

Abortion: 'Unchangeable Social Custom'

A realistic change in approach to legal abortion could spell doom to a murderous racket.

by Faye Marley

A world revolution is taking place in abortion law, long due for reform.

In the United States, for example, women who need an abortion for reasons that may not be strictly life-saving have their choice of two states—Colorado and North Carolina—both of which have passed liberalized laws in the past month.

The Colorado law requires no period of residency, which has led to predictions that the state would become an "abortion mecca." North Carolina has a four-month residency clause in her law, along with one or two other variations.

California, which has under consideration a liberalizing abortion bill, has been advised by Governor Ronald Reagan to "wait and see" how Colorado's law works. Reagan says he is troubled by provisions of the measure that would allow abortions when there is a danger the baby would be deformed. He is quoted as questioning whether anyone has the right to "judge which cripple will die."

The Maryland legislature has refused to liberalize what is already among the nation's more liberal abortion laws.

Abortion laws in this country have been due for modernization since the turn of the century according to many physicians who are shocked by the enormity of the illegal racket that is said to endanger more than a million women a year.

The majority of the states still have abortion laws enacted about 100 years ago when the dangers of maternal rubella, or German measles, were unknown, and when the mother's life was endangered by many other diseases as well as by poor obstetrical techniques.

In more than 40 states the laws allow induced termination of pregnancy only to save or preserve the life of the mother. Ten thousand "approved" abortions are performed in hospitals annually.

But things are changing.

The new Colorado law, recently signed by Governor John A. Love, now allows abortions in cases where a three-doctor board in an accredited hospital agree unanimously that:

- The pregnancy would result in the death of the mother, or serious impairment of her physical or mental health.

- The child would likely be born with grave permanent physical deformity or mental retardation.

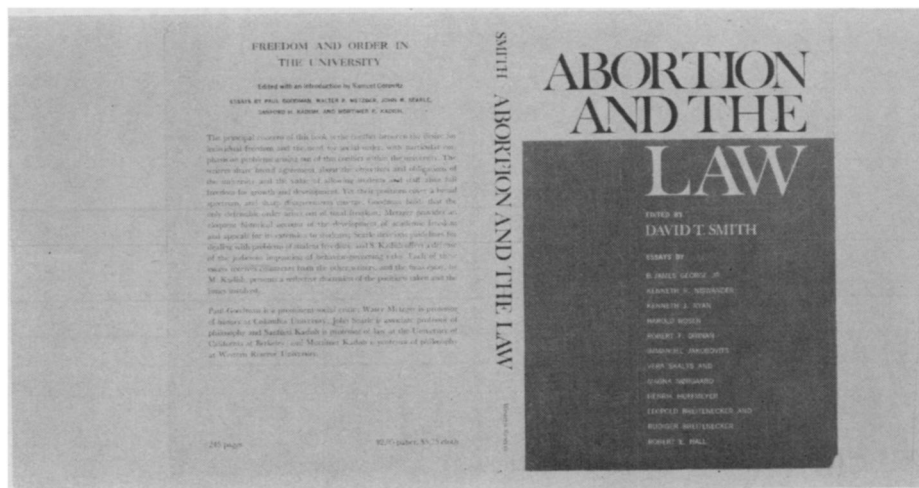
- The pregnancy resulted from rape or incest and no more than 16 weeks of gestation had passed.

- The mother was under 16 when she became pregnant from statutory rape or incest.

The first country to break with the traditional conservative principles governing abortion was Soviet Russia, which legalized the practice in 1920. But Japanese democracy also has

early revolutionary enthusiasm of the Bolsheviks. Easy divorce laws were also abolished, along with educational and artistic experiments.

But in 1955, after Stalin's death, one of Nikita Khrushchev's first decrees was the restoration of legal abortion. Although there are various approved methods of performing an abortion, including the dilatation and curettage, commonly called the D and C, the Soviet Union and Eastern European countries have one of the newest methods. It consists of a slender simple apparatus that performs dilatation by electro-vibration, emptying the womb by negative-pressure vacuum. The



legalized abortion (as a means of solving her population crisis), and the Scandinavian countries as well as Communist satellites have liberal laws.

Russia has reversed her policy three times. The 1920 decree under Lenin was born of revolutionary fervor for women's equality and the need for their contribution to industry. It also reflected the new government's obligation to get rid of mercenary and often ignorant quacks who were infecting 50 percent of their victims in the course of an operation, with deaths resulting.

In 1936 under Stalin, the government, without explanation, reversed itself and banned legalized abortion. One explanation was the rise of Nazi Germany but the ban was probably part of a larger crackdown on the

operation is short and the woman walks away without hospitalization.

In Moscow, at the Research Institute of Obstetrics and Gynecology, Dr. Olga Makejeva takes official foreign visitors into the room where abortions are performed with this small instrument, shaped like an old-fashioned, but shortened, curling iron, with a small vacuum inside.

"We do not encourage women to have abortions," she explains. "But to prevent the death of the mother, abortion is free and legal." She is a motherly heavy-set smiling woman who prefers to counsel young mothers so they can have healthy children.

Liberalization of abortion laws has taken place in Bulgaria, Czechoslovakia, Hungary, Poland and Yugoslavia

BOX SCORE BY STATES

Twenty-eight states introduced abortion laws in 1967, based mainly on the Model Penal Code of the American Law Institute.

Colorado	Bill passed and is now law.
North Carolina	Bill passed and is now law.
Mississippi	Bill enacted permitting abortions in case of danger to mother's life or when pregnancy results from rape.
Illinois	Considering bill based on Code and one that would establish an abortion study commission.
Pennsylvania	Considering bill to establish abortion study commission.
Connecticut	One bill would permit abortion in rape cases and another generally follows the Code.
Minnesota	Considering two bills, one on Code pattern, the other to preserve life and health and in cases of possible fetal deformity.
Oregon	Considering three bills, one referring only to life and health, one would repeal all abortion statutes, the third follows the Code.
Rhode Island	Considering two bills, one essentially like the Code, the other providing for abortion in rape and incest cases.
Wisconsin	Considering two bills, one patterned on the Code, the other repealing all abortion statutes.

The other 18 states have been considering statutes similar to the Model Penal Code: Arizona, California, Florida, Georgia—minus rape and incest provisions—Hawaii, Indiana, Iowa, Maine, Maryland, Michigan, Missouri, Nebraska, Nevada, New Mexico, New York, Ohio, Oklahoma and Texas. Some refused to act. In 22 states no bill was introduced this term: Alabama, Alaska, Arkansas, Delaware, Idaho, Kansas, Kentucky, Louisiana, Massachusetts, Montana, New Hampshire, New Jersey, North Dakota, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia and Wyoming.

among the Communist nations. Social considerations are being included along with medical needs in Denmark, Finland, India, Japan, Sweden, Switzerland and East Germany. The actual number of abortions is not known in these and other countries, but estimates go into the millions.

Since 1962 when an expectant mother in Phoenix, Ariz., was denied an abortion, requested because she had taken thalidomide and feared a hideously deformed baby, hundreds of American women have been reported following her example and going to Sweden or Japan to end unwanted pregnancies.

Probably the most vocal group in fighting legalized abortion is the Catholic Church. Typical of the Church's viewpoint is that of Father Robert F. Drinan, dean of the Boston College Law School, whose chapter on the inviolability of the right to be born is a part of a 1967 book called "Abortion and the Law," published by Western Reserve University, Cleveland. Father Drinan says that the Catholic

Church has "retained, more than the teaching of most religious denominations, the traditional and until recently, unchallenged view" that destroying a fetus is homicide.

Rabbi Immanuel Jakobovits, in his chapter in the same book, sets forth the Orthodox Jewish position that "the only indication considered for abortion is a hazard to the mother's life, that otherwise the destruction of an unborn child is a grave offense, though not murder," and that "Jewish law would consider a grave psychological hazard to the mother as no less weighty a reason for abortion than a physical threat."

A recent nationwide survey showed that abortions for maternal health, rape and fetal risk would be approved by about 50 percent of Roman Catholics, 60 percent of Protestants and 90 percent of Jews. Nonorthodox Rabbi Israel Margolies of New York City poses this question:

"Is it not time . . . that we matured sufficiently as a people to assert once and for all that the sexual purposes of human beings and their reproductive

consequences are not the business of the state, but rather free decisions to be made by husband and wife?"

Dr. Robert E. Hall, Columbia University obstetrician and gynecologist, and president of the Association for the Study of Abortion in New York City, closes the book with this paragraph:

"One immutable truth emerges through this confusing maze: if an individual pregnant woman is determined to get an abortion, she will do so whether it is lawful or not. And preferable as contraception is to abortion, no matter how effective and how available contraceptive measures become, there will always be unwanted pregnancies and hence abortions. In the world today there are an estimated 30 million induced abortions and 115 million live births, a ratio of one to four. Countries with legalized abortion have sanctioned unchangeable social custom. Countries with liberal abortion laws have legitimized current medical practice. Countries with stringent abortion laws have buried their head in the sands of time."