certain to be subjected to much abuse by "nervous mothers" and "eager doctors." The opponents of abortion feel that "emotional stress" of the mother is not sufficient cause to warrant destruction of her baby.

John Phelan, M. D., Instructor in Psychiatry, University of Miami School of Medicine states, "I share the opinion of many of my colleagues that there are no psychiatric indications for

abortion. We hear that abortion is necessary to protect the mental health of the mother, or that unless an abortion is performed a patient will commit suicide. This approach is fallacious and does not stand up under statistical and clinical scrutiny." Dr. Howard C. Taylor, Jr., Director of Obstetrics and Gynecology at Columbia-Presbyterian Medical Center, New York states, "I have not in my experience ever run across a suicide in pregnancy in a patient suffering from anxiety depression." Dr. Milton Halpern, Chief Medical Examiner of New York City states that he can "hardly recall an autopsy on a death by suicide during the last 25 years which revealed pregnancy." Also the Coroner for the City of Birmingham investigated all female suicides for the period 1950 through 1956 and concluded "We have no record of any women known to be pregnant having committed suicide." An accurate ten year study was done in England on unwed mothers who requested abortions, and were refused. It was found that the suicide rate of this group was less than that of the average population. Psychiatrist Robert J. Campbell, M. D., of New York City points out that for many patients pregnancy and childbirth seem to exert a beneficial effect on their mental status. He further states that "the grossly unstable seem to tolerate pregnancy remarkably well . . . better than they tolerate therapeutic abortion." Dr. Theodore Lidz, Professor of Psychiatry at Yale University School of Medicine seems to agree, "It is practically impossible . . . to predict when an abortion will not be more detrimental to the mental health than the carrying of the child to birth."

Here is the opinion of Dr. Ben Sheppard of Miami, nationally known physician, attorney, Juvenile Court Judge, lecturer, writer, and Chairman of the National Council on Crime and Delinquency. "Young adolescents who have had abortions may verbalize relief to please adults, but this is never their internal feeling. Their psychic trauma and loss of personal morality will persist throughout life."

The vast majority of physicians who practice obstetrics have never had a pregnant woman become frankly psychotic or commit suicide. They point out that many of those who are fearful, disturbed, or perhaps have even threatened suicide early in the pregnancy actually improve as the pregnancy progresses. This is particularly true of the unmarried. Dr. Walter Dillon, Professor of Obstetrics and Gynecology, Stritch School of Medicine and Chairman of OB-GYN at South Shore Hospital, Chicago relates that "pregnancy in the unwed causes nervous moments but to which the patient makes adequate adjustments. For a number of years I have been in charge of a clinic for unwed girls and mental disturbances have not been a problem . . . I personally cannot justify a direct abortion for any reason . . . the fetus has a right to be born."

There are many cases where the mother has spoken of abortion early in pregnancy and later on has confessed her gratitude to the physician for not having performed the abortion, and has expressed great happiness when she sees the fruit of her pregnancy. On the other hand, I have studied case histories of married women who have become troubled, consumed with guilt and developed significant psychiatric problems following, and because of, abortion. I believe it can be stated with certainty that abortion causes more deep seated guilt, depression, and mental illness than it ever cures.

### RAPE — INCEST — ILLEGITIMACY

Opponents of abortion quickly agree that pregnancy resulting from rape or incest is a tragedy. Moreover, in these cases, as well as illegitimacy, there is an emotional as well as a social stigma involved. But is the psychic scar already inflicted on the mother not further compounded by the guilt of having destroyed that living being which was at least half her own. The reason to destroy a fetus may appear good, but can it in any way equal the wrong committed by the destruction of that infant. Do two wrongs make a right?

For centuries traditional Jewish law has clearly stated that if a father sins against his daughter (incest); that does not justify a second crime — the abortion of the product of that sin. This was reconfirmed by the New Jersey Orthodox Rabbinic Council in 1963. "Even if the fetus is the product of incest or rape, or an abnormality of any kind is foreseen, the right to life is still his."

The right of the baby to live certainly outweighs the license of a parent, a doctor, or any other individual to exterminate it. Even when there is a social crime perpetrated upon the girl as in the case of rape, the unborn child is an innocent being in no way responsible for the offense and should not be punished for the crime or misjudgment of either parent. Throughout history pregnant women who for one crime or another were sentenced to die, were given a stay of execution until after the delivery of the child; it being the contention of the courts that one could not punish the innocent child for the crime of the mother.

Also, let us be realistic when it comes to rape. Many women,

"I speak for him, intact or deformed, wanted or unwanted, illegitimate or high-born. I am for life and the preservation of life. I believe that any life is of infinite value and that this value is not significantly diminished by the circumstances of that life's beginning."  
Dr. Eugene Diamond,  
Professor of Clinical  
Pediatrics,  
Loyola University

young and not so young, rape rather easily. And as one doctor said, "some cases that were only memorable experiences become rape when pregnancy becomes evident." Furthermore, if real rape has occurred the victim can be promptly treated with vaginal irrigations and spermicides, antibiotics given to prevent infection, and conception prevented. Let us give our children wholesome sex education; and at the same time let us get tough on pornography, clean up our newsstands, literature, and "adult" movies and T. V. programs which encourage crime, abuse of drugs, make a mockery of morality and good behavior, and therefore contribute to rape and illegitimacy. I plead that we stop our permissiveness and direct our attention to preventing these problems and not towards abortion itself.

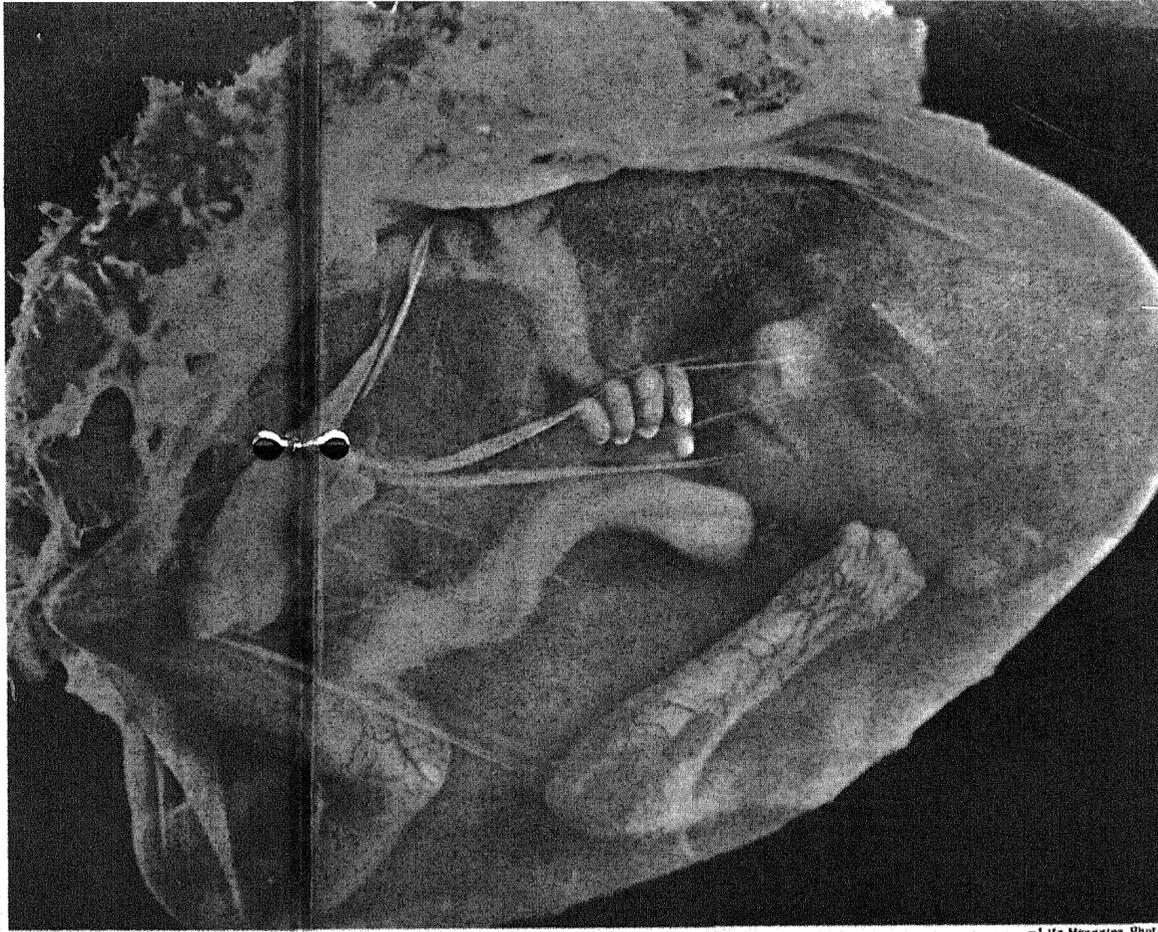
No one denies that it is unfortunate when pregnancy occurs in the single girl, the young, the mentally retarded, and those cases where it is simply "not wanted" such as the poor with large families or in areas of "population explosion." But because a pregnancy is not wanted can we eradicate the fetus for our personal convenience. First, it should be demonstrated from history that many of our greatest individuals resulted from undesirable or unwanted pregnancies. Indeed the majority of us living today were not planned or eagerly anticipated. Secondly, what of the rights of the unborn. Will we now reverse the precedents in our law which have held that an infant in utero is a person under the law and does have rights — property rights, recourse for damages, and basic inherent constitutional rights. Let us recall those great American documents — The Declaration of Independence and the Constitution (14th Amendment), which clearly state that "all men are endowed by their creator with certain inalienable rights . . . life, liberty and the pursuit of happiness," and that "no state shall make or enforce any law which shall . . . deprive any person of life, liberty, or property without due process of law." In abortion who represents the unborn child? Where is his defense attorney? Where is his due process of law including the right to appeal his extermination?

### FETAL INDICATIONS

Arguments for abortion elicit much emotion when the possibility of a deformed fetus is presented. There has been great attention given to this aspect of abortion since the deformities caused by the drug Thalidomide came to light in the past several years, now the LSD menace, and the relatively large number of fetal deformities resulting from German measles. It is acknowledged that on occasion some mother will consume drugs or chemicals, receive radiation, or contract some illness such as rubella (German measles) that may damage the fetus she is carrying. However, because some percentage of these babies so exposed will have physical defects, is it reasonable that all those exposed should be subjected to aborticide? Perhaps one of the most pointed arguments was presented several years ago by a noted physician and medical educator who held degrees in Public Health and Preventative Medicine. This educator stated, "Of those women who have German measles during pregnancy, it is doubtful that more

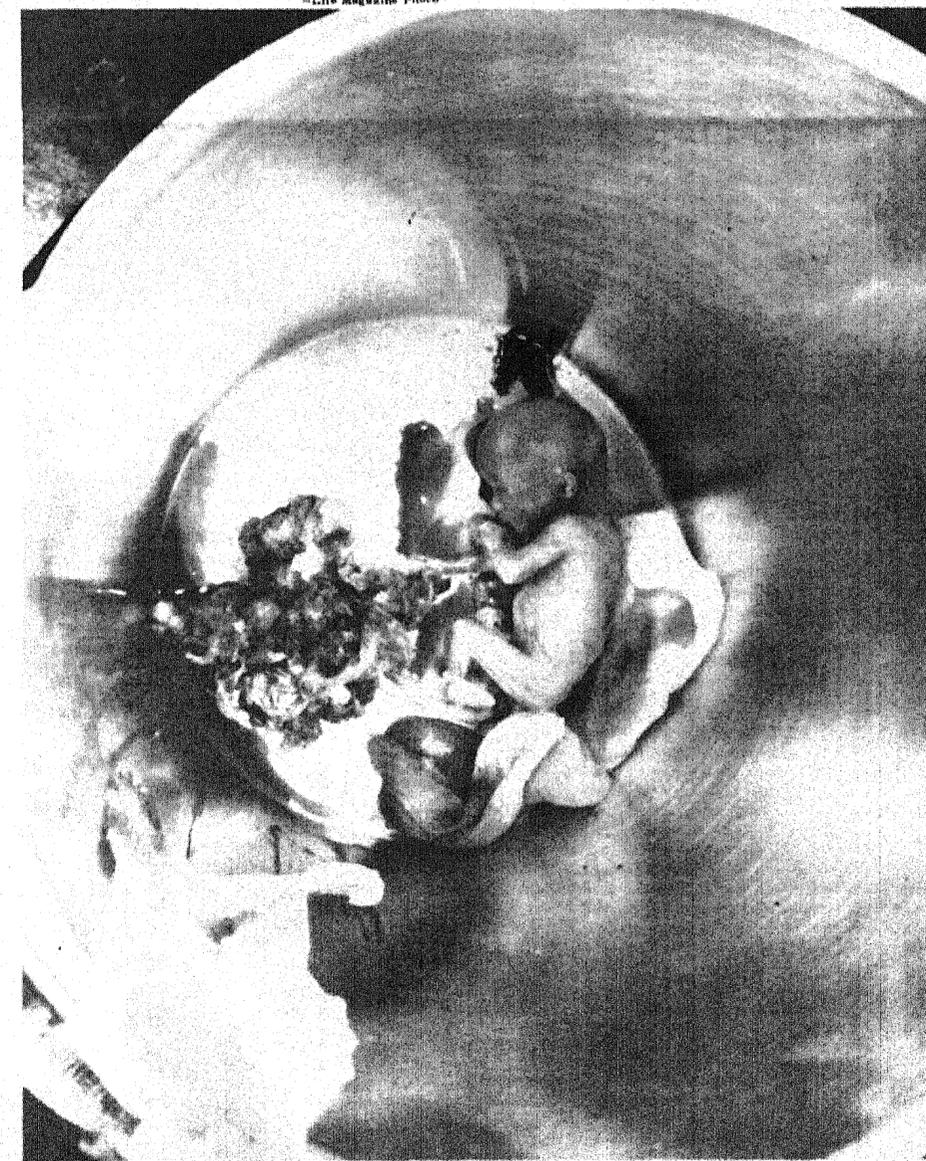
"The contention that human life begins at conception is heavily supported by the science of biology. Must not the law regard the fetus in the womb as human being and grant it all the rights and protection that our laws extend to all human life?"

From "Abortion: Yes or No?"



THE TINY 16-week-old fetus in the photograph at the left has an opportunity to live. At nearly five and one-half inches long, the fetus is recognizable as a human baby and has begun to crowd his living quarters—the mother's uterus which now occupies all the room in the pelvis area. The placenta has fallen to one side, but still is linked to wall of the uterus. The eyes are still closed but the nose, lips and ears finally look like a nose, lips and ears. The fetus in the photograph below, however, lies in the bottom of a stainless steel garbage can—the innocent victim of an abortion. His right to live ended before he experienced a normal birth.

**RIGHT TO LIFE**



# Abortion: Yes or No

(Continued from Page 5)

## MOTHERS' RIGHT TO ABORTION

There are ultra-liberals who contend that the mother alone should have the right to determine how many babies she will have. This may be well and good in-so-far as "birth control" is concerned, but there is a lifetime worth of difference between "family planning" and "baby riddance." As the Protestant Theologian Professor Helmut Thielicke of the University of Hamburg stated, "Once impregnation has taken place it is no longer a question of whether the persons concerned have the responsibility for a possible parenthood: they have already become parents." If the mother exercises the privilege of sexual intercourse when there is a possibility pregnancy will occur, then she must likewise accept the responsibility for any pregnancy which may ensue from it.

We hear a great deal about the rights and wishes of the mother and society in general, but little about the rights of the unborn. Dr. Eugene Diamond, Professor of Clinical Pediatrics, Loyola University speaks for the fetus, "I speak for him intact or deformed, wanted or unwanted, illegitimate or high-born. I am for life and the preservation of life. I believe that any life is of infinite value and that this value is not significantly diminished by the circumstantialness of that life's beginning. I believe that this regard for life is the cornerstone of Western culture. I believe our patients are best served by medical ethics which hold this principle sacred."

Reverend Charles Carroll, Episcopal Priest and Chaplain to the University of California, San Francisco Medical Center, in his brilliant letter on abortion states, "I believe that the ultimate purpose of the state is to protect the innocent and those who cannot protect themselves. Have we not the vision, compassion, and means to care for the mother, save the child, place him in a childless home if need be, and afford him the right to life? A right not validly subject to majority vote! Catholics are not alone opposed to "liberalized" abortion, but also many Christians and Jews who respect the common law heritage of Anglo-American jurisprudence. How many innocents would we, through abortion legislation sentence to death. Let us not do inadvertently what the Nazis did with deliberate intent."

When the German physicians subordinated their ethics to the plan of Hitler they became as, Dr. Andrew C. Ivy stated at Nuremberg, "servants of the state, healers on the one hand, respected murderers on the other." It was this loss of principle by the medical profession which subsequently prompted the Geneva Declaration of the World Health Organization which states, "I will maintain the utmost respect for human life from the time of conception; even under threat I will not use my medical knowledge contrary to the laws of humanity."

Dr. E. J. Daniels, Baptist minister and nationally respected evangelist stated publicly, "I want it understood that I stand with Dr. Grady in his position. Abortion is not less than murder, furthermore people deep down realize this, for I have had women who were grandmothers come to me emotional wrecks because of the haunting memories of abortions committed earlier in life." Dr. George Hunston Williams, Professor of Divinity at Harvard University states that next to achieving peace in the world, the second major moral issue of our society must be resolute opposition to abortion and euthanasia. Dr. Percy Collett, missionary with the nondenominational Boa Vista Foreign Missions, in his beautiful letter to me in April, 1970 says, "Abortion has been done by some Indian tribes in South America for hundreds of years. Those tribes which have practiced abortion have become almost extinct, deteriorating into small sadistic groups, mostly males, losing the ability to reproduce; while those who have a high code of ethics have survived, multiplied and are healthier. Life begins at conception and to destroy this God-given gift to man is to destroy the whole human plan. To take the life of an unborn child, regardless of the number of days it has been forming, is murder."

## CRIMINAL ABORTION

One of the commonly heard arguments for abortion is that by not permitting abortion in our hospitals thousands of abortions are being done in the back rooms by untrained personnel and that humanely we would be doing women justice to afford them the protection of abortion by competent medical personnel, for the reasons previously mentioned. The opponents to abortion do not deny that criminal abortions are performed in great numbers now as they always have been and that certainly an abortion by a physician in a licensed hospital accomplishes the end desired in a rapid and generally safe manner. However, no abortion, especially after the first few weeks of pregnancy, is ever an innocuous procedure, completely free from danger and complications, as is evidenced by Dr. Rainer's data, "In 1963 for the whole United States there were 275 deaths attributed to abortion of any kind. Of these 114 were due to abortions that were criminal, self induced or without legal indications. 161 were due to legal abortions."

Moreover, it can hardly be said that because it is being done we should make it legal. The same type of thinking can be applied to theft, murder, or any other crime. The fact that some people or even that many people are going to do it if they can, does not mean that it is right nor that it should be made easy for them. True we cannot legislate morality,

but we can legislate procedures that facilitate immorality.

It can be shown statistically that in countries where abortion has been legalized, the number of legal abortions have increased far beyond that number which those favoring abortion said would be performed for "truly valid" reasons, and that in addition to these there has been an astronomical increase in criminal abortion, both by doctors and by incompetent personnel outside hospitals.

To quote the editor of the *Obstetrical and Gynecological Survey*, "Now much as it goes against the grain to say so, there are quite a few guileful fellows in the medical profession — especially when a few dollars are involved. . . . And again let me quote the great Dr. Rafter, "Let us not forget that the liberty to abort makes the physician more like a God than is good for him. Abortions are also lucrative. We know that in the effort to please patients some doctors have a talent for descending to the lowest common denominator. If today some licensed physicians practicing in approved hospitals disregard both the letter and the spirit of the law by performing abortions that are in no way necessary for the preservation of the mother's life, what reason is there to believe that tomorrow were the law made more liberal, physicians would be more respectful of it. We will then hear the old refrain by a larger chorus, "I don't do it somebody else will." Every physician will admit that no matter how thoroughly policed any medical society or hospital may be, there are always those doctors who are on the fringe regarding medical ethics and that the rules are made easy for them they capitalize on."

Doctors should never forget their great Oath of Hippocrates, the guiding principle for physicians for centuries, which states, "To none will I give a deadly drug, even if solicited, nor offer counsel to such an end, and to no woman will I give a destructive suppository, but guiltless and hallowed will I keep my art."

## IS IT HUMAN

We must now consider the key point in the entire discussion of abortion: Is the small embryo or fetus a human being or merely a piece of tissue without being, life, or rights? Those in favor of abortion take the latter position and state that it does not look human and does not have full human characteristics such as fully developed vision, size, shape, power of thought and self sufficiency and when it cannot yet live outside the uterus it is not a "baby." Therefore, it is not human and no harm is done by destroying it.

At a recent state legislative hearing on abortion some students and faculty members from the state university testified that "The fetus is not human. It is a mass of protoplasm . . . a group of cells . . . a mass of tissue. It is a parasite which has no right to live." A scientist and recent Nobel Prize winner recently went so far as to say that it may become impractical to regard human life as sacred, and that in the future newborn infants may have to pass an acceptance test before being declared legally born.

The opponents to aborticide point out that actually every characteristic the human will ever have is contained in the genes of the ovum and sperm as soon as united. As an embryo it is undergoing continual development. All it needs is time and nutrition, and only two avenues are open to it — it will become a live human being or a dead human fetus. Has anyone ever known a woman to give birth to any other species.

Arey's textbook of embryology, a world authority on human development, states that from 5 to 8 weeks gestation the head becomes erect, the face develops, the eyes, ears and nose appear and the digits demarcate. From 8 to 12 weeks the fetus definitely resembles a human being, finger nails form and sex can be visibly distinguished externally. By 16 weeks the face has a truly human appearance and individual differences become recognizable.

Dr. William Lynch, Boston gynecologist and obstetrician says, "You can't have it both ways. Medical scientists claim they are creating human life in a test tube. You can't call it something else in the womb." Dr. Richard V. Jaynes of the American Board of Obstetrics and Gynecology, a Detroit physician and Presbyterian, "unalterably opposed to liberalized abortion laws," related the human nature of the fetus when he described before a Michigan Senate Committee the procedure of abortion in which "after 10 to 12 weeks the baby has grown large enough that the head and larger parts must be crushed or cut into pieces and scooped out limb by limb."

While a fetus does not exactly resemble a young boy, neither does a baby exactly resemble an old man. Human life is one continuous cellular change beginning with conception and ending with death. Legally and philosophically throughout Judeo-Christian history the fetus has been considered human. This position is made clear by quotations from court decisions in several states: "A child is not only regarded as a human being, but as such from the moment of conception — which it is in fact." (District of Columbia 1946) "Medical authorities have long recognized that a child is in existence from the moment of conception." (Illinois 1961) An unborn child is defined as "a human being from the time of its conception until it is born alive." (Wisconsin Abortion Statute — Criminal Code 940.04). "A fetus which has reached the age of viability is a human being for the purposes of California homicide statutes." (California Appeals Court 1969) ". . .

'child' should include a human being upon conception and during pregnancy, as well as one actually born." (Colorado Supreme Court 1936, and restated in opinion of August 1969). Rabbi Tibor Stern of the Cohen Community Synagogue, Miami, states that "Centuries of traditional Jewish law clearly establishes the human nature of the unborn fetus and the immorality of abortion. Those Jews who support abortion legislation have erased every trace of Jewish law from their religion." States Professor Otto Piper of Princeton Seminary (Protestant) "We have no right to destroy new life." And Professor Kari Barth (Protestant) of Basel, "He who destroys germinating life kills a man." And Dietrich Bonhoeffer, Lutheran Theologian killed by Hitler, "Abortion is nothing but murder." And the Didache, one of the earliest known pieces of Christian writing includes the precept, "Thou shall not procure abortion."

Even Life Magazine, whose editorial policy has supported abortion, stated in "The Drama of Life Before Birth," a magnificent picture story of the development of the human fetus, "The birth of a human life really occurs at the moment the mother's egg is fertilized by one of the father's sperm cells." Additionally, Medical World News, in a picture article of March 15, 1968 entitled "Close-up of Human Life Before Birth," shows an 11 weeks old fetus, unmistakably human, with the picture caption "All body systems in 2 1/2-inch-long fetus are now working."

Dr. Robert J. Luby, former Professor of Obstetrics and Gynecology at the University of Nebraska School of Medicine, and now Professor and Associate Director at Creighton Medical Schools contends, "I am convinced that sometime after conception this being shares human destiny and has an equal right to life with all of us. The permissive legislation supporting abortion is a denial of this right."

Many other scientific, legal, and religious groups and articles could be quoted establishing the human nature of the fetus, condemning abortion or opposing liberalized abortion legislation, including the Anglican Bishops of Australia and the Northern Indiana Convention of the Episcopal Church. However, let us close with a quote from Rev. Annim Polster, former attorney, and Lutheran Pastor, Daly City, California, "The contention that human life begins at conception is heavily supported by the science of biology. Must not the law regard the fetus in the womb as a human being and grant it all the rights and protection that our laws extend to all human life? To deal with human life as if it were of no value cannot be right in the eyes of God or man. The gift of life is God-given. Can it be mercy to destroy life? Or shall "liberalized" abortion be given its rightful name — murder?"

## CONCLUSION

Certainly many legislators and physician who are proposing liberal abortion have good intentions, and I have given consideration both to their sincere motives and to the arguments with which they support their position. However thorough and logical analysis must lead to these conclusions:

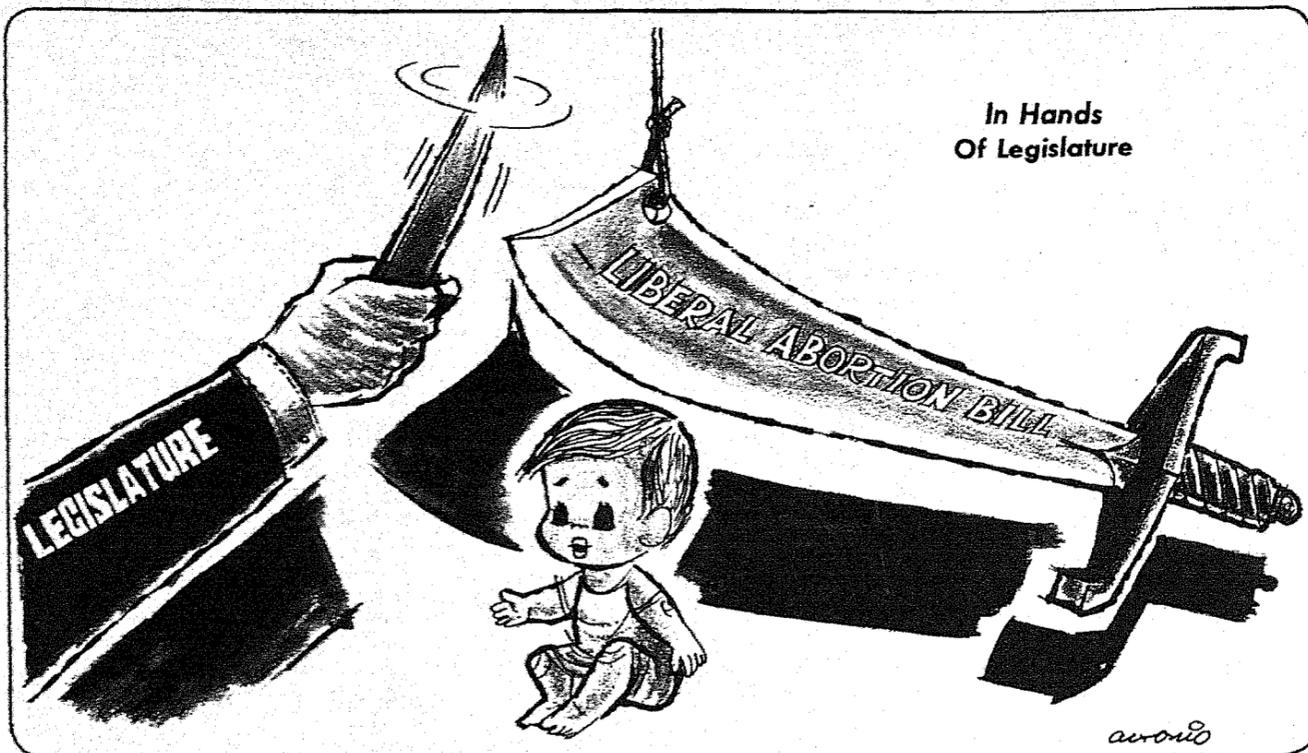
1. Life — some type of growing, metabolic organism which has all the potentials necessary for developing into a human being — begins at conception.
2. Legally, philosophically and scientifically this life has always been regarded as human. Modern medical science, including embryo and fetal photography, now clearly demonstrates the human nature of this life.
3. Aborticide has been condemned throughout history by Law, Medicine, and Judeo-Christian teaching.
4. There is no medical necessity, physical or mental, for aborticide. Convenience yes, real necessity no.
5. The right of the unborn child to life must outweigh the desires of others to destroy it, whatever the basis of these desires.
6. The liberalization of abortion laws now will ultimately lead to legalized extermination of other humans, and will be another step in the decaying moral values of our current society.

Moreover, I concur with the late Dr. Edward Lauth that — Society can solve the problem of the illegal abortionist by better law enforcement. Society and the physician can solve the problem of the rapist and incestuous man by better mental health facilities and earlier treatment. Physicians are very able to assist the ill and disturbed mother through her pregnancy and, with good judgment and the help of research, prevent deformities in her baby.

Physicians are in the high profession of healing, not in the low business of abortion. That great physician and humanitarian, Dr. Albert Schweitzer said it clearly, "Reverence for life, life of all kinds, is the first principle of civilization." No physician, no parent, no hospital group, no legislative assembly or government has the right to take innocent life.

As Senator Reubin Askew, a Presbyterian Elder from Pensacola, stated when members of the Florida Senate were debating as to whether the decision to "terminate a pregnancy" should be left up to doctors or to lawyers, "I offer a third alternative — that it be left up to God, and the child be permitted to live."

**Right To Life**



AN ANALYSIS OF LEGAL OBJECTIONS TO RELAXING THE LAW

# Those Favoring Abortion Have Changed Tunes!

Arguments of proponents of liberalized abortion in Florida and the nation have changed drastically since revision of abortion statutes was first proposed three years ago, but the legal objections behind altering such legislation remain unchanged.

In January, 1967, legislation supported by the Florida Medical Association and endorsed by the Miami Obstetrical and Gynecological Society was adopted from the Model Penal Code of the American Law Institute. Similar measures were introduced in 37 other states.

The measure advocated a liberalized abortion law which would permit therapeutic abortions to preserve the physical or mental health of the mother; if the unborn child was threatened with serious mental or physical defects; or if the pregnancy was the result of rape or incest.

And those in favor of liberalized abortion termed present laws, which allow abortion only when the life of mother is endangered, as "archaic," pointing out that relaxation of the laws would reduce the number of illegal abortions which proponents claimed are responsible for 10,000 deaths each year.

In 1967 and 1969 such measures were defeated in the Florida legislature but passed in other states.

Last week committees in both the House of Representatives and the Senate of the Florida legislature cleared abortion bills patterned after the new Hawaii law requiring only that a woman reside in the state for six months prior to the abortion and that it be performed by a physician in a hospital.

In sharp contrast to the words of advocates in 1967 and 1969, this year's campaigns for liberalized abortion emphasized that women's rights are at stake — that she has the right to do as she wishes with her own body — that abortion is a "private matter" between a woman and her physician. Women advocates of liberalized abortion expressed resentment that men-legislators should be allowed to decide what women can or cannot do, and secular newspapers and newly-formed women's groups throughout the state and nation have stressed the "rights" of women to do as they wish with regard to abortion.

Meanwhile proponents in the legislature itself continued to reiterate their claims that repeal of existing abortion laws will reduce the number of illegal abortions, even though there are no statistics to support these claims and the Bureau of Vital Statistics of the Department of Health, Education and Welfare, in Washington, D. C. has no data on criminal abortions.

The original measure pre-filed last month in the House of Representatives by Rep. Miley Miers (D — Tallahassee) was similar to the 1967 bill but was withdrawn as the new ultra-liberal bill was substituted in its place. A restricted relaxed measure sponsored in the Senate by Sen. Robert Shevin (D — Miami) was deterred by the Senate committee in favor of an identical bill

to Miers' sponsored by Dade Sen. Kenneth Myers, Sen. David Lane, Fort Lauderdale; and Sen. Warren Henderson, Venice.

Three years ago, Miami attorneys, Joseph M. Fitzgerald and Thomas A. Horkan in a legal brief on liberalized abortion termed proposed legislation "a violent departure from our existing law and it plainly contravenes the right of innocent human beings to life and to the equal protection of the law."

The brief continued as follows: "The Declaration of Independence, to which the representatives of the 13 original colonies affixed their names, graphically recites:

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.

"This was an extension of the basic right recorded in the Magna Carta and thereafter reiterated by English kings on several occasions.

"The Constitution of the State of Florida adopted in 1885, under the Declaration of Rights, Section 1, provides that: All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing happiness and obtaining safety.

"Not only have these enumerated rights been guaranteed under our substantive law, but they are also recognized as springing from the Natural Law. These rights were regarded as deriving from the Author of Nature, inherent in us by our nature or essence and therefore inalienable and cannot be destroyed by the State.

"It is, without exception, recognized that no person may be deprived of life, liberty or property, without due process of the law.

"The guarantee of due process of law inures to the benefit of all persons, citizens and aliens as well, residing within a territorial jurisdiction. This guarantee even protects corporations, as well as individual persons. It may be asked then, is an unborn child a person within the meaning of the law?"

"Although some of the earlier cases did not recognize the existence of a person until the fetus was viable or quick (that is, with an interuterine movement which is actually felt by the mother), the modern law, relying upon the medical and scientific advances and discoveries of our age, recognizes that life begins at the time of conception and not when the fetus becomes viable.

"It is true that the fetus is dependent upon the mother for its growth, but so is it dependent after its birth on its mother and others for its health, growth and well being. This is true, not only of the young, but of the aged. Science now knows there is no qualitative difference between an embryo and its older brothers and sisters. The law, in this regard, has kept pace with the development of science and will protect the

civil rights of the unborn at all periods after conception.

"The property rights of unborn children are respected by all jurisdictions and protected by the courts therein. As an illustration, the Florida Supreme Court in *Shone vs. Bellmore*, 78 So. 605, in finding that a father, as to his homestead died intestate, and that his posthumous child was included among his heirs said, in this connection the word heirs means those who may under the laws of the State inherit from the owner of the homestead. The capacity of a posthumous child to inherit from its father is undisputed — and — That a child in ventre samere (unborn) both by the rules of the common law, and civil law, is to all intents and purposes a child, as much as if born in the father's lifetime.

"The right of an unborn child to take under the laws of descent and distribution of the various States is unquestioned. Any child born within nine months of the death of his father would take (inherit) under the law, just as though he were alive at the time of the death of his father.

"In cases of tort (a wrong arising outside of a contract) the States, with few rare exceptions, have upheld the right of the child to sue for torts committed against him while in the period of gestation. Usually the suit has been brought after the birth of the child. But there are a large number of States, ever increasing, which uphold the right of an individual (administrator of the estate of the deceased) to bring an action for the death of an unborn child. Other States have dismissed such suits, not because the unborn was not a person or was without rights, but simply because the proving of damages would leave too much to pure conjecture.

"It is obvious therefore that the unborn child is regarded in law as a person, possessing constitutional rights, property rights and rights arising out of tort. In the case of tort the right to sue for injuries sustained during gestation has been upheld whether the suit was brought after the birth of the child or whether the fetus died before birth as a result of the injuries sustained."

Although proponents of the legislation stress the rights of women, neither of the bills which cleared committee last week carry any requirement for the serving of notice of the intended abortion on the father of the child and his right to be heard thereon.

According to attorneys Fitzgerald and Horkan, and other expert legal opinions, "The law recognizes a vast number of rights and duties as well, flowing between a father and his children. What is more basic and deserves more legal protection than the right of a father to protect the taking of the life of

his innocent unborn child without cause and without due process of law?"

The attorneys also cited lack of due process and equal protection of the law in setting forth legal opposition to proposed liberalized abortion, pointing out:

"It has been said the 'due process' is difficult to define accurately. Whether due process of law has been made available depends on circumstances varying with the subject matter and the necessities of the situation. It also depends on the power of the Government which is being exercised and on the purpose to be accomplished.

"In the landmark constitutional case known as *The Dartmouth College Case*, Daniel Webster said that by due process of law is meant 'a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial.'

"Basically the essential elements of due process of law are: notice and an opportunity to be heard and defend in an orderly proceeding adopted to the nature of the case before a tribunal having jurisdiction of the cause.

"We have already seen that the law regards the unborn as a person, yet we now have before us the anomaly of a Bill designed to take the life of an innocent, unborn child without the slightest regard for his constitutional right of due process of law.

"The underlying theme in this whole deal is a total disregard for the right of the innocent, unborn child to life.

"A person charged with a capital offense must first be indicted, be represented by counsel (his own or a public defender) to prepare his defense, have the opportunity to confront his accusers and cross examine them if desired, in an open court, and before being sentenced must be found guilty. Every protection of the law is afforded the accused.

"The proposed statute here, however, permits the innocent unborn child to be sentenced to death without being charged with the crime, without the benefit of counsel, without being heard through his 'next friend or guardian.'

"Conclusion: This proposed statute substitutes our traditional and constitutional guarantee that we cannot be deprived of life, liberty and the pursuit of happiness except through due process of law, for a decree of a medical forum.

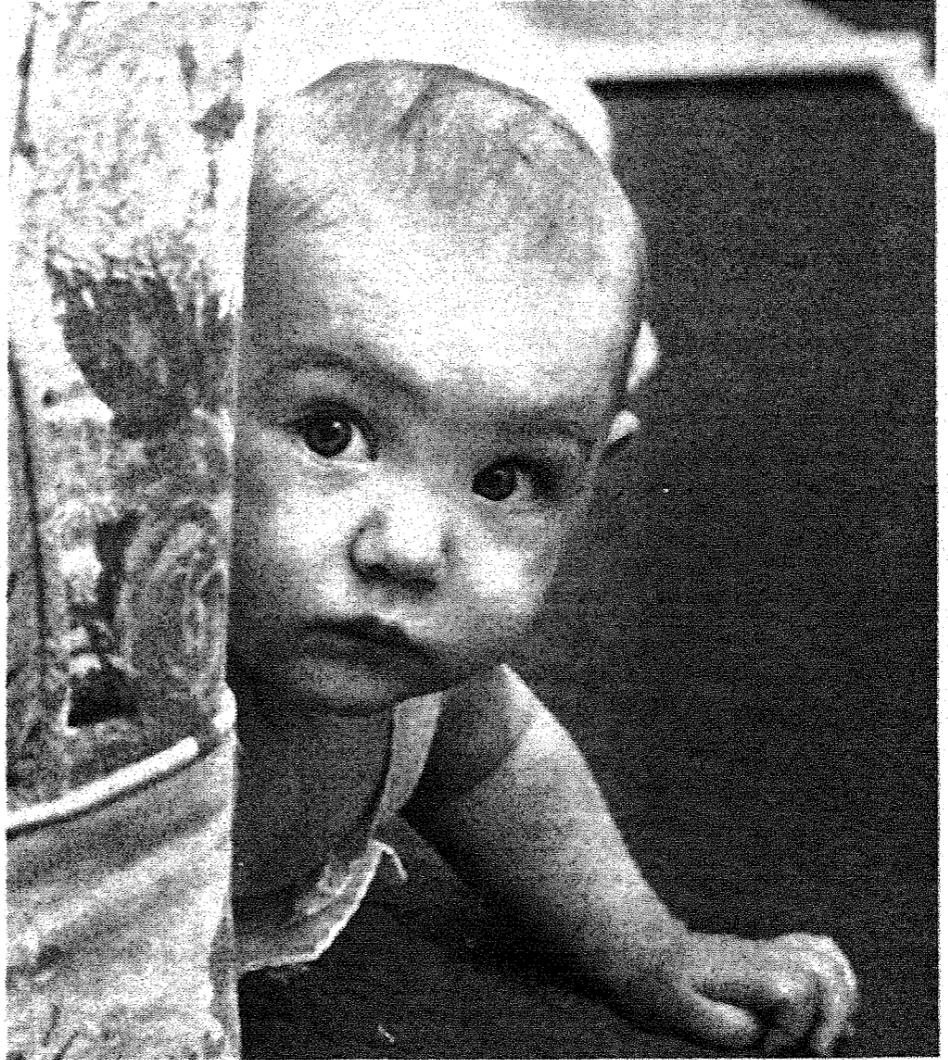
"The life of the innocent, unborn child must surely be regarded with at least the same compassion as that of the convicted criminal. He has not offended society, has taken no one else's life, has been convicted of no crime. Like you and me, he only wants to live."



# The Right To Life Is Guaranteed

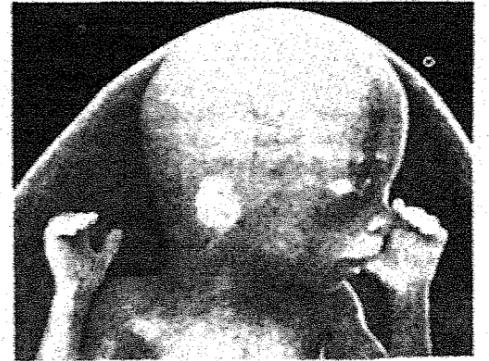
THE RIGHT to life is guaranteed in the United States Declaration of Independence as an unalienable right "endowed by their (men's) Creator" along with the right to liberty and the right to the pursuit of happiness. That right to life, has been recognized by the courts as applying to a person from conception to death—although some would deny the person his right with laws permitting abortion of unborn human beings and the practice of euthanasia, or so-called "mercy-killing" on those human beings who have reached older years and perhaps harder times.

The concepts which back moves to provide liberal abortion statutes and provide for euthanasia do not seem far apart—for they are deeply seated in the denying of a person's right to life and the legislation of the age and physical condition of those who "qualify" for their right to life. The conclusion of such thinking—when carried to the logical extreme—is selection of the species—or the total denying of some people's right to life and the setting down of rules and regulations for which human beings shall live and which shall not. History tells the awesome story of such thinking as recently as the Nazi exterminations in this century and it would be a terrible cycle to see repeated.



Clip and mail

## 'He' Has A Right To Live!



SIGNED:

Name .....

Address .....

City .....

I firmly oppose all bills to liberalize the abortion law.

## Here Are Names of Your Legislators

Floridians wishing to write their Senators and Representatives may do so by writing: Senator —, The Capitol, Tallahassee, Florida, 32304 or Representative —, The Capitol, Tallahassee, Florida 32304.

Following is a list of members of the Senate and House of Representatives:

### SENATE

**Escambia - Santa Rosa**  
Broxson, John R. (D). O. D. Askew, Reubin (D).

**Okaloosa - Walton - Homes - Washington - Calhoun - Leon Gadsden - Bay - Jackson**  
W. Barrow, William Dean (D). Barron, Dempsey J. (D). Horne, Mallory E. (D).

**Columbia - Suwannee - Hamilton - Madison - Taylor - Jefferson - Wakulla - Franklin - Gulf - Liberty**  
Bishop, W. E. (D).

**Gilchrist - Alachua - Bradford - Levy - Dixie - Lafayette**  
Saunders, Bob (D).

**Duval - Baker - Union - St. Johns - Nassau**  
Mathews, John E. (D).

**Slade, Tom (R). Scarborough, Dan (D). Beaufort, C. William (D). Pope, Verle A. (D).**

**Clay - Flagler - Putnam - Marion**  
Williams, J. H. (D).

**Citrus - Hernando - Lake Sumter - Volusia**  
Karl, Frederick B. (D). Daniel, C. Welborn (D).

**Orange - Seminole**  
Plante, Kenneth A. (R). Ducker, John L. (R). Gunter, Bill (D).

**Pinellas - Pasco**  
Young, C. W. Bill (R).

**Wilson, Harold S. (R). Saylor, Henry (R). Deeb, Richard J. (R).**

**Hillsborough**  
Knopke, Ray C. (D). McClain, Joseph A. Jr. (R). Ott, T. Truett (D). de la Parte, Louis, Jr. (D).

**Osceola - Polk**  
Trask, Alan (D). Chiles, Lawton M. (D).

**Brevard - Indian River - Martin - Okeechobee - St. Lucie**  
Johnson, Beth J. (R).

**Reuter, C. S. (R).**

**Manatee - Hardee - Highlands**  
Boyd, Wilbur H. (D).

**Charlotte - DeSoto - Sarasota**  
Henderson, Warren S. (R).

**Glades - Hendry - Lee - Palm Beach**  
Bafalis, L. A. (R). Friday, Elmer O., Jr. (D). Thomas, Jerry (D).

**Broward - Collier - Monroe**  
Lane, David C. (R). Weber, Charles H. (R). Bell, John W. (R). Stolzenberg, Chester W. (R).

**Dade**  
Gong, Edmond J. (D). Haverfield, Robert M. (D). Weissenborn, Lee (D). Shevin, Robert L. (D). Hollahan, George L., Jr. (D). Myers, Kenneth M. (D). Poston, Ralph R. (D). Fincher,

Dick (D). Stone, Richard B. (D).

**HOUSE**

**Escambia**  
Hess, Roy L. (D). Tyrrell, Gordon W. (D). Tobiasen, Tom (R). Reeves, (D).

**Santa Rosa - Okaloosa - Walton - Holmes - Washington**  
Fortune, Edmond M. (D). Elmore, Henton D. (D). Melvin, J. G. (D).

**Bay - Gulf - Calhoun**  
Middlemas, John Robert (D). Chapman, Joe (D).

**Liberty - Jackson - Gadsden**  
Woodward, R. D., Jr. (D). Mixson, Wayne (D).

**Franklin - Wakulla - Leon**  
Miers, Miley (D). Tucker, Donald L. (D).

**Jefferson - Madison - Taylor - Lafayette**  
Smith, Ken (D).

**Suwannee - Dixie - Hamilton - Gilchrist - Levy**  
Lancaster, Howell (D).

**Nassau - Baker - Columbia - Bradford - Union - Clay**  
Shaw, Gene (D). Tyre, Ralph C. (D).

**Duval**  
West, Roger (D). Alvarez, Ted (D). Ogden, Carl (D). Brantley, Lew (D). Crider, John (D). Arnold, Lynwood (D). Schultz, Frederick H. (D). Dixon, R. Earl (R). Nease, J. Wertz (R). Nichols, Don (D). Westberry, Harry (D).

**Alachua - Marion**  
Turlington, Ralph D. (D).

**MacKay, Kenneth H. Jr. (D). Andrews, Bill (D). Putnam - Flagler - St. Johns - Lake**  
Reedy, W. H. (D). Glisson, James A. (R). Craig, A. H. (D).

**Volusia**  
Conway, William R. (D).

**Sweeny, James H. (D). Gillespie, William M. (D).**

**Orange - Seminole**  
Wood, Leonard V. (R). Bothwell, Cecil L., Jr. (R). Fulford, Bill (D). Lindsey, David L. (R). Gorman, William D. (R). Earle, Lewis (R). Bassett, E. Pope. (R). Gibson, William L. (R).

**Pinellas**  
Savage, John J. (R). Grizzle, Mary R. (R). Ware, John T. (R). Murphy, Jack (D). Whitson, Ed S. Jr. (R). Robinson, A. S. (R). Stafford, Don H. (R). Fleece, William H. (R). Wilson, Roger H. (R).

**Polk - Sumter**  
Clark, John R. (D). Brannen, Bob (D). Bevis, William H. (D). Yancey, Quillian S. (D). Rowell, E. C. (D).

**Hillsborough - Citrus - Pasco - Hernando**  
Blackburn, Ed. Jr. (D). Redman, James L. (D). Register, William M. (D). Martinez, Elvin L. (D). Spicola, Guy W. (D). Sessums, T. Terrell (D). Ryals, John L. (D). Danahy, Paul W. (D). Hodes, Richard S. (D). Culbreath, John R. (D). Stevens, Tommy (D).

**Brevard - Osceola - Indian River - Okeechobee**  
Davis, Charles E. Jr. (R). Tillman, Richard J. (R). McNulty, Clifford A. (R). Powell, William E. (R).

**St. Lucie**  
Nergard, Charles (R).

**Martin - Palm Beach**  
Reed, Donald H., Jr. (R).

**Poorbaugh, Jack (R). James, William G. (R). Moudry, Raymond J. (R). Jordan, John (R). Clark, David C. (R).**

**Broward**  
Ward, C. Lavon (R). Rude, Arthur H. (R). Caldwell, George L. (R). Bird, Richard A. (R). Prominski, Henry J. (R). Gustafson, Joel Karl (R). Martinez, Joseph M., Jr. (R). King, Charles J. (R).

**Dade**  
Baker, Maxine E. (D). Renick, Dick (D). Firestone, George (D). Clark, Dick (D). Whitworth, Lew (D). Dubbin, Murray H. (D). Lewis, Gerald (D). Pettigrew, Richard A. (D). D'Alemberte, Talbot (D). Kershaw, Joe Lang (D). Sackett, Walter W., Jr. (D).

**Featherstone, Harold G. (D). Holloway, Vernon C. (D). Singleton, Carl A. (D). Hector, Robert C. (D). Graham, Robert (D). Hartnett, Robert C. (D). Baumgartner, George I. (D). Harris, Marshall S. (D).**

**Dade - Monroe**  
Gautier, Jeff D. (D). Matthews, Carey (D). Wolfson, Louis II. (D). Collier - Glades - Hendry - Lee  
Randell, Ted (D). Walker, James Lorenzo (D).

**Monroe - Dade**  
Roberts, William G. (D). Hardee - Manatee  
Pratt, Jerome (D). Galien, Tom (D).

**DeSoto - Highlands - Charlotte - Sarasota**  
Tillman, Jim K. (R). Heath, Donald E. (R). Crabtree, Granville H. (R).

Those wishing to write to Governor Claude R. Kirk may do so by addressing their letters to: Honorable Claude R. Kirk, Governor's Mansion, Tallahassee, Florida 32301.