

CONNECTOR



LIFE ISSUES INSTITUTE, INC.
SERVING THE EDUCATIONAL NEEDS OF THE PRO-LIFE MOVEMENT

January 2006

WILL THERE BE LIFE AFTER ROE?

By J. C. Willike, MD

What happens if *Roe* is overturned? Pro-abortion media and politicians blanch at the very thought. They react in “chicken-little” style, saying the sky would truly fall. They tell everyone who will listen that all abortions would be criminalized; women would die; they would probably be put in prison and that back-alley abortions would return. In fact this type of reaction is totally irrational and non-factual. Let’s take a more accurate look at life after *Roe*.

Assuming that Chief Justice Roberts would vote to overturn *Roe* (not necessarily a sure thing), then there are three votes on a nine-justice court – Scalia, Thomas and Roberts. Let’s also assume that Samuel Alito would support overturning *Roe*, an assumption that we cannot, of course, be totally sure of. But assuming he joins the three, you then have four votes to overturn on a nine-justice court, which isn’t a majority. We would need one more vote.

This is certainly not beyond the realm of possibility. President Bush has three more years to serve. Justice Stevens is 85 years old and Justice Ginsburg has had surgery for colon cancer. In three years there is a definite possibility that one more vacancy could occur, making way for another nomination. Assuming the 2006 elections do not end the pro-life Republican majority in the Senate, then Bush may be able to place another pro-life justice on the Court.

In this case, a pro-life majority of five would then exist and *Roe* could be overturned. Needless to say, there are a few if’s in the above scenario. However, it is certainly possible, maybe even likely, so let’s consider what would happen if *Roe vs Wade* was overturned.

Would it be overturned or would the sitting justices consider it to be “settled law?” Would they respect precedent and observe the tradition of *stare decisis*? This means that since this has been observed for so many years, it has become a part of the culture of the country and should not or cannot be overturned.

Certainly we

rolled by, it became increasingly evident that, while this was the sitting law, it was not *settled* law. And finally, in 1954 the court ruled in *Brown vs Board of Education* that separate but equal was in fact not equal and overturned that longstanding precedent. What the *Brown* decision did was correct an injustice, a social mistake that had become increasingly evident.

Can we say the same about abortion? Increasing numbers of people, certainly the vast pro-life movement, would say, “Yes.” Over time, the *Roe* decision has not become accepted social practice and just law; exactly the opposite has happened. There is no single decision in the 20th century that has caused more turbulence, unrest and basic total disagreement. Clearly this is not settled law. Therefore, a rational look at the picture as it exists today must conclude that *stare decisis* does not apply and that this decision may well be ripe for correction.

Actually *Roe vs Wade* and its companion case, *Doe vs Bolton*, have been unstable even from the beginning. These decisions were based on the *Griswold* decision in 1965. *Griswold* established that there was a zone of privacy in the constitution that applied to marriage and procreation. The constitution never spoke of this, but that didn’t stop the Supreme Court. They found “privacy” in the emanations from the penumbra of the 5th and 14th amendments. Back then we had to grab a dictionary to find that emanations were vapors or radiations and



are hearing a continuing cacophony of voices from the left telling us that this is in fact settled law and therefore can’t be changed.

But let’s look back to the 19th century when the *Plessey vs Ferguson*, 1896, decision by the Supreme Court ruled that for racial matters of education and social policy, separate but equal facilities were to be constitutional. As the decades

A Very Special Birth Announcement

I'd like to share with you an unforgettable baby announcement card. On the first page of the card was this message: "For months God skillfully and wonderfully fashioned our child in a secret place...hidden away from all eyes but His. The Creator flawlessly completed His work, on June 24th at 7:41 am, Matthew David Gubbins cuddled in our arms, now sharing his lifetime with us."

So, nothing too unusual? I turned to the inside of the card, and there was another message. It said: "Moments later, our Matthew had finished his 54 minutes with us that God had ordained from the beginning of time. One last breath in his daddy's arms and he was handed with gratefulness back into his heavenly Father's arms. Our arms are empty now, but not before Matthew left his footprints forever upon our hearts." It was signed, Love, Steven and Amanda.

A letter accompanied the card. It stated that when she was 20 weeks pregnant, a routine ultrasound showed that their baby had renal agenesis, that is, had no kidneys. They were warned of other deformities. Their doctor was quite "put out" because they wouldn't abort.

And so Matthew was born. I quote from their letter: "His daddy was with him the entire time and was holding him when he died. Matthew was a beautiful baby. We thank God for the time we were able to spend with him. We had been told there was less than a 30% chance of a live birth, but he was stronger than they had expected, and he lived one hour."

Amanda said, "I am thankful for the strong pro-life background both Steve and I have. If we had not known so much about the baby's development, and that life begins at conception, it would have been much more difficult to make our choice. The past months have not been easy, and the pain and grief we feel at losing Matthew are very deep, but we will never regret the choice we made. It gave us a chance to share Matthew's life. Further, there is no

guilt when you choose to give your baby life."

She said, "We feel the birth announcement has been an important statement that Matthew is and was a part of our family." She finished her letter by saying, "Thank you for your work, Dr. Willke, in educating others to the truth about abortion, and your warnings about the pressure from doctors who recommend it. You *are* making a difference."

My comment? Well, it's certainly clear that these good folks, and their family, will always have a warm, loving memory of their child. You know, the memory of an abortion would have been *very* different.

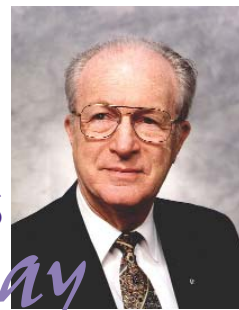
"Precious Feet."

Veterans of the pro-life movement will recognize this title immediately. And those of you newer to the movement will see this picture some day soon, I'm sure. I'm talking about the most widely used photograph in the world in the pro-life movement — a photograph that is by far the most valuable, single picture ever taken in defense of the unborn — a photograph that I was humbly privileged to be part of discovering and publicizing.

It's a picture of the perfectly formed, tiny feet of a baby only 10 weeks old from fertilization. They are held between the gloved thumb and forefinger of a physician. When you were only 10 weeks old, you were so tiny that you could have stood on your daddy's little fingernail, and yet you were so perfectly formed that you already had fingerprints.

Thirty-five years ago, Barbara and I had spoken at the first annual California Pro-Life Council meeting. There I met a pathologist from Portland, Oregon, Dr. Russell Sacco.

LIFE ISSUES Today



with J.C. Willke, MD

Almost casually, he said to me, "Dr. Willke, you might be interested in a few slides I've taken." I was. He fished into his briefcase and came out with a few Kodachrome slides. One by one, I held them up to the light of the lamp. One of them was tiny feet. I was fascinated. Could I have a copy? Could I use it? He generously agreed.

Shortly thereafter, our first edition of *Handbook on Abortion* was published. Bound into it was a colored picture of "Tiny Feet." *Handbook* and its successors went on to be published in 23 languages, in well over two million copies, and became the most widely read books in the world on the subject. Then the picture was printed in the *Life or Death* and *Did You Know* brochures



in the tens of millions of copies and went on over the years to uncounted others around the world. A wise couple, Mr. and Mrs. Evers in Arizona, then created a life-size replica of those tiny feet as a lapel pin, beginning a major industry by that good couple. They called them "Precious Feet." You'll find their pins throughout the world. 🌐

Contact Hayes Publishing: 513.681.7559 or hayespub@aol.com for images of the precious feet.

penumbra was an astronomical term that described the shadow cast by an eclipse. So, the privacy doctrine was grounded in vapors arising from a shadow – not exactly a concrete foundation.

When the *Roe* decision came down in January of 1973, there was an entire host of legal scholars, many who were pro-abortion, who unanimously said that the right to abortion was invented and had no basis in the constitution. As Justice Byron White stated in his dissent, legal abortion was the result of “raw judicial power.”

To say that this is an unstable opinion is merely to note the obvious: it is simply too extreme. This one Court decision swept away every law in all 50 states that in any way, shape or form protected the developing child within the womb. Abortion-on-demand was now law for any reason whatsoever throughout the entire nine months of pregnancy. That’s extreme.

By comparison, we note how other nations have legalized abortion. With almost no exceptions, every nation in the world that has legalized abortion has done so through a legislative process. In passing legislation, there is brought to bear testimony, evidence, etc., from both sides of an issue before a final decision is made. This method prevents extreme results, and usually the outcome is some type of a compromise. But the *Roe* decision simply cut off all debate and leaped to an extreme conclusion. This undoubtedly is why the United States has spawned far and away the strongest pro-life movement of any country in the world. If this had crept up on us like a frog being slowly boiled in water, the awesome pro-life movement in the US would probably not exist today.

Abortion was legalized throughout all nine months because of the second decision, *Doe vs Bolton*, which stated that an abortion could be done for reasons of health, and then defined “health” in the broadest possible terms. Health included “all factors, physical, emotional,

psychological, familial and the woman’s age.” *Roe* also defined the health exception saying, “Maternity or additional offspring may force upon the woman a distressful life and future. Psychological harm may be imminent. Mental and physical health may be taxed by childcare. There is also the distress for all concerned associated with the unwanted child. There is the problem of bringing a child into a family already

unable, psychologically or otherwise, to care for it. There are the additional difficulties and continuing stigma of unwed motherhood. All of these are factors that the woman and her responsible physician will consider.”

So “health” in these two decisions, so broadly defined, extended abortion throughout the entire nine months of pregnancy and amounted to any social, economic or other reason as defined by the woman herself. All she needed was a licensed physician to do the job, and all she needed for that was money.

If Roe is Corrected

What will happen if *Roe* and *Doe* were actually reversed? More than two-thirds of the states have legally repealed their pre-*Roe* laws or have amended them to conform to these two decisions. Only four states have enacted post-*Roe* laws that would prohibit some or most abortions throughout pregnancy. Federal courts have declared three of these, Louisiana, Rhode Island, and Utah, unconstitutional. If the feds were removed from this picture, they would probably again be able to protect preborn life. South Dakota has just enacted a trigger statute, which will go into effect if *Roe* and *Doe* are overturned.

Of the less than one-third of the states that have not repealed their pre-*Roe* laws, most would be ineffective in preventing abortions, either through their

direct language, by court interpretation, or would allow abortion because of mental health. These include Colorado, Delaware, Massachusetts, Alabama and New Mexico. State constitutional limitations in MA, MS, NY, NM, VT, AZ and WV would likely allow abortion.

In summation, only 7 states — Louisiana, Michigan, Oklahoma, Rhode Island, South Dakota, Wisconsin and

Correcting Roe would be the first major step in returning protection to the unborn.

Arkansas — would have laws that are probably enforceable if *Roe* and *Doe* were overturned. These states account for less than 10 percent of the total population of the United States. In the balance of the states and the District of Columbia, abortion would remain legal, probably throughout pregnancy.

These rather grim facts cause a great deal of dismay to many pro-life people. Some may throw their arms up and in effect say, “All of this work for all of these years, and now we still don’t have much.” Let’s hope that it does not discourage pro-lifers for, in fact, reversal of these Supreme Court decisions would be a marvelous and momentous happening. It would be the absolutely essential first major step in returning protection to the unborn. For without it, we have only been

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GENERAL EDWIN MEESE PARTNERS WITH LIFE ISSUES INSTITUTE

Life Issues Institute recently hosted an event for special friends of the Institute. Our honored guest for the evening was Edwin Meese, former Attorney General during the Reagan administration. General Meese provided the group with his seasoned insight regarding the US Supreme Court and its importance to future generations. He also encouraged us to continue our pro-life efforts to save lives.

Those attending the event join Life Issues Institute in expressing our deep and sincere gratitude to General Meese for his many years of tireless work to help make America a nation that respects and protects innocent human life.



Dr. Willke, General Meese and Bradley Mattes



Ambassador and Mrs. Dolibois chat with Sally Alspaugh and Barbara Willke



New board member Tom Mueller and wife Linda



Adrien and Rick Segal

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able to make small, incremental advances for the past 33 years. If *Roe* is reversed, the federal courts will finally be removed from the equation. Then the decision goes back to the voters, to the people in each individual state. Laws can be passed and state constitutions can be changed to protect the unborn.

Some states, particularly in the South and Midwest, would undoubtedly pass new laws within the next year or two, substantially or almost totally protecting the unborn. Other states would narrow the time abortion can be done from 9 months down to three. Others would pass more protective legislation such as spousal consent, age limitation, or more stringent requirements for abortionists. These would reduce the number of abortions. In some states there would be roadblocks such as a pro-abortion Speaker of the House who would bottle up a protective bill. But that situation might only be temporary until the next election. He might be replaced and the

will of the public would truly govern. Finally, of course, there would be states, on the east and west coasts particularly, that would retain state-paid abortion-on-demand. Yes, they could become a Mecca for abortion to those living in states with protective laws, but that is a far better situation than what we have now. This will not happen overnight. It will take time, but then time is on our side, because then the law will be a great teacher.

Protective laws, pro-abortion activists argue, would only drive abortions underground; women would bleed and become infected from back alley abortions, and that abortion would still be the order of the day. That didn't happen in Poland after a national pro-life law was enacted and caused abortion to basically end. Yes, there were some women who crossed the borders, but basically none of the dire predictions materialized. I would predict the same would happen in the United States. Slowly our population would be

reeducated, not just to the fact that abortion is wrong, or that it hurts women. Americans will slowly but surely see the advantages to ending abortion and once again respecting innocent human life. Our culture has suffered beyond comprehension because of this disrespect for human life. The abortion culture has infected everything it has touched. Slowly this would dissipate.

Then our ultimate goal could be realized. There would be an ample majority in enough states to persuade Congress to see the necessity of protecting all unborn life. Then, someday in the foreseeable future, Congress would pass a federal human life amendment and there would be enough states to ratify it.

This would be the end of the story. Your author does not expect to live to see this, but his children probably will. However, the key that must be turned in the lock to begin this process is the reversal of *Roe vs Wade*. 🌀

PLANNED PARENTHOOD TARGETS HISPANICS


S u s a n W . E n o u e n , P . E .

New evidence suggests that Planned Parenthood is targeting Hispanic neighborhoods in the same way it targets African American communities. Hispanics represent 12.5% of the population of the United States¹, and available data indicates that Hispanic women are more than twice as likely to have an abortion than white women.² Life Issues Institute has examined census data for Hispanic populations surrounding 152 Planned Parenthood abortion facilities, applying the same approach described in "Planned Parenthood Abortion Facilities Target African American Communities."³ A 2000 Census data search was used to determine the percentage of Hispanics within one, three and five-mile radiuses, respectively, of each abortion outlet. These percentages were then compared to the Hispanic percentage of the city and that of the state as a whole.

Results show that nearly 66% of

communities surrounding these abortion facilities have measurably higher percentages of Hispanics than either the surrounding city or state. When combined with African American populations, over 76% of the Planned Parenthood abortion facilities are located in areas where these collective minority populations are higher. Finally, a striking 45% of the abortion facilities are surrounded by Hispanic/African American populations that are at least ten percentage points higher than that of the city or the state. Considering that Hispanics and African Americans combined make up only 24.8% of the national population, ten percentage points is a significant variation.

The fact that Hispanics are targeted by the abortion industry puts them at high risk. Left unchecked, this situation could lead Hispanics into the same tragic pattern that has killed fourteen million African American babies and made African

American women three times more likely to have an abortion than white women. These census studies provide evidence of Planned Parenthood's underlying goal of making abortion highly accessible to these minority populations. This information must be shared with the leaders of these minority groups so that they can mobilize against it. Only then can we begin to neutralize the devastating effects of targeted access to abortion for Hispanics and African Americans. 

¹ US Census Bureau; 2000 Census

² US Center for Disease Control *Abortion Surveillance Report* 11/26/04 Accessed at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5212a1.htm>

³ Susan W. Enouen, "Planned Parenthood Abortion Facilities Target African American Communities," *Life Issues Connector*, October 2005. Accessed at: <http://www.lifeissues.org/connector/index.html>



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For more information, please contact our development office at info@lifeissues.org or call 513.729.3600.

The future of babies is in your hands.

YOU HAVEN'T HEARD OF THE DOHA REPORT?

By J. C. Wilkie, M D

If not, many people haven't either. The reason is that it has been almost totally suppressed by the public media and certainly by radical pro-abortion, anti-family activists at the United Nations. The reason is obvious. They didn't like it. But it's for that very reason we resurrect it here in this newsletter. The Doha International Conference for the Family was held 29–30 November 2004 in Doha, the capital of the tiny Arabian Gulf state of Qatar.

This conference was preceded by government meetings in Benin, Azerbaijan and Latvia during 2004. They included the World Congress of Families in March in Mexico City, Mexico, the Scandinavian Dialogue in May in Stockholm, Sweden, the European Dialogue in August in Geneva, Switzerland and the Asia Pacific Family Dialogue in October in Kuala Lumpur, Malaysia. In addition, there were hundreds of civil society meetings in local areas in more than 134 cities around the world. Reports prepared for this International Conference included a publication collecting the results of over 200 community meetings and a preliminary volume of international scholarship.

We are pleased to reprint a report on the Conference by William L. Saunders, Human Rights Counsel at the Family Research Council and board member of the International Right to Life Federation.

On December 6, 2004, the United Nations General Assembly observed the final event of the "International Year of the Family." The General Assembly officially received the reports of pro-family conferences that took place throughout the world over the course of 2004 and adopted Resolution A/59/L.21. The resolution, among other things, "[e]ncourages governments to make every possible effort ... to integrate a family perspective in the planning process" and recommends that "governments, NGOs, academic institutions, etc. contribute to developing strategies and programs aimed at strengthening the livelihood of families." It also "welcomes ... the hosting of the Doha International Conference for the Family from 29-30 November 2004 by the State of Qatar and takes note of [its] outcome." (The outcome of the Doha Conference was the Doha Declaration.) Of the 191 member states of the UN General Assembly, 149 signed onto the resolution as cosponsors. It was then adopted by the UN General Assembly by voice-vote consensus.

During the discussion of Resolution A/59/L.21, representatives of many nations took the floor to affirm foundational principles of human rights. Marriage is the foundation of families, families are the foundation of societies, and the role of government is to protect and support families. Assistant Secretary of Health and Human Services Wade Horn spoke on behalf of the United States, noting that "the state's foremost obligation is to respect, defend, and protect the family." Strong endorsements also came from the developing countries of Africa, South America, and Asia, as well as from the Middle East.

The only dissent came from the European Union, which sought to use the occasion to advance various measures that are not part of international consensus and that undermine the family. For instance, the Dutch ambassador, speaking on behalf of the EU,

stressed that "although the family is the basic unit of society, its concept and composition has changed in the course of time." He also asserted that "it is *not* up to the state to impose limitations [on the right to found a family] on the basis of race, nationality, religion, sexual orientation, or any other status." The ambassador was wrong. No source of international law establishes a right to found a family regardless of sexual orientation.

Fortunately, the rest of the world is taking care that the important, fundamental, commonsensical understanding of marriage and the family (upon which every human society has always been built) is upheld as the model to be protected and commended. Pro-family people are hopeful and expectant that the UN, as well as other international agencies and organizations, will cooperate with this overwhelming consensus of the world's nations, from every culture and circumstance, that the family founded upon marriage is to be protected and strengthened by governments, where necessary, and that a healthy family is the basis for a healthy society. If this is the result of observing the International Year of the Family, it will have been a very welcome observation indeed.

The declaration reflects international consensus language, stretching back to the Universal Declaration of Human Rights. As such, it demonstrates the resolve of the world community to reaffirm its fundamental commitments to the family and to marriage which were made in the foundational human rights documents in the middle of the past century, and it offers a firm foundation for future cooperation among the nations of the world. 🌀

Anyone interested in a copy of the Doha Report can contact Mr. Saunders or our Life Issues Institute office.



From the
Executive Director



B r a d l e y M a t t e s

An Average Day for an Abortionist

A recent *Los Angeles Times* interview exposed the ugly reality of the abortion industry. *Times* staff writer, Stephanie Simon talked with a long-time abortionist, William F. Harrison, who is now 70 years old. In spite of his age, he remains the presiding abortionist at a mill in Fayetteville, Arkansas because they can't find anyone to replace him. It's gotten much harder to find medical doctors who are willing to dedicate their careers to killing preborn children.

The *Times* article briefly explains how Harrison got into the abortion business right after the 1973 *Roe vs Wade* decision. Since then, Harrison estimates he's killed at least 20,000 unborn babies. The aging abortionist is a walking coat-hanger advertisement, telling anyone who will listen that abortion may someday be illegal. It's one of the very few statements Harrison made in the article that I agree with. He knows *Roe* is living on borrowed time.

Abortion-on-demand throughout pregnancy is beginning to be seen for what it is – the unbridled killing of over three thousand babies each day. More people realize many women are repeat customers, using abortion as a method of birth control. They also know that many women have abortions late in pregnancy. More and more Americans are finding abortion a failed and tragic societal experiment that's leaving a mile-wide wake of mutilated bodies and devastated lives.

This abortionist readily admits, "I am destroying life," and he realizes the tide of public opinion is turning against the abortion industry. When *Roe* finally goes, Arkansas will be one of seven states certain to immediately protect their most tiny and vulnerable citizens.

The *LA Times* article describes an average day for the man who gave up his obstetrics career in 1991 to exclusively *take*

the lives of babies. Based on his description of his job, you might think he was a Christian missionary. Harrison says that because of his abortion business, his patients are "born again." He also said, "We try to make sure she doesn't ever feel guilty for what she feels she has to do." Tell that to the millions of mothers and fathers of aborted babies who would give their right arm and leg if they could have that innocent life back again. Abortion didn't just make them un-pregnant; it made them the parents of a dead baby. Harrison isn't preventing guilt, he's responsible for generating massive amounts of it.

Back at the killing center, a young girl is in the stirrups and rendered immobile, her arms strapped down. Perhaps he's afraid she'll change her mind and flee. A sedative is used that will make sure she doesn't remember any of the "procedure." Twenty minutes later, her baby is dead and its tiny body coldly disposed of.

Another patient, a high school volleyball player, doesn't want to share her body with a baby for six more months.

Yet another, a single mother of three, couldn't bear the thought of making an adoption plan for her baby; so killing it seemed to be a better solution. Her emotional defense is to hide behind a wall of denial and not contemplate "what could have been." Eventually the memories and emotions will catch up with her.

The abortionist draws a moral line at twenty-six weeks, after which he calls it infanticide. But until then, he'll abort the baby for any reason. He said, "It's not a baby to me until the mother tells me it's a baby."

One young woman was aborting her fifteen-week baby without the baby's

father even knowing she was pregnant. Amanda said, "It's not like it's illegal. It's not like I'm doing anything wrong." She went on to say that her recent prayers about the abortion have been a "real source of strength" for her. The real tragedy here is that if she thinks God is encouraging her abortion, it's not God's voice she's listening to.

One woman in her early twenties said she never thought about using birth control, instead relying on abortion. Her wedding was coming up and she didn't think her dress would fit while pregnant, so she aborted her child.

"It's not a baby to me until the mother tells me it's a baby."

Over half of the 1.2 million annual abortions are done on women in their twenties.

The last patient of the day was in her early thirties and coming in for her fifth abortion. She keeps forgetting to take her birth control pills. She said abortion was "no big stress." Not yet anyway.

According to the abortionist, his appointment book is always full. It's no wonder. America is aborting one out of every four pregnancies. Stop to think for a moment that every year the abortion industry is killing twenty-five percent of the nation's population. Imagine the long-term societal and economic implications of this wide scale killing of innocent human life!

What's happening in this Arkansas abortion mill is being duplicated throughout the nation. Do you realize the magnitude of this tragedy? If so, then please pray and do what you can to end this modern day holocaust. 🌀



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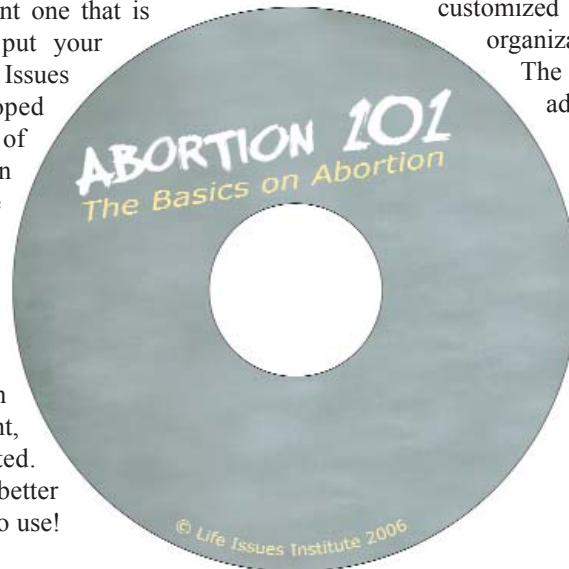
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STATES

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Abortion 101 – The Basics on Abortion

Do you need a good, basic presentation on abortion? Do you want one that is user-friendly and won't put your audience to sleep? Life Issues Institute has developed *Abortion 101*. It's full of crucial information on abortion that can be customized for every event, regardless of time allowed. Attractive graphics will be certain to keep the attention of your audience. The presentation runs just like a PowerPoint, but is more sophisticated. This enables it to use better graphics. But it's simple to use!



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