

Abortion and Liberty

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Congressman Ron Paul

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Foreword

One might wonder why another book on abortion. Is there anything to say except the tricky alliteration of a new slogan? Has someone found a new message? Is there a person out there with credentials no one else seems to have?

The answer to that last question is: “Yes.” Ron Paul is not only a physician, but he was trained in the discipline of obstetrics and gynecology and therefore is at the front lines in the battle against abortion. This physician was then elected to Congress four times and looks back on abortion as a problem he saw in biomedical ethics as a student, then as a resident and finally as a practitioner of obstetrics.

The fresh insights that Ron Paul, the physician, brings to the question of abortion stem from the experience he developed as a Member of Congress, as he contemplated the relationship between natural rights and a free society.

It is true that some of the old arguments about rights, viability, mother versus child, child abuse, health of the mother, and rape are considered in these pages. There is much more. The unique contribution found in this book is the examination of a free society in reference to that society’s responsibilities. Perhaps another way of stating it is that there is an examination of the child’s rights versus the mother’s obligations. The concluding warning is clear: a disregard for human life will not expand human freedom.

The individual rights we all cherish are rooted in the value we assign to human life, especially innocent human life. The author’s credentials are unique and so is his approach to the diverse social problem abortion has become in our day.

C.Everett Koop, M.D., Sc.D.

Introduction

Abortion is the most fundamental issue involving natural rights and individual liberty. Many people wish the issue would simply disappear, but without clear and correct answers to the questions involved, the controversy will continue, and it will be impossible to defend liberty.

It's no coincidence that today's argument over abortion comes at a time when freedom in general is threatened in the United States, as well as in other Western countries. Nor was it accidental that genocide, abortion, and euthanasia were all practiced under Hitler, and that all three characterize totalitarian states. Even today, Communist governments vary their positions on abortion strictly on economic calculations of whether more or fewer slaves are needed.

Many books on liberty avoid the issue of abortion because it is so emotionally charged. But we cannot afford to ignore, blur, or be wrong about abortion, because it is of such great significance. If we do, it will keep us from developing a consistent plan for establishing a free society.

As important as the military draft issue is, abortion is even more important, for it involves the deliberate destruction of a living human being. Many students of liberty take contradictory positions on these two issues. But we must have a consistent position, anchored in natural rights, on these two fundamental challenges to freedom. A resolution of the abortion controversy can be achieved only by strengthening the concept of individual liberty, not by limiting it.

A General Overview

Induced abortion, as understood today by the general public, is the deliberate removal of the so-called “products of conception,” but in reality is the killing of a human being in a uterus.

Abortion has become common in the United States only in the past ten to fifteen years, and particularly since the Supreme Court decisions of January 1973. Prior to the 1970’s, abortion was generally illegal, but abortions were performed as they became more socially acceptable and were tolerated by the courts. In the 1960’s, state laws were changing, and open violations of those laws were common for the purpose of precipitating court challenges. The past twenty years have been revolutionary in the rapid change in the attitude of the American people about abortion. During the same period, outright hostility toward a free society has also grown, as have the size and power of the federal government.

My vantage point is unique, as a physician trained in obstetrics, as a Member of Congress, and as someone greatly concerned for natural rights and a free society. I am permitted an excellent opportunity to express my abhorrence for abortion and medicine’s contribution to its acceptance. The loss of freedom and the moral decay of today’s society are closely linked.

Twenty years ago I was a medical student when essentially no legal abortions took place. Fifteen years ago I was an obstetrical resident and saw the law flaunted and infants, crying and breathing, placed in buckets to die.

Ten years ago, before the wholesale taking of intrauterine life became acceptable, I participated, in private practice, in many adoptions as “unwanted” children were placed with couples anxious to provide a home and love for them.

Nine years ago, after coming to the conclusion that our country and our liberties were threatened by economic and

international chaos, I entered politics. Eager to develop a consistent philosophy, I read avidly those who defended the free market, personal liberty, and non-intervention in the affairs of other nations. Most who wrote on these subjects either ignored or endorsed the trend toward abortion. As a medical student I too tended to ignore the “problem” and did not take a strong position on abortion. As the laws changed, I witnessed the carnage. With my interest in politics, I studied the issue of natural rights and came to the conclusion that protection of life, liberty and property is the only legitimate function of the state.

There is now little debate that human life does exist prior to birth. Even some pro-abortionists have conceded that point. But if this is so, that life is entitled to the protection of the government. Instead—but consistent with the political trends we are witnessing in all other areas—the government acts perversely by using funds to do the exact opposite of the intended purpose of the state—to destroy life instead of protecting it. The acceptance of abortion, the growth of bureaucratic government, double-digit interest rates, and the loss of freedom are all inter-related. They are all the result of a lack of understanding and concern for natural rights bestowed on us by our Creator. Our economic and social problems have a common cause: the blatant disregard of basic human rights.

Even those who support abortion should be concerned about the significance of their position. To defend those who would kill a human being, merely because he is small, defenseless, and “unwanted,” is not easy to accept psychologically. Many abortionists would like us to think they deal in “globs of tissue” and not with human life, but the evidence is otherwise.

Dr. Kenneth Edelin, an obstetrician in a celebrated abortion case in Boston, was convicted of manslaughter, but the court’s decision was later reversed, and Edelin was acquitted of all charges. What Edelin had done was to perform a Caesarean section on a woman and then smother the baby in the uterus,

removing the body only after the baby was dead. While his conviction was being appealed, Edelin was named “Physician of the Year” by the Boston University Medical School graduating class. There was a time when we honored men in medicine who helped eliminate disease and save life, not those who deliberately destroyed life.

When large numbers of abortions were first performed in New York, the complaints came not from the political philosophers who demanded consistency and equal protection under the law for prostitutes and homosexuals, but from the garbage collectors. Those who serviced the hospitals refused to pick up the fetuses discarded following abortions. To whom shall we turn for our leadership? In this case, the philosophers of the street. The value of human life was obvious to those who had to dispose of it. Malcolm Muggeridge points out that even the most ardent abortionists find the practice of using discarded fetuses in the manufacture of cosmetics distasteful. Any animal fat could be used for making cosmetics, but the use of fetuses is something else.

Seeing and realizing what is being done during an abortion make the procedures especially distasteful. Although ethically and morally there is no difference between a late first trimester abortion and an early second trimester abortion, the procedure has to be different. In the first trimester an abortion can be performed with a suction curette and the child is “washed away” unseen. Later in pregnancy, when a saline injection is required and a dead and mutilated fetus delivered, it is difficult to deny exactly what has been done.

I once asked a colleague of mine who, before the Supreme Court decisions in 1973, went to a “liberal” state to make his fortune in abortions, about this very point. “Does it bother your conscience to do abortions?” I asked. His quick answer was “No,” but he added, “not unless I have to look at the fetus.”

Abortionists never claim they enjoy their work. But I

thoroughly enjoy delivering babies and am especially delighted to help find homes for infants not wanted by their parents.

The work of the abortionists contradicts the whole notion of natural rights and is destructive of life and liberty in the most obvious way. If happiness and satisfaction are achieved by acting as the image of God in “creating” and producing, then destroying life must be incompatible with any sense of fulfillment. The attraction of high incomes has induced many to perform the procedure. They were not motivated to act creatively. The two are contradictory.

Dr. Bernard Nathanson, the abortion king who personally performed 1,500 abortions and supervised another 60,000, then subsequently changed his mind about the procedure, describes the horror of abortion. In his book, *Aborting America*, he recounts a lecture by Dr. David Sopher, an abortionist who taught others how to be skillful in the art of taking life:

He would break the bag of waters and quickly dismember the fetus blindly with a polyp forceps. He became so incredibly expert that his total operating time averaged three minutes, compared with the typical 30 or so minutes. He illustrated his lecture with slides in color, showing the fetus reconstructed at the end of the abortion like a grisly jigsaw puzzle. One could see where the arms and legs had been ripped from the body and removed separately, how the spine had been snapped in two and removed with dispatch, how the skull had been crushed and the brain drained out before the bony parts were removed. Surgically, a bravura performance. Sopher, however, had a most disconcerting nervous habit of loosing a bolus of giggles at the end of a sentence, and the more outrageous the statement, the more explosive the giggles. Even that audience in Des Moines, prepared to be enthusiastic on the subject of abortion, was a little dismayed at what it saw—and heard.

Nathanson is now opposed to abortion. An important point that convinced Nathanson abortion should be rejected was that “*every good argument for abortion is a good argument for*

infanticide.” But even with his conversion, Nathanson does not refer to intrauterine life as “children,” but as “alphas.”

Nathanson performed and supervised 60,000 abortions in a clinic called the “Center for Reproductive and Sexual Health,” a bit of a misnomer. The name of another abortion service, the “Parents Aid Society,” demonstrates to what degree *1984 Newspeak* was required to give the movement a bit of moral acceptability.

As an atheist, he’s determined to deny any religious influence:

If we do not protect the innocent, non-aggressive elements in the human community, the alternative is too horrible to contemplate. Looked at in this way, the ‘sanctity of life’ is not a theological but a secular concept, which should be perfectly acceptable to atheists. In the concise form, ‘do no harm,’ it remains the fundamental code for a physician, religious or non-religious.

If a man like Nathanson can join in the effort to protect the unborn, we should all pay close attention to the subject of abortion and make certain we make the proper judgment. An incorrect conclusion on this subject will jeopardize all other efforts to protect individual liberty.

Abortion and Organized Medicine

Throughout medical school, internship, and residency, all of my training was directed toward preserving life and restoring health. Delivering babies had a special attraction for me—in spite of the hours—and I specialized in obstetrics and gynecology. Although some abortions were done when I was a resident, they were illegal. The chief of the obstetrical department exempted those of us who didn’t want to participate in abortion, because he did not believe in compulsion. I was taught

only how to help preserve the health of the mother and aid the fetus to reach term in a healthy state. The medical literature prior to 1973 focuses on techniques for delivering healthy babies. But quickly after the Supreme Court ruling, the journals became a source of information for those performing abortions. The rapidity of the change was as remarkable as it was discouraging.

Today applicants to our medical schools jeopardize their chances of acceptance if they express their objections to abortion. As bad as the system of choosing less qualified students over the better qualified in order to fill a quota is, the idea that an individual willing to destroy a life is chosen for medical school over one that holds life precious is appalling. I know of a Congressman's son, after being quizzed, who was turned down by two University OB-GYN residency programs because he refused to agree to do abortions. Remember, all universities receive federal funds and strictly follow the Equal Employment Opportunity laws. Since our young doctors are chosen in this manner, we can expect dire consequences for the medical profession and our society in the future.

Hospitals' obstetrical floors, after the court ruling in 1973, soon had two completely different kinds of patients; those awaiting abortions and those wanting to carry their pregnancy to term. On any given day, healthy two-pound infants would be thrown in the trash to die, while others down the hall, born prematurely and some with deformities, were treated for hours by a team of doctors and nurses equipped with sophisticated new medical devices. Such arbitrariness is to be expected from an immoral society.

Some time ago, I received my copy of *American College of Obstetricians and Gynecologists Technical Bulletin*, a publication designed to keep practicing physicians abreast with the latest discoveries. The title of the issue was "Method of Mid-Trimester Abortion"—a technical description of how to remove and destroy a fetus of 13 to 26 weeks. The more mature fetuses in

this group are well past the size of survivability outside the uterus. Recognizing the dangers inherent in late abortion, the article concluded: “Providing prompt pregnancy confirmation, adequate counseling, and inexpensive accessible first trimester abortion services will minimize the need for midtrimester abortion.” That’s the scientists’ solution to the problem and danger of midtrimester abortion—prompt and early abortions. It looks like we cannot depend on the leaders in the medical community to make an ethical decision with regard to abortion.

Today, the abortion technician who went along with human experimentation under Hitler’s rule, has no qualms about using fetuses to perform medical experiments. Many, I found, were delighted with the opportunity to gain “knowledge,” write papers, and promote their academic careers by performing various experiments on fetuses prior to, during, and after abortions.

During the 1960’s, when abortion became acceptable, the proponents used arguments that Nathanson now admits were deliberately false and misleading. For instance, they claimed five to ten thousand women died per year from illegal abortions. Dr. Nathanson claimed this lie was necessary for the “morality” of the cause—legalizing abortion. The truth is that in 1967 there were 160 deaths reported from illegal abortion and in 1972, just prior to the Supreme Court ruling, there were 39. Now there are 1,500,000 abortion deaths each year, hardly a fair trade-off; and maternal deaths from the procedure were still 33 in 1977.

The argument for legalizing abortion so no one gets injured in an illegal abortion is like arguing for the legalization of bank robbery so no one will get injured during the robbery. In abortion, legal or illegal, at least one person always dies. The real question is whether we count the fetus as one qualified for equal protection under the law. Medically and scientifically the argument is not whether a human life exists immediately after conception. It does.

The Issue of Rights

Those who defend liberty remarkably well in other areas frequently fail miserably on the abortion issue by saying that even though they recognize the fetus to be human and alive, it's nevertheless an "intruder," an "aggressor," and the mother—because of *her* rights—can throw this intruder and aggressor out of her uterus. This argument *must* accept throwing out and killing an "intruder" whether *one ounce*, or *seven pounds and one ounce*, hardly a consistent position for those who say *every* individual by his very nature has a natural right to life and liberty. The fetus, of course, neither aggressed nor intruded. The mother and father placed him there.

Even the United Nations, hardly an example of Protestant fundamentalism, classical Catholicism, or individual liberty and the free market, stated in its 1959 Declaration of the Rights of the Child that "the child, by reason of its physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before as well as after birth."

In 1967, the first International Conference on Abortion met in Washington, D.C. Twenty scientists with various backgrounds concluded "the majority of our group could find no point in time between the union of the sperm and egg, or at least the blastocyst stage and the birth of the infant, at which point we could say that this was not a human life. The change occurring between implantation, a six week embryo, a six month fetus, a one week child or a mature adult are *merely* stages of development and maturation."

The Declaration of Geneva of the World Medical Association states: "I will maintain the utmost respect for life from the time of conception until death." Politically, medically, and legally the consensus seems to be that human life does exist from the time of conception. But the question remains: "Does the fact that it rests in the mother's womb and not in the mother's

crib exempt it from the prohibition against acts of violence?”

By 1970, organized medicine was pushing harder than ever for readily available abortion services. The American Public Health Association no longer debated its advisability and disregarded entirely the concern many had for the right of the fetus to equal protection under the law. The executive board of the American Public Health Association adopted “standards” to be followed for those providing abortions to the public. One provision was that: “An important function” of an abortion clinic is “...to simplify and expedite the abortion—there should be no delay.” It sounds like the American Public Health Association does not want the patient to get confused with the facts. I know of several cases where the expediting was so efficient that the “abortion” was done on an empty uterus for a handsome fee. If remorse is a real problem, this speeding up of the process serves to increase this complication.

Rights of a Fetus

The fetus, for certain legal purposes, is recognized as a person. A baby born with an injury caused by drugs or medical neglect has recourse in a court of law claiming damages. This was true with the thalidomide cases in the 1960’s. The Supreme Court in *Roe v. Wade* brushed this aside saying traditional tort law denied recovery for prenatal injury. It did concede, however that today “That rule has been changed in almost every jurisdiction.” And they even recognized that parents could sue for wrongful deaths in the case of stillborn. A baby not yet born, if injured or killed in an automobile accident, can claim damages either directly or through the parents from those liable.

One of the most ironic legal twists of this whole abortion question demonstrates the schizophrenic position of today’s law. An unborn baby today has more legal “protection” of his “right to die” than his “right to life.”

If an abortion is attempted and fails, the mother, for the infant after birth, can sue the doctor for “malpractice.” The crime: failure to kill the baby. The OB-GYN *News* recently reported how attorneys now can earn over a million dollars per year on suits like this “Cases involving...failed abortion have led to automatic settlements.”

The unborn child was a person when the “malpractice” occurred and under the equal protection clause deserves payment as an “injured” party, collectible at birth. If the newborn can collect damages from an “insult” (failure to be killed) incurred during gestation, this in itself confirms legal recognition that a person with legal rights truly did exist.

The tragedy is that since the Supreme Court rulings of 1973 this legal recognition only occurs when life instead of death prevails. Why should this principle not be used to protect the *life* of the innocent *victims*? The law as it exists today says a fetus shall receive equal “protection” under the law while the law itself permits (and the government finances) his death. The fetus that deserves life—as *all* fetuses do—has no protection whatsoever. The law and the state thus become the enemies of life, not the protectors of life, just as they have become thieves when they *confiscate* property instead of *protecting* property by punishing theft and protecting rights of property ownership.

Legally a fetus is entitled to inheritance, even if the father dies before the birth of the infant. This has been part of our legal code since 1795. This certainly gives legal recognition to the fetus and embryo as a person entitled to legal protection under the law. If we can protect the *property* of a fetus and guarantee that it be delivered to him even after birth, why can we not guarantee and protect and deliver to him *his life* as well? The courts have even ruled that the illegitimate child of a father who died before the birth of the infant was entitled to the father’s Social Security benefits. This is, of course, not a natural right, but it is a recognition that a person does exist and was afforded

legal recognition.

Mother versus Child

The key moral and legal argument is the issue of the mother's right to her own body and the right of a fetus to his life. Those supporting abortions say the mother has the legal and moral prerogative to do as she chooses with her life and her body, with the unborn suffering the consequences. Those opposing abortion claim that a human life is involved and deserves protection just as any other life.

If the life of the fetus may be destroyed while within the body, there is no consistent argument against the same mother destroying that same life the minute or the week after birth in it is in the mother's home. Whether the baby is four centimeters below the skin or lying in a crib within the home, the right should be the same according to this argument, for both the body and the home are the property of the mother. *If* life is precious, it must have value in both places, and the right to life supersedes the inconvenience of the pregnant woman. This problem is well illustrated with a "failed" abortion in which a live baby is delivered instead of a dead one. If it was legal and moral to kill the infant in the uterus, what do you do if the doctor fails and delivers a live baby? Do we suddenly change the rules and kill the baby? Or keep the baby and sue the doctor for malpractice?

This is not a theoretical problem. In 1977, Dr. William Waddill of California agreed to do an abortion on an 18-year-old girl. He estimated her gestational period at 21 or 22 weeks. The abortion was attempted with a saline injection and the patient subsequently delivered a 2½ pound premature infant estimated to be at 31 weeks gestation. The discrepancy was explained by Waddill: "I made an error; I had no idea it was so large." Even so the abortion attempt was legally performed. Following delivery, Waddill—according to the testimony of a

pediatrician—deliberately choked the baby in order to kill him. When this did not immediately work, Waddill allegedly suggested to the pediatrician that the sink be filled and the baby's head held under. Eventually the baby died; the mother sued for \$17 million; and Waddill was tried for murder.

Anyone who supports abortion has no legal, moral, or practical defense against the deliberate killing of the newborn. Without a consistent resolution of this, we cannot achieve a pro-liberty, natural rights philosophy. I see no other way than to consistently protect life before as well as after birth. If we are to limit government's role only to protection of life, liberty, and property, we cannot dilute this and confuse the issue by protecting life only in certain circumstances and reject the protection of innocent life merely because of the location, size or condition of certain human beings.

The Rape Issue

Distorted facts and emotional appeals were the tools used by the pro-abortionists to legalize the practice. Death and injury stories about women exposed to "back-alley" abortionists were grossly exaggerated. The emotional appeal of rape and incest victims played a large role in softening the resistance of those with moderate opposition to abortion. The truth is that pregnancy after rape is *very* rare. A rape victim would be expected to arrive in an emergency room or a police station immediately after the act. If she did, a pregnancy could be prevented.

One study of 3,500 cases of rape taken over a period of ten years revealed *no* cases of pregnancy. I personally never heard of rape victim getting pregnant in the twenty years I have trained for and practiced medicine. So this is hardly a justification for change in the law that now has encouraged the performance of nearly 1,500,000 abortions per year on non-rape victims. If rape were the real reason to legalize abortion, why

wasn't the law restricted to cases of rape? The Supreme Court decision in 1973 was sweeping beyond belief and did not leave a shadow of doubt as to the purpose of the change—abortion on demand as a means of birth control. The rape issue was used merely to mobilize the troops and the sympathizers.

Psychiatric Justification

During the transition from a society that rejected abortion as legally and morally wrong to one that endorses it both morally and legally, psychiatric reasons were used most frequently to skirt the law. It was argued that mental illnesses were so serious with an unwanted pregnancy that all existing abortion laws had to be changed. Of course this was never proven.

Statistics proving that serious psychiatric problems were more common with unwanted pregnancies than with wanted pregnancies are not available. Quite to the contrary there will be a day when long term records will probably show that the women who undergo abortions will suffer more psychiatric distress than those who carry an unwanted pregnancy to term. In her autobiography the late Gloria Swanson recounted the lifelong remorse she felt from an abortion she secretly obtained early in her career. She wrote:

I'm going to start with the moment in my life when I thought I had never been happier, because until that moment, I hadn't ever assessed the events that had come before it, and once it was over, I could never view my life or my career in the same way again.

That blissful morning in Passy in 1925 when I married my gorgeous marquis lifted me to the very pinnacle of joy, but at the same time it led me to the edge of the most terrifying abyss that I had ever known. One moment I had everything I had ever wanted, the next I was more wretched than I had ever been before; and in the days that followed, the more I blamed my misery on the fame and success I had achieved in

the pictures, the more famous and successful I seemed destined to become....

What the press and fans didn't know that January morning was that I was pregnant. Not even my dear, sweet Henri knew that, and I didn't have the heart to tell him...What I knew was that if I had Henri's child in seven months, my career would be finished. The industry and the public would both reject me as a morally unsound character, unfit to represent them...Therefore, I took a single close friend into my confidence and with his help arranged to have a secret abortion the day after my marriage. The very idea horrified me, but I was convinced that I had no choice...With that I stifled my fears and kept the dreaded appointment.

* * *

His voice was reassuring, and I smiled feebly at him in gratitude. Then I heard another voice speaking very clearly. 'Don't do this,' it said.

The voice, I knew, was inside me. It was the voice of my unborn child. I tried not to listen.

'Your heart is pounding,' the voice said. 'I know you hear me. Listen to me. I want to live. I am frightened of the sewers.'

I shuddered and started to sob convulsively...the greatest regret of my life has always been that I didn't have my baby, Henri's child, in 1925. nothing in the whole world is worth a baby, I realized as soon as it was too late, and I never stopped blaming myself.

* * *

Even if Sid Grauman built me an Arch of Triumph in California as colossal as the one in Paris, it would always have a tomb under it, the tomb of an unborn baby who had picked Henri and me for parents and who was now dead.

Not many accounts of the guilt that plagues women who have had abortions are as eloquent as this one, but Miss Swanson, I would guess, speaks for thousands, if not millions.

A study in Minnesota showed that the rate of suicide for non-pregnant females was 3.5 per hundred thousand, and if pregnant

this figure dropped to .6 per hundred thousand, or one-sixth. One might argue from this study that pregnancy in general reduces the chances of suicide and abortion enhances it.

The Health of the Mother

Abortion is frequently justified as a method for the mother to end or avoid various diseases. This argument is grossly exaggerated and was only a subterfuge used by the promoters of abortion to remove the legal restraints against performing abortions. In delivering nearly 4,000 babies, I personally never came across a need even to entertain the thought of therapeutic abortion for the health of the mother, nor can I imagine the story book case of the doctor being forced into a crisis and making a decision of whose life to spare—mother or baby. Such distorted medical views have come from poorly researched movies on the subject. The state of pregnancy is natural; it's not a disease; and it is complimentary to both fetus and mother. Most of the time it's a delightful period for the mother and she feels better than at any other time in her life.

Defective Infants

The first time I heard that medical technology would permit intrauterine diagnosis of mental retardation and physical deformities, I thought that this ability could be a blessing, for it would prevent hardship for the family and for the individual by the practice of selective abortion.

Now I'm convinced that aborting a less than perfect child because he is less than perfect may be even worse than aborting a normal fetus. When abortion is done for this reason it justifies the taking of less than perfect life after birth or, for that matter, at any time for any reason.

Abortion and Child Abuse

Child abuse, the pro-abortionists argue, can be reduced by aborting unwanted children. They may concede that they are dealing with a human life, but they say they are concerned that after birth the child might be physically abused. Their solution is to kill the fetus, the presumption being that death is less abusive than a beating. But the evidence is quite to the contrary—unwanted pregnancies do not necessarily produce unwanted children likely to be abused. Child abuse is correlated more with the way the abusive parents were treated as children by their own parents.

There is good evidence showing that abortion and its general acceptance has *increased* the incidence of child abuse. As we lose our respect for human life the incidence of abortion rises. This careless attitude about human life and natural rights has placed a lesser value on a child's life. If the parents can kill prior to birth, how can a beating be so bad? Similarly, some argue that abortion should be done to keep children from being raised in poverty. But isn't being poor preferable to being dead?

Psychiatrist Phillip Ney of the University of British Columbia, after studying this particular aspect of the abortion controversy, concluded, "When I examined the evidence, I became convinced that most of the abused children resulted from wanted pregnancies and the policy of *elective abortion* is an important *cause* of child abuse." He correlates the rise of child neglect, child abuse, murder, and abortion, and believes that abortion, rather than preventing child abuse, as the pro-abortionists promised, has increased it and made it acceptable.

Dr. Ney claims that the careless disregard of modern society for the unique bond between mother and infant is a serious threat to social stability. He places a great blame on medicine, for it is organized medicine that condones and performs abortion: "By helping to disrupt a major species-preserving

mechanism—the mother-infant bond—medicine not only threatens the welfare and safety of large numbers of children, it might also be endangering the future of mankind.”

Children in homes where abortion has been used as a convenience can hardly be reassured of their value. Their psychological as well as their physical security will obviously be threatened, and conflicts between parents and children are more likely. A study by Schoenfeld and Barker reported that women who have had abortions abuse their children at higher rates than women who never had an abortion.

Further indicting medicine, Dr. Ney says: “What war, pestilence, and famine could not do to us, medicine in the name of humanism and emancipation might yet achieve.” And I might add that in the name of the rights of the mother, as compared to the rights of the unborn, great harm is done to the dignity of man as well as to the development of a defense for a natural rights philosophy, in which life and liberty are recognized as gifts of a benevolent God.

The Viability Argument

The whole notion of different rules for different trimesters and different legal protection for a fetus prior to “viability” and after “viability” is arbitrary. If anyone thinks it through, the decision must be made to protect life from conception or allow abortion up to the moment before birth. Arguing for the latter provides the moral brief for infanticide. And if this is accepted, the whole argument for natural rights and individual liberty will be destroyed.

The argument that the life of the fetus should be protected after he becomes “viable” ignores all scientific knowledge. Some small groups have arbitrarily picked a hundred days of gestation as the cut-off point and claim a fetus that survives a hundred days of gestation somehow then magically qualifies for protection

under the law.

Accurate dating of gestation by days is impossible. Women who have an unwanted pregnancy give notoriously unreliable dates for their last menstrual period for both conscious and unconscious reasons. Even with the newest scientific technology—the use of ultrasound waves—where accurate sizes can be measured, we cannot tell the exact day of gestation. Some full-term babies weigh over ten pounds at birth. Other full-term pregnancies can produce an infant weighing less than five pounds. Both of these babies can be perfectly normal. A measurement by the best technicians could never tell the difference between 99 and 100 days of gestation or three months gestation minus one day and three months gestation plus one day. And even if they could, how could this possibly be a justification for granting or rejecting legal protection of that life?

The viability argument is medically worthless. Viability is completely arbitrary and totally unscientific. The Supreme Court ruled in 1973 that by 28 weeks—the purported age of viability—the fetus may qualify for some protection under state law because it now represents “the potentiality of human life.” The traditional argument for this date, before modern medicine, was that until the age the fetus reached two pounds plus, it could not survive outside the uterus. That scientific “fact” was outdated even in 1973 when the court ruled, and is equally false today.

The Supreme Court nevertheless erroneously clung to 28 weeks as the age of “viability” and the whole opinion that was written by the majority was based on trimesters broken down in this manner. Infants weighing less than one pound have survived at a gestation of 20 weeks—A mid-second trimester fetus. Possibly it will not be long until modern technology will routinely save infants born even in the first trimester. More important, how much more “viable” is a nine pound term infant without constant care from the parents after birth? Active care is needed more for a newborn than a baby still in the uterus—yet the

state inconsistently recognizes the obligation of parents to care for and not to kill newborn infants.

Dr. Nathanson correctly criticizes the use of the terms “viability” and “trimesters.” Nathanson wrote:

This brief survey may help to explain my vigorous objection to the whole concept of ‘viability’ and ‘trimesters’ in regard to the abortion matter. Viability is the current reflection of medical achievement and is too evanescent to deal with such a fundamental issue. An infant could be ‘viable’ in New York city but not in a rural U.S. town, or in the rural town but not in Bangladesh. Everything is potentially viable; there are only limits of technology to overcome. The lines are shifting, and they will shift to earlier and earlier points. In the future, artificial incubation may make alpha ‘viable’ at any time in pregnancy. The whole concept of viability is currently in danger of obsolescence; one might even say that the concept itself is not viable.

That is my practical objection, but there is a logical problem with viability, as the Supreme Court’s real base line of birth. These depend on the medically absurd dogma that only independent and ‘unsupported’ life is worthy of protection. No moral or medical distinction can be made between the fetus depending upon its placenta and the infant who depends on the mother’s breast or the provision of a bottle for nourishment on the day after birth. Apart from food, the newborn is dependent on its parents for many other things as well. In fact, dependence on others never ceases for any human; it is merely strongest at the beginning and end of life. To take a specific instance, there is no ethical difference between alpha ‘plugged into’ the mother and the full grown adult who is dependent upon a kidney machine.

As for ‘trimesters,’ they are an artifice, a convenience for talk by obstetricians. They have no scientific validity for alpha or for the serious thinker trying to decide what to do about abortion. The only significance of the first trimester is that this is the period when the D and C technique is not as dangerous for the mother as in later pregnancy. It is not a decisive point in defining alpha’s existence. I challenge the whole trimester concept as outmoded, illogical, and penultimately unusable.

The evidence is clear that a six pound newborn is no more “viable” than a one pound fetus still within the uterus. The whole “viability” argument is not based on scientific facts nor does it fit into a consistent legal and ethical code.

The A.M.A. and Abortion

From 1857 to 1967, the American Medical Association strongly condemned abortion, since it was their scientific opinion that abortion was the taking of human life. The opinion that a life was involved was established even without the aid of the modern technology that Dr. Nathanson claims helped convince him that meaningful life exists from the time of conception. In 1967, the new morality that accompanied our sagging belief in individual liberty was reflected in a new official A.M.A. position: An abortion could be performed if the child would “be born with in capacitating physical deformity or mal-deficiency.” It’s ironic that with new medical technology that can save very small infants, even those under one pound, the medical community falters on the definition of life, and now sanctions the destruction of life that once deserved its active protection.

No other qualifications were given by the A.M.A. Happiness of the child is of no interest, although we know that “handicapped” people are no less happy than “normal” ones. Some even argue they are happier, having a different perspective on life. This 1967 statement by the A.M.A. is no surprise, however, since its record for defending free market medicine and opposing government medicine on principle leaves much to be desired.

A License is Needed

In *Roe v. Wade*, the “bible” for proponents of abortion, Justice Blackmun goes to great pains to preserve the concept of medical licensure. In a free market, licensure, whether for

physicians or beauticians, would not be the preferred method of protecting the consumer. Yet in this case, it appears that preserving this medical monopoly was important to the jurists who ruled in favor of legalizing abortion. Even though there was no protection afforded the *unborn* in this court decision, it was very clearly stated that only a “licensed” physician could perform the procedure. Paramedical personnel in times of war have performed many life-saving procedures without the direct assistance of an M.D. Today civilian paramedics perform more and more medical procedures.

Midwives are allowed the responsibility of delivering *live* babies at term and caring for their mothers at the crucial stage of delivery, but the court in its infinite wisdom said only *doctors should kill the unborn*. Midwife deliveries frequently happen outside a hospital, and the risk to the mother is equal to that in a clinic or hospital in which paramedical personnel could perform an abortion. Yet no one other than a licensed physician can perform the abortion.

The plain truth is that a good paramedical technician could easily be taught how to perform an abortion. But if other than licensed physicians could do abortions, the price would be dramatically reduced. This would clearly not please the physicians of death who want to continue their get-rich-quick abortion practices. For whatever reason, protecting medical licensure was more important to Justice Blackmun than protecting human life. His values, I would suggest, are a bit twisted.

My Views Changed

I formed my views on abortion while a medical resident. Before thinking through from a natural rights viewpoint, my sympathy for the inconvenience caused adults by the birth of unwanted children made me more tolerant of abortions. In one discussion with the chief of obstetrics, he told me that abortion

should be done any time a pregnant woman wanted it or a serious defect was anticipated. I pointed out that diagnosing defects was much more accurate after birth than before, and he conceded, quite consistently from his view, that after-birth decisions would be justified as well. When I pushed it even further, he granted that some serious defects could not be fully evaluated until six months or one year of age. He again consistently said, “Maybe we should then have a year to make up our minds!”

This was the chairman of an OB/GYN department of a major university, responsible for training medical residents and medical students in the “art of medicine.” The professor was also, ironically, a pioneer in intra-uterine transfusions, a delicate procedure designed to save severely ill fetuses, so they could achieve a size and age where life outside the uterus was possible.

It seemed at the time that the professor’s views on the practice of medicine were too inconsistent for me. Allowing physicians to decide who shall live and who shall die was a bit disturbing. The physician’s role as a preserver of life and health appeals much more to me and is consistent with a moral concept of human rights and liberty. Planning death for less than perfect human beings, or tiny human beings, is frightening.

Those who argue that abortion won’t lead to infanticide and euthanasia are hiding from the facts.

The Historical Significance

In the book, *Whatever Happened to the Human Race?* Francis Schaeffer and C. Everett Koop write:

It frightens us when we see the medical profession acquiesce to, if not lead in, a trend which in our judgment will carry us to destruction. The loss of humanness shown in allowing malformed babies to starve to death is not a thing of the future. It is being put forward as the accepted thing right now

in many quarters. All that is left is for it to become totally accepted and eventually, for economic reasons, made mandatory for an increasingly authoritarian government in an increasingly selfish society.

In May 1973, James D. Watson, the Nobel Laureate who discovered the double helix of DNA, granted an interview to *Prism* magazine, then a publication of the American Medical Association. *Time* later reported the interview to the general public, quoting Watson as having said, 'If a child were not declared alive until three days after birth, then all parents could be allowed the choice only a few are given under the present system. The doctor could allow the child to die if the parents so choose and save a lot of misery and suffering. I believe this view is the only rational, compassionate attitude to have.'

In January 1978, Francis Crick, also a Nobel Laureate, was quoted in the *Pacific News Service* as saying, '...no newborn infant should be declared human until it has passed certain tests regarding its genetic endowment and that if it fails these tests it forfeits the right to live.'

In *Ideals of Life*, Millard S. Everett, who was professor of philosophy and humanities at Oklahoma A&M, writes, 'My personal feeling...is that...when public opinion is prepared for it, no child should be admitted into the society of the living who would be certain to suffer any social handicap—for example, any physical or mental defect that would prevent marriage or would make others tolerate his company only from the sense of mercy.' He adds, 'This would imply not only eugenic sterilization but also euthanasia due to accidents of birth which cannot be foreseen.'

Physical and mental handicaps, according to the great pediatric surgeon, C. Everett Koop, are in no way related to happiness. Even with German measles, only 17 percent of the potential victims end up with serious defects, and of this group, many are born with surgically correctable defects. If abortions are done on all fetuses exposed to German measles, for every defective child aborted, there are five normal fetuses aborted. This literally is the sacrifice of five healthy babies for one unhealthy—not very good odds for the healthy!

Welfare and Abortion

Some people are more threatened by a healthy welfare recipient than they are by a child with Down's syndrome (mongolism) cared for by a family or church. Some openly champion legalized abortion and federal financing of abortions for only one reason: so that abortions can be offered to blacks on welfare—a ghastly and racist proposal.

But, if abortion is justified because a human life is defective, and this provides the argument for taking the life of a day-old cripple, then performing abortions to reduce the welfare rolls could be next. If this had never happened in other societies, it might seem ludicrous to suggest such a horror. But genocide has been one of the characteristics of the 20th century, the bloodiest century in history. As the love for freedom fades in any society, respect for human life is also diminished. It is not a coincidence that for the last sixty to seventy years the erosion of our economic liberties has been accompanied by a loss of respect for human life and individual liberty. One of the greatest advocates of liberty, the economist Ludwig von Mises, recognized this and wrote that abortion, like infanticide, is “egregious and repulsive.”

The Supreme Court Ruling of 1973

Although the Supreme Court ruling of 1973 emphasized the “right of privacy” of the pregnant woman as a reason for permitting abortion, there were medical reasons stated as well—but none appeared to me to be valid. For instance, in the paragraph justifying abortion for medical reasons the Court listed: “Mental and physical health may be taxed by child care.” Can you imagine how caring for a child made quadriplegic by an automobile accident would tax the parents? Consistently expressed, the reasoning of the Court would justify all sorts of killing. In further explaining the reason abortion should be permitted,

the Court said, “There is also the distress, for all concerned, associated with the unwanted child, and there is the problem of bringing a child into a family already unable psychologically and otherwise to care for it.” In other words, if it’s an inconvenience, kill it. The majority opinion in *Roe v. Wade* should be a red flag for all who cherish freedom and natural rights. Limiting government to the function of protecting life and liberty would significantly curtail the activities of the federal government, but if one argues *inconsistently* for limited government, the argument will be lost.

Abortion in early pregnancy, according to *Roe v. Wade*, should be totally unregulated and permitted at will. In this period up to 28 weeks of gestation, the life of the fetus has no value. The decision to destroy the life is to be medical decision made between doctor and patient alone, comparable to a decision to remove an infected tooth.

The notion that a fetus may have a right to live during this period was inconsequential in the Court’s opinion. The majority opinion said: “...the abortion decision in all its aspects is inherently, and primarily, a medical decision, and basic responsibility for it must rest with the physician.” It will be the doctors who will make the decision on infanticide and euthanasia. Under this ruling power gravitates to the state-licensed physicians only, and in their great “wisdom” they will make these critical decisions.

In the Supreme Court ruling of 1973, as well as in the positions of most political groups, days of gestation are arbitrarily used for granting, denying or controlling abortion. Although under the court ruling abortion could be done the day before birth, the Court sets different rules for each trimester of pregnancy. The rules are arbitrary; the rights issue is relative. The magic of three trimesters, and three sets of rules, is ridiculous from a scientific point of view as well as from an ethical and legal point of view. It is only in the third trimester that the state can

concern itself with the “potentiality of human life.” If necessary, a Caesarean section on a patient who is bleeding from a placenta previa can be performed in fewer than three minutes. As one who has delivered two, three, and eight pound infants under these circumstances, I cannot understand how the highest court in the land can still refer to this as the potentiality of life, and say the state “may” or for that matter, *may not* regulate abortions during this period. Even then, the Court permits only regulation *for the woman’s health, not the infant’s*.

The Constitution

The consensus of all pro-life groups is that permanent protection of prenatal life can only be accomplished by ratifying an amendment to the Constitution. When the Constitution was written, abortion was not mentioned, nor was an allusion made to it, because it was inconceivable to the framers that a day would come when one and a half million abortions would be performed in the United States each year—a figure equivalent to 25 percent of the entire population of the United States at the time of the Founding Fathers. Nor did they conceive of the day when our capital city would abort more babies than would be born within the city, and 85 percent of these would be performed at government expense. They would have been horrified to learn that the United States government spends over \$50 million per year in performing abortions throughout the country. Moreover, the Constitution was not intended to be a criminal code in which subjects like abortion and murder would be addressed.

Obviously, for the unborn to qualify for legal protection, as they must if we are to survive a civilized nation, something has to be done. The efforts by the individual states to curtail abortion and protect the unborn have been thwarted by the Supreme Court. Until the Court ruled, state laws did protect

the unborn, although imperfectly. In today's legal climate, some doubt if any state would re-enact laws to protect intrauterine life. For this reason, the pro-life movement wants an amendment to the Constitution to establish once and for all that human life does indeed exist from the time of conception, and deserves equal protection under the law.

The ruling by the Court in the *Dred Scott* case in 1856 said that blacks were not entitled to the protection of the law. This was eventually overturned by a vicious war and the passage of the 13th, 14th, and the 15th Amendments to the Constitution. The correction for the harm done by *Roe v. Wade* will in all probability only come with an amendment to the Constitution.

An alternative to an amendment would be for Congress to restrict the Court legislatively from ruling on state laws regarding abortion. According to Article III, Section 2, the Congress can remove jurisdiction or write regulations on any subject it desires, and direct the federal courts to follow these guidelines. This could be accomplished much more quickly than an amendment to the Constitution, but its effect would be limited, since the current legal and moral climate would probably result in minimal protection for the unborn, with only a few state laws preempting or cancelling the sweeping Supreme Court ruling. But states could enact laws regulating abortions as the *Roe* decision seems to allow, and there would be no judicial review. If a Constitutional amendment protecting life from the time of conception is unachievable, passing legislation limiting jurisdiction might be worthwhile.

Senator Jesse Helms has written and introduced a Human Life Amendment. He contends that: "A constitutional amendment must be worded, like the Constitution itself, in terms of general principles."

Conforming to this, the amendment he wrote is brief and general in nature:

“The paramount right to life is vested in each human being from the moment of fertilization without regard to age, health, or condition of dependency.”

A Constitutional provision should never have been necessary, but now it is. Without this change in the Constitution, the division and dissension in the country over abortion will get worse. If we cannot achieve a clear-cut protection of all human life, in-utero as well as extra-utero, all life and liberty will be undefendable and the disintegration of our free society will accelerate. And yet merely changing the law, if not accompanied with a similar change in attitude, recognizing the value of life in a moral sense, would not achieve its intended purpose. It could even serve to precipitate more division and dissension. We cannot deny constitutional protection to the unborn, but we should not be complacent and think that this in itself solves the problem. The problem is fundamentally moral, not legal. The Constitution by itself cannot establish the proper moral attitude of a nation. The real change will not be achieved by the politicians, but must come from our moral and religious philosophers.

What Happened?

Medically there is no justification for abortion. Treatment of a pregnant woman for any serious disease need never be denied. The social pressure for legalizing abortion has prompted many physicians to complicate the issue of abortion by claiming a medical problem existed, and the court placated this group by declaring it to be so. However abortion must be treated only as a *rights* issue, not a medical issue. Legalization of an abortion has allowed a medical profession, once dedicated solely to health, to participate in the destruction of life with no loss of social respectability and without concern for its political consequences.

The physician eager to make large incomes by killing innocent life are a reflection on the whole medical profession as well as an indictment of our nation's regard for individual rights.

Schaeffer and Koop in *Whatever Happened to the Human Race?* said:

Let it never be said by historians in the latter days of this century that—after the Supreme Court decided on abortion in 1973 and the practice of infanticide began—there was no outcry from the medical profession....Let it never be said that the extermination program for various categories of our citizens could never have come about if the physicians of this country had stood for the moral integrity that recognizes the worth of every human life....All Christians know why people are different and have value as unique individuals—sick or well, young or old. People are unique because they are made in the image of God.

What *has* happened to the human race? Why are we afraid of being people, of being human? Of enjoying the greatest blessings that life can bring—being alive and being people of love, tenderness, gentleness, care, and concern?

It is vital that we put first, *not* economics or efficiency charts and plans, but being *people*—real flesh-and-blood people. We are not to be materialistic robots who think and act like machines and will even kill to maintain their lifestyles.

Responsibility to the Unborn

A key element of a free society is the recognition that citizens have responsibilities. All persons are expected to follow their contractual obligations, explicit and implied. They are responsible for their acts and liable for any injury caused. Pregnancy is predictable and the cause is known. But even an illiterate driver who fails to stop at stop sign is not exempt from responsibility and must assume liability if he causes an accident.

Two persons conceiving new life are responsible for that life. If this responsibility is eliminated by causing the death of

the innocent bystander, the concept of responsibility is destroyed. Abortion and the killing of newborns cannot qualify as victimless crimes. The unwritten commitment to the life conceived occurs at the time of conception. If we don't accept this proposition, the basis for personal responsibility for all acts, the key to a free society, is destroyed.

No society has ever survived without parental responsibility to the family and the young. If this responsibility is not met, and children are neglected or beaten, the state rightly responds by protecting them. When the state acts perversely and *participates* in the destruction of the family and the destruction of life, the end of civilized society is at hand.

Doris Gordon, a libertarian who heads up a group called Libertarians for Life, has some interesting things to say about why she is so strongly pro-life. It certainly is not from a religious viewpoint for Mrs. Gordon is an atheist. But she takes what she has learned from Ayn Rand—that no initiation of force nor any act of aggression is justifiable—and uses this to destroy the pro-abortion position. She finds no conflict whatsoever between the right of the mother and the right of the fetus. In a speech given to a Maryland Right to Life group, she said: “The belief that there is a conflict of rights between mother and child still persists, not only among pro-abortionists, but among pro-lifers. I no longer believe such a conflict exists...because parents have an *obligation* to care for their children and, therefore, children have a right to that care.” Most of us accept this after birth, she states, but “Children are children before as well as after birth.” and parents have an obligation at both times to care for their offspring. The answer to the pro-abortionists' chant of “choice” should be “responsibility.”

Mrs. Gordon states a strong case for parental obligation, incurred at the time of conception, to take care of all born and unborn children until they can take care of themselves. She chastises some of the conventional pro-life advocates, saying:

I seldom see any mention of parental obligation in pro-life literature. I wonder why it is not emphasized more. Sometimes I read that there is a conflict of rights between mother and child. *There may be a conflict of needs, but not of rights.* I also hear the pro-lifers say in response to the ‘woman’s right to control her own body’ argument that life is a higher value than liberty and, therefore, the child’s rights come before the mother’s. But again it is not a matter of the child’s rights versus the mother’s. It’s a matter of the child’s rights and the mother’s *obligations*. The child has two rights against the mother: The right to life, that is, the right not to be killed, and the right to prenatal care. And the mother has two obligations: Her obligation *not to kill* the child and her obligation to care for the child.

It’s fascinating to hear a pro-life atheist lecture a predominately Christian audience about the importance of using parental obligation as an argument against abortion. Considering the fact that many *pro-abortionists* are found officially representing the “Christian” community, one must be aware of who spreads the truth. The credentials of pro-abortionist “Christians” should be seriously challenged. They could learn a great deal about Christian morality from Mrs. Gordon, despite her rejection of a Creator.

The Issue Won’t Go Away

There is no doubt the abortion issue is complex—medically, legally, and morally—but its complexity does not reduce its fundamental importance. The evidence is clear that a society that condones abortion loses respect for life itself. Without a high regard for human life, because it *is* human life, the defense of liberty is not possible.

To permit abortion at one day of gestation justifies it at two days; if it’s permitted one day before three months, it’s justified one day after three months; if it is permitted at one day before “viability,” a nebulous term that has no meaning,

it is justified at any time. Allowing abortion at six months gestation minus one day precludes an argument against abortion two days later. Attempting such an argument is a legal joke, a medical impossibility, and a moral hoax. Just as a pregnancy of one week cannot be put aside as “insignificant,” claiming it is only a “touch” of pregnancy, abortion, regardless of the reason, cannot be downplayed as only a limited and qualified disregard for human life. Disrespect for life and liberty, once planted, grows rapidly.

I’ve had patients in my office ask me for an abortion, as if they were asking for a treatment for a cold. (Having the patient hear a heart beat, if the pregnancy was far enough along, has on occasion brought second thoughts.) the callousness of the person getting the abortion and the abortionist who performs it is unbelievable. The true nature and value of human life have become foreign to them.

Malcolm Muggeridge notes “that through in worldly terms the battle has been lost and abortion is now legalized throughout Europe and the Western Hemisphere, it still remains the most important issue confronting us, and nothing can take away from the importance of that issue.”

If being productive is acting in the image of God and a source of happiness, it’s no wonder that the “creativity” involved in conceiving new life is a source of great joy and happiness as well. Generally, children love babies, parents love babies, and a new child born into a loving family is the most joyous of all occasions. Its opposite, abortion, the extermination of new life, violates the law of God and is unnatural to man. When accepted, abortion causes periods of great social upheaval. There never has been and never will be such a thing as a “routine” abortion. Abortion destroys innocent life, and liberty is of minor consequence if life itself is not protected.

The rapid acceptance of abortion has baffled Muggeridge: “The fact is that government after government has surrendered

on it, not, notice, in response to pressure of public opinion, but as a weird kind of inertia or fatalism which seems to be inculcated by the media, as though somehow or other this is an inevitable step.” It need not be inevitable nor should the loss of our freedom be inevitable. Proper actions on our part can reverse the trends.

No matter which side of the *legal* argument one occupies with regard to abortion, a careless disregard for human life can do nothing to further the cause of human freedom. If human life, merely because it’s small, is disposable, how can the right to own property, or the right to liberty, command the respect they need? In a prolonged period of coming to accept the principles of liberty by becoming anti-draft (because I am pro-liberty), rejecting government schools (because I am pro-freedom) and accepting the free market—I found it natural and consistent to become strongly pro-life—that is, opposed to the destruction of all innocent human life—whether in the mother’s uterus or on the mother’s lap.

It’s conceivable to me that some who truly love freedom can with sincerity erroneously reject the notion of outlawing abortion. It is, however, inconceivable to me that anyone who callously condones abortion as “routine” can present a case for individual freedom. Talking about the importance of the right to view pornography seems rather shallow if at the same time infants are rooted out of the womb and left to die. Convincing anyone of the importance of *individual rights* is impossible if the value of *all innocent human life* is not held in high esteem.

Afterword

In *Abortion and Liberty*, Congressman Paul talked about why the Supreme Court's 1973 decision was wrong. Even pro-abortionists find fault. On January 23, 1983, in an article marking the tenth anniversary of *Roe v. Wade*, *The Washington Post* noted that many legal experts who fully approve of the result of this decision seem uncomfortable with the court's reasoning. As John Hart Ely wrote in the *Yale Law Journal*, said the *Post* this decision was “ ‘frightening....It is not constitutional law and gives almost no sense of an obligation to try to be.’ The court ‘simply announces’ a right to abortion.” Even if abortion were constitutional, it should not be, for as Dr. Paul holds, abortion is unjust.

As the Declaration of Independence says, we are created equal. Life and rights are inseparable; possessing rights is the consequence of being alive. Human beings do not become persons; human beings *are* persons. Whatever the intent, the effect of denying this is to affirm that only might makes right—the concept of inalienable rights becomes meaningless.

Yet pro-abortionists insist, as I used to, that the issue is freedom of choice. (If so, then why the demand for tax-funding of abortion?) The right to choose does not include the choice to harm innocent people. As a libertarian, I am strongly pro-choice, but never when there is a victim. Libertarianism means being responsible to others when we impose the consequences of our choices upon them without their assent. We affect children without their assent when we choose to have sex and they are conceived in a state of dependency.

Being in the womb and needing parental care is a situation parents impose upon their children; children do not impose it upon their parents. As libertarians agree, no one's mere need for care should be made an obligation upon anyone else under the law. But if we are responsible for causing those needs, as with our own children, and if we negligently or intentionally fail to provide care and then harm results, we are accountable. The right of children to parental care is fundamental, for it is derived from the right of self-defense.

Caring for someone else's children should be voluntary, for we have no choice about causing their existence and thus their dependency. This does not mean we may choose to kill them. Pro-abortionists grant that someone else's children have at least one right against us. Yet, according to their thinking, our own children have none. This means that a child next door or half-way around the world has more rights against us than our own child. Does this make sense to you?

Dr. Paul referred to the importance of the military draft issue. Since libertarians say the draft is slavery, why should any libertarian outlaw abortion? Wouldn't that enslave pregnant women? It would not, for giving people what we owe them is not slavery. Honoring our debts and agreements, returning property wrongfully taken, and paying restitution when we cause harm is not slavery. And when we voluntarily cause others to be dependent and in our control, as our preborn children are, when being there is voluntary for us but not for them, protecting them from harm is not slavery but an obligation under justice. Dr. Paul is quite correct in saying, "Many students of liberty take contradictory positions" on the draft and abortion. As he agrees, they should oppose both.

The critical moral point is not need but causation and assent (i.e., choice), and thus responsibility. Since youth are not responsible for causing their country's need for protection, military service ought to be voluntary for them. But since parents, fathers as well as mothers, are responsible for causing their own children's need for protection, their obligation is not a matter of choice but of their children's rights.

Where there are laws, they should oppose wrongdoing, not permit it. Abortion is a wrong, not a right. Legalizing abortion is not "neutral," as some say, but incredibly dangerous. For it creates a class of victims—innocent persons whose killing is permitted and protected by the law. Both sides of the abortion debate should see such an idea as absolutely incompatible with liberty. If mothers may kill their own children, then whom can we trust? If the womb is unsafe, then where can we be safe? Dr. Paul is correct. Abortion not only violates children's rights, it endangers us all.

Doris Gordon
Libertarians for Life

For Further Reading

Aborting America, Bernard N. Nathanson, M.D., with Richard N. Ostling. (New York: Pinnacle Books, Inc.), 1979.

The Right to Live, the Right to Die, C. Everett Koop, M.D. (Wheaton, Illinois: Tyndale House Publishers), 1976.

How Should We Then Live?: The Rise and Decline of Western Thought and Culture, Francis A. Schaeffer. (Old Tappan, New Jersey: F.H. Revell Co.), 1976.

Whatever Happened to the Human Race? Francis A. Schaeffer and C. Everett Koop, M.D. (Old Tappan, New Jersey: F. H. Revell Co.), 1979.

Abortion: The Silent Holocaust, John Powell, S.J. (Allen, Texas: Argus Communications), 1981.

Abortion and Social Justice, edited by Thomas W. Hilgers, M.D. and Dennis J. Horan. (New York: Sheed and Ward, Inc.), 1972.

About the Foundation

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Abortion and Liberty

“The right to life is the most important issue of our time. If this right is not defended, no other right can be.”

Congressman Ron Paul is a physician who specializes in the practice of obstetrics and gynecology. He has served in Congress for five years as the Representative from the 22nd District of Texas. The recipient of dozens of awards for his work on the behalf of the American people, he is the author of *Gold, Peace and Prosperity* and *Ten Myths About Paper Money*, and the co-author (with Lewis Hehrman) of *The Case for Gold*.

Dr. Paul believes that the restoration of respect for the right to life is of fundamental importance if we are to preserve our free society. In *Abortion and Liberty*, he vigorously defends the right to life as only a Congressman and physician who is dedicated to the concept of God-given rights can.

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