



Abortion-on-Hyperdrive

Remember when presidential candidate Bill Clinton declared in 1992 that he wanted to make abortion “safe, legal and rare”? Hillary Clinton seeking the nomination in 2008 repeated the refrain, saying she wanted abortion “safe, legal and rare, and by rare, I mean rare.”¹ In the Senate in 2003, she had voted against the ban on partial-birth (late-term) abortion, but in 2008 she felt she could not build a successful campaign based just on Planned Parenthood enthusiasts. She took Planned Parenthood contributions with an understanding that what she said on the campaign trail was not what she really believed.

Barack Obama repeated the mantra in his 2008 campaign: He supported the constitutional right to an abortion; opposed late-term abortions; and wanted to make abortion rare. As president, speaking at the University of Notre Dame, he called for civil discourse on the issue.²

Those were the days—just eight years ago. Now Democratic candidates are not even trying to pretend that they respect life or pro-life positions. Civility has gone out the window. Even Joe Biden, the supposed centrist candidate, came out for overturning the Hyde Amendment limiting federal funding for abortions.

Meanwhile, Julian Castro, former Secretary of Housing and Urban Development in the Obama administration, took reproductive rights a step further in the first Democratic presidential debate when he affirmed, “I don’t believe only in reproductive freedom, I believe in reproductive justice.” He explained, “What that means is just because a woman—or, let’s not forget someone in the trans community, a trans female—is poor doesn’t mean they shouldn’t have the right to exercise the right to choose.”³ (Castro actually meant to say “trans man”—a woman who has transitioned to be a man.)

Not to be outdone in virtue signaling, U.S. Senator Cory Booker of New Jersey, the self-proclaimed Spartacus of the Senate, went on record as saying, “We don’t talk enough about trans Americans, especially black trans women.” He added, “We do not talk enough about violence against black

trans Americans, about school bullying. [We] need a president who will protect LGBTQ civil rights every day.”⁴

The Democratic Party is solidifying its extremely liberal abortion positions. This year six states have passed laws expanding abortion rights, some allowing abortion-on-demand at any stage of the pregnancy. In response, pro-life advocates have enacted restrictive abortion legislation in nine states.

How is it that in just a few years progressives have moved from wanting to make abortion “safe and rare” to full-throated support of abortion-on-demand? Not only have progressives pushed this radical pro-abortion agenda in the states, it has become acceptable for women to “shout out” that they have had abortions, even multiple abortions.

Censorship of Pro-Life Views

Bragging about having an abortion is not the end of it. Mark Zuckerberg, founder of the social media platform Facebook, boasted that his platform *refused to accept advertising from pro-life groups regarding the 2018 referendum on legalizing abortion in Ireland*.⁵ Appearing at the Aspen Ideas Festival in July, Zuckerberg explained that his company is working with governments to determine what is acceptable political speech.

Restricting political speech has become a common exercise on Facebook and other social platforms. Amazon.com announced in early July that after receiving pressure from LGBT activists it was removing books by the late author Joseph Nicolosi, the father of conversion therapy, who said that homosexual behavior could be changed. Whatever Nicolosi’s views, to ban his books from a site at which much of the public buys books is frightening.⁶ Facebook’s restriction of free speech should concern civil libertarians, although there do not appear to be many remaining on the left. That Zuckerberg boasts about Facebook’s corporate policy seems even more brazen given that his company is already under attack from conservatives such as Senator Josh Hawley

(R-MO) who accuse Facebook monitors of political bias in their suspension and banning of accounts.

The fight over reproductive rights has been going on in the states and in the courts ever since the U.S. Supreme Court's 1973 decision in *Roe v. Wade* made abortion a so-called constitutional right. *Roe* qualified this right by declaring that as the fetus becomes more viable, it too has implied rights. This qualification brought the battle to the states as legislators sought to place reasonable regulations on abortion. These state regulations led to innumerable other cases, notably *Planned Parenthood v. Casey* (1992), which upheld a state's right to regulate abortion provided the law did not place an "undue burden" on the woman seeking an abortion. The decision left neither pro-abortion nor anti-abortion activists satisfied.

Voters were divided on the issue, so Republicans called for overturning *Roe* and returning the issue to the states. The GOP platform also supported a life-at-conception constitutional amendment. Democrats supported "reproductive rights," not overturning *Roe*, but generally voted in favor of banning partial-birth abortions.

What has changed for the Democrats? The answer is that the activist left has exerted its influence in the party. Democratic presidential candidates are set on appeasing this activist base, no matter how much it might alienate Middle American voters.

Extremism in the Historical Context

Progressive pro-abortion activists appear to be stepping too far in their demands today. Yet there is a consistency in their strategy: Keep pushing the envelope; what is considered outrageous today will be acceptable tomorrow. Pro-abortion activists understand intuitively that politicians are by nature cowards. By exerting enough pressure on them, and by voicing the arguments often enough to make them appear mainstream, activists can make politicians fold like a house of cards. This has been the strategy of both LGBT activists and the pro-abortion movement.

Before *Roe*, and for a long time afterwards, most liberals distanced themselves from abortion-on-demand. Furthermore, few women bragged about having an abortion. But abortion-on-demand was a central goal from the very beginnings of "Second Wave" feminism as it emerged in the late 1960s.

Abortion-on-demand was a far cry from the early feminist movement. In the late 19th century, women leaders struggling for voting and other legal rights called abortion murder and a means for men to escape their responsibilities. In an 1875 speech, "Social Purity," the women's suffrage advocate Susan B. Anthony saw abortion as another type of evil

committed by men against women, along with "breach of promise, divorce, adultery, bigamy, seduction, rape. . . wife murder. . . [and] infanticides." Just eight years earlier, in an article published in Anthony's newsletter, an anonymous author wrote that abortion should be blamed on men seeking to avoid responsibility: "No matter the motive, [whether] love of ease, or a desire to save from suffering the unborn innocent, the woman is awfully guilty who commits the deed. It will burden her conscience in life; it will burden her soul in death; but oh, thrice guilty is he who drove her to the desperation which impelled her to the crime!"⁷

By late 1969, radical feminists were clamoring for abortion-on-demand. Reproductive rights—abortion—became central to the concept of women's right to control their bodies. Until the late 1960s abortion in most states was restricted to therapeutic abortions to save the life of a mother.⁸ New York State undertook to reconsider its abortion law by calling legislative hearings to be held on February 13, 1969.

Early Militancy for Abortion

Feminists were outraged when it was announced that 14 men and one woman—a nun—were the only expert witnesses called to testify. The National Organization for Women organized to picket the hearings. Militant feminists decided that more than picketing was needed. On the day of the hearings, after the first witness testified, Kathie Sarachild, a founding member of the feminist group Redstockings, stood up and shouted, "Alright, now let's hear from some *real* experts—women." Stunned legislators adjourned the hearings. Redstockings announced it would have its own hearings, a "speak-out" on abortion.

In March 1969 around 200 women gathered to convey their experiences of pregnancy and abortion. Testimony was personal, focusing on the emotion of pregnancy, abortion, and psychological effects of abortion.⁹ One woman recalled how much her experience of discovering she was pregnant differed from that of her boyfriend: "I remember something about the guy's reaction. I mean, my first reaction was, 'Get this child out of me!' and his first reaction was, 'Isn't it romantic!' Like playing house, his mother wanted to buy me a maternity dress, and here, I mean, it was six weeks and he thought the whole thing was just beautiful and romantic." Others testified about systematic male domination. A female witness complained that "people don't want to legalize abortion because then there would be a breakdown in the power structure."¹⁰

Feminists initially cheered *Roe v. Wade* (1973). Pro-life activists fought back. In Ronald Reagan's first term, Republicans introduced "right-to-life" constitutional amendments, but even with Reagan's support, these efforts failed in the

Senate. Pro-life activists turned to state legislatures to restrict abortion procedures. This led to the courts being flooded with suits and countersuits. The abortion controversy made Supreme Court nominations contentious affairs. Suits did not abate following the *Casey* decision in 1992.

2019 Wave of State Laws

After the election of Donald Trump to the presidency in 2016, pro-abortion activists felt threatened by Trump nominations to the Supreme Court and lower federal courts who might overturn *Roe* and *Casey*. In response, activists mobilized to push abortion laws that lifted, in effect, any limitations on abortion. In New York, pro-abortion activists had been waiting for an opportunity to change its state law that criminalized abortions after 24 weeks. The state legislature had long refused to repeal the law, thanks to a group of pro-life Democrats.

Led by Democratic state senator Liz Krueger, who had been thwarted in her decade-long effort to repeal the restrictive legislation, pro-abortion activists targeted pro-life Democrats in 2018. Democratic challengers like Julia Salazar, Zellnor Myrie and Alessandra Biaggi won their primary challenges, having gained momentum on an anti-Trump electoral wave. In the end, New York ousted six former pro-life Democrats, putting control of the state senate in the hands of activists. Governor Cuomo threw his support behind the effort by announcing that he would make repealing the state law his highest priority.

In the new session, the Reproductive Health Act passed the New York Senate and was signed into law in early January 2019. The law allows for abortion after 24 weeks when the fetus is “not viable” and when the health of the woman is at risk. The condition of the health of the woman is decided by the woman’s physician or a qualified clinician, such as a nurse practitioner.¹¹

The enactment of the New York law set the stage for Virginia to follow. Andrea Miller, president of the National Institute for Reproductive Health, told the press following the New York law, “We are hopeful that by New York moving swiftly at the start of the year, it will add momentum to efforts in other states.”

In Virginia a bill to lift abortion restrictions created national controversy when the newly elected governor Ralph Northam, already in trouble for admitting that he had darkened his face in college with shoe polish while dressing up as Michael Jackson, announced he was supporting a bill to legalize abortion up to the end of the third trimester.¹² Opponents of the bill said it was little more than infanticide. Why, critics asked, was it okay to kill a fetus a few hours before birth, but not a few minutes after birth?

Northam, a physician before he became a politician, declared in a late January radio interview that the bill would allow a woman already in labor to terminate her pregnancy. Then he explained that if “the infant would be delivered” the fetus would be resuscitated and then the physician and the mother would decide whether the fetus was viable.

Public revulsion was severe. Northam told the press that he was not calling for killing the baby; instead, he meant that in cases in which “there may be deformities [or] there may be a fetus that’s not viable” a discussion would ensue about a decision to take the baby off life support so the baby would not suffer any longer.¹³ The bill was tabled nevertheless.

The *Casey* decision in 1992 affirmed that states must permit even third-trimester abortions for “the health of the mother.” At the beginning of this year, seven states—Alaska, Colorado, Kansas, New Hampshire, New Mexico, Oregon and Vermont—had no time limits on elective abortion.¹⁴ Since then, in addition to New York, abortion restrictions have been eased in Illinois, Vermont, Rhode Island, Maine and Nevada.

The 2019 push for laws enabling the killing of fetuses at any stage of a pregnancy, under the guise of “health of the mother,” caused state legislators in more conservative states to react. Georgia, Alabama, Louisiana, Missouri, Kentucky, Mississippi, Ohio, Arkansas and Utah passed new restrictions on abortion. The restrictions vary, including prohibitions based on a heartbeat of the fetus or a gestational age of at least 24 weeks.¹⁵

Next Up: The Courts

Dozens of lawsuits were already in the courts early this year over state abortion laws. Recently enacted state laws immediately generated new court cases. Until now the U.S. Supreme Court has upheld a constitutional right to abortion. Newly enacted serious restrictions on abortion, whether based on a heartbeat or 24 weeks’ gestation, are intended to force the courts, especially the Supreme Court, to modify abortion jurisprudence. The Supreme Court will have to confront the question of whether a fetus—or an about-to-be-born child, or a born baby—has rights under the Constitution. When does the “right to life” begin?

Courts don’t like to overturn precedent, but *Roe* and *Casey* were not well-thought-out decisions. Progressives have put themselves on record as favoring open borders, free health care, reproductive rights for transgendered people, and abortion-on-demand. Americans, as shown in surveys, do not support any of these positions. Abortion-on-demand, late-term abortion, and killing of babies in a failed abortion are especially offensive. If the courts don’t give better guidance on the legality of abortion restrictions by late 2020, the people will have the opportunity to weigh in with their votes

for politicians who support more restrictions as well as the confirmation of more sympathetic federal judges.

Good News from Trump Administration

President Trump has proven to be an ally to abortion opponents in a number of ways. Most recently, his Department of Human and Human Services informed health clinics receiving Title X funds that the administration will immediately begin enforcing regulations prohibiting abortion referrals and that family planning clinics must be financially separated from any provision of abortion procedures. In addition, family planning clinics are prohibited from sharing physical space with abortion providers beginning next year.¹⁶

Title X funds represent only a fraction of total federal family planning funds, but the administration's action is an important step to limit federal entanglement with abortion providers including Planned Parenthood, which recently fired its president for being insufficiently left-wing. Planned Parenthood is already challenging the new Title X enforcement.

Other pro-life steps taken by the Trump administration include:

- reinstating a rule requiring foreign nongovernmental organizations that receive U.S. family planning funds to certify they do not provide abortions or give abortion advice;
- issuing a final rule under the Department of Health and Human Services allowing doctors, nurses and other health workers to opt out of procedures such as abortions which violate their personal or religious beliefs;
- ending medical research by government scientists using human fetal tissue; and
- defunding the United Nations Population Fund, which promotes abortions worldwide.

The long American culture war over abortion is heating up again. The 2020 elections will be in part a referendum on the social agenda of the secular left.

Mindszenty Report Reprints

IRAN: A DANGEROUS REGIME IN CRISIS. U.S. sanctions are getting Iran's attention. Economic pressure is appropriate against a saber-rattling sponsor of international terrorism that seeks nuclear weapons. Ask for 7/19

SOCIAL MEDIA IN THE INFORMATION AGE. Big data collection brings benefits but allows manipulation and raises real issues of privacy. Ask for 6/19

- 1 <https://nifla.org/hillary-clinton-thought-abortion-safe-legal-rare-two-no-longer-apply/>.
- 2 https://www.huffpost.com/entry/echoes-of-the-bible-obama_b_204484?gucounter=1&guce.
- 3 https://www.huffpost.com/entry/julian-castro-democratic-debate-reproductive-justice_n_5d141d98e4b0e455603742aa.
- 4 Ibid.
- 5 <https://pjmedia.com/trending/mark-zuckerberg-brags-we-didnt-allow-pro-life-groups-to-advertise-before-irelands-abortion-vote/>.
- 6 <https://friendlyatheist.patheos.com/2019/07/06/deluded-writer-amazon-banned-conversion-therapy-books-will-the-bible-be-next/>.
- 7 Quoted in John Stonestreet and G. Shane More, "Early Feminist Critique Becomes Pro-Death Talking Point," *The Christian Post*, July 15, 2019.
- 8 James C. Mohr, *Abortion in America: The Origins of National Policy, 1800-1900* (New York, 1978); Leslie Regan, *When Abortion Was Against the Law: Women, Medicine and the Law, 1867-1973* (Berkeley, 1996); Suzanne Staggenborg, *The Pro-Choice Movement: Organization and Activism in the Abortion Conflict* (New York, 1991); and David J. Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade* (Berkeley, 1998).
- 9 Quoted in Tash N. Dubriwny, "Consciousness-Raising as Collective Rhetoric: The Articulation of Experience in the Redstockings' Abortion Speak-Out of 1969," *Quarterly Journal of Speech* (November 2005), pp. 405 and 416. For a larger context of the speak-out, see Alice Echols, *Daring to Be Bad*, pp. 141-143.
- 10 Quotations are found in Tash N. Dubriwny, *op. cit.*, pp 404-406.
- 11 "It Took Nearly 50 Years, but New York Finally Just Decriminalized Abortion," *Mother Jones*, January 23, 2019.
- 12 Stephanie Slade, "Virginia Governor Rekindles Heated Abortion Debate," *Reason.com.*, April 9, 2019.
- 13 Ibid.
- 14 Ann McElhinney and Phelim McAleer, "Abortion Law Is Already Extreme," *Wall Street Journal*, February 4, 2019.
- 15 A detailed breakdown of state abortion laws is found on <https://www.guttmacher.org/state-policy/explore/state-policies-later-abortions>. See also Jacob Gershman and Arian Campo-Flores, "Antiabortion Unity Begins to Crack," *Wall Street Journal*, July 18, 2019.
- 16 Jack Crow, "Trump Administration Abortion-Referral Restrictions Take Immediate Effect," *National Review*, July 16, 2019.

The Mindszenty Report is published monthly by

Cardinal Mindszenty Foundation

7800 Bonhomme Ave.

St. Louis, MO 63105

Phone 314-727-6279 Fax 314-727-5897

Subscription rate: \$25 per year

Outside the U.S.A. \$35

The Mindszenty Report is not copyrighted, and subscribers are invited to have it printed in their local newspapers.

Contributions to the Cardinal Mindszenty Foundation are tax-deductible to the extent allowed by law.

*web site: www.mindszenty.org
orders.inquiries@mindszenty.org*