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Of Many Things

What should we do now about abortions? The Supreme Court has determined that the mother and her doctor have a constitutional right to make an unfettered choice during the first three months of the pregnancy. Thereafter, any restrictions by the state must be justified in terms of the health of the mother or the viability of the fetus. This is the law of the land. It will continue to be so, at least for the next few years and possibly for a very long time.

It seems to me that the first item on the legal agenda should be to secure effective "conscience clauses" in all abortion legislation. The proponents of liberalized abortion laws have never ceased saying that they were interested only in freedom of choice for the mother; that they were not seeking to impose abortion on anyone. It is imperative that these assurances be translated into legislation to protect the freedom of doctors, nurses and hospitals.

The second item should be a determined effort to "contain" the present law within the limits set down by the Supreme Court. Some pro-abortion spokesmen have already announced that they will now seek repeal of all legal restrictions on abortion. Mrs. Bella S. Abzug (D., N. Y.) has introduced an Abortion Rights Act (H. R. 254) in Congress. If passed, the bill would eliminate all state laws regulating abortion. While passage of this bill by Congress is unlikely, similar bills have a real chance of success in some state legislatures.

Opponents of liberalized abortion must now be prepared to negotiate in the state legislatures with the advocates of abortion on demand. The only alternative to active engagement in the process of revising the abortion laws, with a view to containing abortion as much as possible, is to yield the power of the legislature to those who wish no law at all.

To be very specific, opponents of liberalized abortion must now deal directly with the question of the conditions under which public hospitals will furnish abortions to those who are unable to pay for them. This is an extremely serious and difficult question, politically, constitutionally and morally. Catholics must have a better answer than a simple, unrealistic "never."

The third item must be a long-term effort to change the law announced by the Supreme Court. There are two legitimate ways to attempt such a change: one through the process of litigation, the other through a constitutional amendment. I have little hope for the second method. The first, however, has some potential. The Supreme Court, it is true, has rejected the position that a fetus is a person in the full constitutional sense, but it has also rejected the abortion-on-demand position that a mother has a constitutional right to an abortion regardless of the stage of development of the fetus. The court must be persuaded to expand the rights of the fetus, just as it has expanded the rights of the mother.

C.M.W.