FEATURE

The Second Missouri Compromise: According to the Supreme Court, Unborn Babies Are Still *Persona Non Grata*

by James G. Bruen, Jr.

In 1820 the Missouri Compromise was struck in an attempt to cool the controversy over slavery: Maine was admitted to the Union as a free state, while Missouri was allowed to form a state government without restrictions on slavery.

In the 1830s, Dred Scott, a slave, accompanied his master, a native of Missouri, into free territory, only to return years later to Missouri. Scott thereafter sued in federal court to obtain freedom, claiming that he was liberated because he had lived in a free state and because Congress had prohibited slavery in another area in which he had lived.

By the mid-1850s, when Scott's case was in the federal court system, slavery was again a hot issue due to the acquisition of land from Mexico, the polarization of pro- and anti-slavery factions in Congress, and violence over the issue in Kansas.

In 1857, the Supreme Court ruled that Dred Scott could not bring suit in the federal courts, which has jurisdiction to hear suits between citizens of different states. The Court held: under the Constitution a Negro descended from slaves, even if free himself, was not a citizen of his home state; he therefore could not bring a suit in federal court predicated on diversity of citizenship.

Inherent in the Court's opinion was a reluctance to afford former slaves the protection due citizens under the Privileges and Immunities Clause of Article IV of the Constitution, which provides: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." The Supreme Court believed undesirable results would occur if blacks were entitled to the protections of that clause:

> The legislation of the States therefore shows, in a manner not to be mistaken, the inferior and subject condition of that race at the time the Constitution was adopted, and long afterwards, throughout the thirteen States by which that instrument was framed; and it is hardly consistent with the respect due to these States, to suppose that they regarded at that time, as fellow-citizens . . . a class of being whom they had thus stigmatized. . . . More especially, it cannot be believed that the large slaveholding States regarded them as included in the word citizen, or would have consented to a Constitution which might compel them to receive them in that character from another State. For if they were so received, and entitled to the privileges and immunites of citizens, it would . . . give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went.

After the Civil War, the Fourteenth Amendment undid the specific holding of the *Dred Scott* case: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside." The Fourteenth Amendment also extended protection to human beings regardless of their citizenship: "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

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In its 1973 decision in *Roe v. Wade*, the Supreme Court acknowledged that if the unborn child is a "person," then his right to life is guaranteed by the Constitution:

> The appellee and certain *amici* argue that the fetus is a "person" within the language and meaning of the Fourteenth Amendment.... If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment.

Noting, however, that "The Constitution does not define 'person' in so many words," the Supreme Court in *Roe v. Wade* excluded a class of human beings, the unborn, from the term "person" as used in the Fourteenth Amendment, and, therefore, from the protections of that Amendment.

To rationalize this exclusion, the Court listed the references in the Constitution to the word "person." "But," the Court wrote, "in nearly all these instances, the use of the word is such that it has application only postnatally. None indicates with any assurance, that it has any possible prenatal application." And, reminiscent of what it had done a century earlier in *Dred Scott*, the Supreme Court delineated what it believed to be the absurdity of recognizing that unborn children are entitled to the protections due persons:

> Neither in Texas nor in any other State are all abortions prohibited. Despite broad proscription, an exception always exists. The exception... for an abortion procured or attempted by medical advice for the purpose of saving the life of the mother, is typical. But if the fetus is a person who is not to be deprived of life without due process of law, and if the mother's condition is the sole determinant, does not the Texas exception appear to be out of line with the Amendment's command?
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> There are other inconsistencies between Fourteenth Amendment status and the typical abortion statute. It has already been pointed out that in Texas the woman is not a principal or an accomplice with respect to an abortion upon her. If the fetus is a person, why is the woman not a principal or an accomplice? Further, the penalty for criminal abortion ... is significantly less than the maximum penalty for murder.... If the fetus is a person, may the penalties be different?

"The Constitution does not define 'person' in so many words,"

Today the argument that the black person could not be a citizen because otherwise he could "sojourn without molestation" and "speak in public or private on all subjects" sounds ridiculous. So ridiculous that the book *The Brethren* by Bob Woodward and Scott Armstrong recounted that Justice Blackmun thought it "terribly unfair" to compare the opinion he authored in *Roe v. Wade* with that in *Dred Scott*. But someday the argument that the unborn baby could not be a person because otherwise he would enjoy the right to life will also seem ridiculous because both arguments suffer from the same defect: they deny the inherent dignity of each human being.

In *Roe v. Wade* the Supreme Court also said: the state cannot regulate or prohibit abortion in the first trimester; it may regulate (but not prohibit) abortion to protect the mother's health during the second trimester; it may regulate and prohibit abortion in the third trimester except where maternal life or health is involved (an exception so large that no abortions have been prevented because of it). Over the following years, the Supreme Court has consistently ruled against restrictions on abortions.

Webster v. Reproductive Health Services, the Supreme Court's abortion decision of last July, however, runs counter to the steady stream of pro-abortion decisions flowing from that Court in recent years: it upheld some governmental regulation of abortion. *Webster*'s importance lies in the encouragement it provides to prolife efforts to enact legislation to restrict abortions and in what it portends for future abortion cases. Less imporant are the case's actual holdings. The Court refused to pass on the constitutionality of a Missouri statute's preamble that found that life begins at conception and that unborn children have protectable interests in life, health, and well-being. The Court upheld Missouri's restrictions on the use of public facilities and employees in "nontherapeutic" abortions. And it upheld Missouri's statutory requirement that a physician in certain circumstances must determine if the unborn child is viable.

In addressing the power of the states to require a determination of viability, Justices Rehnquist and White (both of whom dissented in *Roe v. Wade*) were joined by the recently appointed Kennedy (a Catholic) in an attack on the "rigid trimester analysis" of *Roe v. Wade*. In their plurality opinion, authored by Chief Justice Rehnquist, these three said:

Roe v. Wade: "unsound in principle and unworkable in practice."

> the rigid *Roe* framework is hardly consistent with the notion of a Constitution cast in general terms, as ours is, and usually speaking in general principles, as ours does. The key elements of the *Roe* framework - trimesters and viability - are not found in the text of the Constitution or in any place else one would expect to find a constitutional principle.

The plurality thought the *Roe v. Wade* trimester analysis "unsound in principle and unworkable in practice." It acknowledged that its opinion "will allow some governmental regulation of abortion that would have been prohibited under the language of" some of the Supreme Court's earlier cases, but said that the Constitution did not put the issue of abortion "beyond the reach of the democratic process." They thought that the issue was "within the ambit of the legislative process, whereby the people through their elected representatives deal with matters of concern to them." Their view has caused pro- and anti-life forces to mobilize for struggles in Congress and state legislatures and has already sent many politicians scurrying for cover to avoid the grenade that the Court has tossed to them.

Justices O'Connor and Scalia (neither of whom was on the Court in 1973) also voted to uphold Missouri's statutory requirement of a determination of viability, thus providing the necessary fourth and fifth votes. But they did not join in Rehnquist's plurality opinion. O'Connor refused because she thought the plurality went too far:

> Unlike the plurality, I do not understand these viability testing requirements to conflict with any of the Court's past decisions concerning state regulation of abortion. Therefore, there is no necessity to accept the State's invitation to reexamine the constitutional validity of *Roe v. Wade*.... When the constitutional invalidity of a State's abortion statute actually turns on the constitutional validity of *Roe v. Wade*, there will be time enough to reexamine *Roe*. And to do so carefully.

Syndicated columnists Evans and Novak later wrote that O'Connor is sensitive to political pressure from feminists. They reported that people who know her say she is probably willing to be a sixth vote to gut *Roe*, but does not want to be singled out in history as the decisive fifth vote. But Scalia, a Catholic, thought the plurality did not go far enough. "I share," he wrote, "Justice Blackmun's view that [the plurality opinion] effectively would overrule *Roe v. Wade*. I think that should be done, but would do it more explicitly."

Although Scalia declined to set forth his reasons for wishing to overrule *Roe v. Wade* explicitly, he emphasized his belief that abortion is properly a "political issue," that is, an issue which the Constitution gives the states and the federal government discretion. And he strongly criticized O'Connor's reluctance to use the *Webster* case as the vehicle to attack *Roe v. Wade*: "Justice O'Connor's assertion," he writes, "that a 'fundamental rule of judicial restraint' requires us to avoid reconsidering *Roe*, cannot be taken seriously." His message to her seemed to be: for years you've been criticizing *Roe v. Wade* and its trimester analysis, but now that we have the opportunity and the votes to jettison that analysis, you've chickened out!

Justice Blackmun (joined by Brennan, a Catholic, and Marshall) dissented histrionically:

> Never in my memory has a plurality announced a judgment of this Court that so foments disregard for the law and for our standing decisions. I fear for the future. I fear for the liberty and equality of the millions of women who have lived and come of age in the 16 years since *Roe* was decided. I fear for the integrity of, and public esteem for, this Court. I dissent.

Harry Blackmun obviously continues to reason unclearly. Our children are our future. He may fear them, and that may be why he believes so strongly that women should have the right to kill them, but he surely does not fear for them or for the future. And the millions of unborn women who have been killed legally under the sanction of his decision surely have not enjoyed liberty or equality.

Similarly, his concern about integrity and public esteem is misplaced. When Blackmun led the

Court in its exclusion of an entire class of people from the protections of the Constitution because of their age, he exercised "raw judicial power," to use Justice White's phrase. He arrogated to himself a power over life and death that belongs to God alone. And he broke the bounds of the proper judicial function. He thus destroyed the Court's claim to integrity and ensured that the Court would be held in disrespect. His decision probably has done more to undermine public respect for the judiciary than any other decision in the Court's history. Only *Dred Scott* rivals it. This is unsurprising: when the right to life is itself subject to the whim of those who sit on the Court, erosion of respect for the Court and the judicial process follows naturally.

Roe's supporters find it difficult to pretend otherwise. As revealed in *The Brethren*, which is itself sympathetic to the decision in *Roe v. Wade*, even the Supreme Court law clerks at the time of *Roe* understood the illegitimacy of the Court's action:

> The clerks in most chambers were surprised to see the Justices, particularly Blackmun, so openly brokering their decision like a group of legislators. There was a certain reasonableness to the draft, some of them thought, but it derived more from medical and social policy than from constitutional law. There was something embarassing and dishonest about this whole process. It left the Court claiming that the Constitution drew certain lines at trimesters and viability. The Court was going to make a medical policy and force it on the states. As a practical matter, it was not a bad solution. As a constitutional matter, it was absurd. The draft was referred to by some clerks as "Harry's abortion."

In his dissent in *Webster*, Justice Stevens focused on contraception and religion. Stevens labelled the IUD, morning after pills, RU 486, and other devices and chemicals that prevent implantation on the uterine wall by the fertilized egg as "contraceptive methods" rather than abortifacients. Stevens relied on *Griswold v. Connecticut*, a 1965 Supreme Court decision invalidating a state birth control law as unconstitutional, and wrote:

> One might argue that the *Griswold* holding applies to devices "preventing conception" — that is, fertilization — but not to those preventing implantation, and therefore, that *Griswold* does not protect a woman's choice to use an IUD or take a morning after pill. There is unquestionably a theological basis for such an argument, just as there was unquestionably a theological basis for the Connecticut statute that the Court invalidated in *Griswold*. Our jurisprudence, however, has consistently required a secular basis for valid legislation. Because I am not aware of any secular basis for differentiating between contraceptive procedures that are effective immediately before and those that are effective immediately after fertilization, I believe it inescapably follows that the preamble to the Missouri statute is invalid under *Griswold* and its progeny. Indeed, I am persuaded that the absence of any secular purpose for the legislative declarations that life begins at conception and that conception occurs at fertilization makes the relevant portion of the preamble invalid under the Establishment Clause of the First Amendment to the Federal Constitution. This conclusion... rests on the fact that the preamble, an unequivocal endorsement of a religious tenet of some but by no means all Christian faiths, serves no identifiable secular purpose. That fact alone compels a conclusion that the statute violates the Establishment Clause.

Justice Steven's analysis was not accepted explicitly by any other justice, perhaps because it was so strikingly anti-religious and so easily rebutted. The protection of human beings is a secular purpose. If there is a doubt whether a human being exists, the state must be able to protect that human life. If the state can not protect people, anarchy will result.

Stevens buttressed his dismissal of the claim that life begins at fertilization as a mere "theological position" by a discussion of St. Thomas Aquinas's writings on ensoulment. St. Thomas, according to Stevens, believed that life begins and ensoulment occurs 40 days after conception for males and 80 for females. He believed, therefore, that abortion before ensoulment was not homicide. In Stevens's view the differences between the Missouri statute's finding that life begins at fertilization and a hypothetical statute that males begin life at 40 days and females at 80 "reflects nothing more than a difference in theological doctrine."

"As a constitutional matter, it was absurd. The draft was referred to as 'Harry's abortion.' "

Again, no other justice joined this analysis, perhaps because it is so condescending to Catholicism

and because it also is so easily rebutted. Unmentioned by Stevens is the fact that Aquinas believed abortion is a grave sin at any stage of development. His theological theory of ensoulment was based upon the medical insights of his day. Today science indicates that life begins at conception. St. Thomas would recognize that. So should Justice Stevens.

Although no other justice adopted Justice Stevens's writings on contraception, none attacked his views either. To the contrary, Justice O'Connor seemed sympathetic to his position that abortifacients are a type of contraception. "It may be correct," she wrote, "that the use of post-fertilization contraceptive devices is constitutionally protected by *Griswold* and its progeny...." Similarly, Justice Blackmun blasted the plurality for its failure to

> even mention, much less join, the true jurisprudential debate underlying this case: whether the Constitution includes an "unenumerated" general right to privacy as recognized in many of our decisions, most notably *Griswold v. Connecticut* and *Roe*, and more specifically, whether and to what extent such a right to privacy extends to matters of childbearing and family life, including abortion. These are questions of unsurpassed significance in this Court's interpretation of the Constitution, and mark the battleground upon which this case was fought, by the parties, by the Solicitor General as *amicus* on behalf of the petitioners, and by an unprecedented number of *amici*. On these grounds, abandoned by the plurality, the Court should decide this case.

Justice Blackmun obviously believed that if the Court were forced to focus on the general right to privacy discovered in *Griswold*, his view would prevail in *Webster*. The plurality, however, refused to join in what it called "a great issues" debate on this, stating that *Griswold* was "far different" from *Roe*. The plurality therefore did not question *Griswold*. Only Justice Scalia did not mention *Griswold* or contraception.

The plurality's refusal to engage in that debate was probably a tacit recognition that Blackmun and Stevens would have prevailed in *Webster* if the plurality had focused on the underlying issues of privacy and contraception. Blackmun's trimester analysis in *Roe v. Wade* was an intellectual sham that prevented no abortions and gave us judicially mandated abortion on demand. The plurality felt comfortable attacking that analysis and uncomfortable that the Court, not the legislatures, was responsible for the prevalence of abortion. But because they are willing to let the right to life depend in some circumstances on the whim of the legislative process, the justices in the plurality could not be expected to recoil in horror from contraception or "post-fertilization contraception." Nor would they be able to articulate any convincing basis for distinguishing between contraception and abortion because both ultimately rest upon the same animosity towards the procreative purpose of the human body. It is truly an all or nothing situation. Accept contraception and you are stuck with abortion. The plurality thus had to focus on *Roe*'s trimester and viability analysis without investigating that decision's underpinnings.

So where do we stand after *Webster*?

In *Webster*, Justice O'Connor still professed to "consider" *Roe v. Wade*'s trimester framework "problematic." And she did vote to uphold the constitutionality of the Missouri statute. So, in all likelihood, Justices Rehnquist, White, Kennedy, O'Connor, and Scalia will again combine their votes this term to chip away further at *Roe v. Wade*. Or, as Justice Scalia put it:

> It thus appears that the mansion of constitutionalized abortion law, constructed overnight in *Roe v. Wade*, must be disassembled door-jamb by door-jamb, and never entirely brought down, no matter how wrong it may be.

The Court, however, will not overrule *Roe v. Wade*. While the three justice plurality in *Webster* wanted to jettison *Roe v. Wade*'s analysis and framework, it also characterized the right to abort an unborn baby as "a liberty interest protected by the Due Process Clause" of the Fourteenth Amendment. And they expect that the legislative process will necessarily condone legal abortions:

> The dissent's suggestion that legislative bodies, in a Nation where more than half of our population is women, will treat our decision today as an invitation to enact abortion regulation reminiscent of the dark ages not only misreads our views but does scant justice to those who serve in such bodies and the people who elect them.

The Court, then, may chip at *Roe*. It may disassemble it. It may jettison its trimester framework and its focus on viability. But when the Court is done, the key holding of *Roe v. Wade* will remain: the unborn baby is not a "person" within the meaning of the Fourteenth Amendment, which protects the life of persons and which prevents the states from denying any person the equal protection of the laws. The child, then, will not have a constitutionally-protected right to life. The states will still be able to allow legal abortions. The federal government will still be able constitutionally to fund abortions or to permit them in federal facilities. Moreover, if a government attempts to ban abortions, the ban will be based on a "misreading" of the plurality's views, and even Jus-

tices Rehnquist, White, and Kennedy will vote to declare it unconstitutional.

Indeed, there probably is not a single Justice on the Supreme Court who would reverse that key holding! In dissent, Justice Stevens drives this point home:

> No member of this Court has ever questioned the holding of *Roe* that a fetus is not a "person" within the meaning of the Fourteenth Amendment. Even the dissenters in *Roe* implicitly endorsed that holding by arguing that state legislatures should decide whether to prohibit or authorize abortions. . . . By characterizing the basic question as a "political issue," Justice Scalia likewise implicitly accepts this holding.

All nine justices thus continue to deny the unborn child is a person. Even Scalia's desire to overrule *Roe v. Wade* is only a desire to return the issue of abortion to the legislatures. That is the same solution that Pontius Pilate adopted: send the problem to someone else. Whether the unborn baby is a human being is irrelevant to the justices: the Fourteenth Amendment grants him no protection even if he is. None of the justices would stop the killing of innocent preborn children. All nine believe the Constitution at least permits killing them.

All nine justices continue to deny the unborn child is a person.

How can it be that not one of nine seemingly intelligent justices recognizes that the unborn child is a person?

Perhaps the answer can be found in their approach. The justices seem to believe the child has no rights unless granted in or recognized by the Constitution or, where permitted by the Constitution, by the legislative process. The idea that the unborn child enjoys inviolable rights that are antecedent to, independent of, and superior to any rights the Constitution or government may grant seems foreign to them. They seem to believe that the Constitution, not conception, creates a "person" or "personhood." And, as the final arbiters in our system of government, they believe they decide who is a person and who isn't.

And so the Supreme Court has accepted a right to die case for argument this term. Perhaps the soon-to-be-deceased will soon not be a "person" either.

The idea that the rights of the unborn exist only as tolerated by the government is consistent with the Court's view in *Dred Scott*. It is also consistent with the Supreme Court's 1976 opinion by Justice Blackmun in *Planned Parenthood of Missouri v. Danforth*. The Court there held that a state may not constitutionally require the consent of a husband as a condition for a first trimester abortion. The Court's logic was that a state that itself has no power to prevent an abortion can not delegate that power to the woman's husband! The Court refused to recognize rights inherent in the marriage relationship or in the fact of paternity within marriage. Our nation is in sad shape indeed when unborn children, husbands, and fathers have no inherent rights that must be recognized and respected but instead only enjoy those rights the state chooses to grant them. The God-given rights and dignity of people can not be dependent on the largesse of the Constitution as interpreted by the Supreme Court or on the benefactions of the legislative process.

After *Webster*, legislative initiatives will probably result in more restrictions on abortions. Just as the Missouri Compromise denied the inherent dignity of the person who happened to be black, and his status as a slave or a free man was made dependent on geography and politics, the life of the unborn human being is now subject to politics and whatever restrictions on abortions are in place and upheld in whatever jurisdiction the mother happens to find herself.

Thankfully, though, this will be an improvement: it probably will result in the saving of some innocent lives. Many, however, will die. And there is a danger that, like Justices Rehnquist, Scalia, White, and Kennedy, we may focus on the political process and ignore the reality that even one legal abortion is too many.

The political process invites and thrives on compromise, but on this issue there can be no compromise. The slavery question could not be compromised successfully: the Constitution was amended to overturn *Dred Scott*. Nor can there be a compromise on the acceptability of abortion: a constitutional amendment must protect each human being's paramount right to life from the moment of conception. That will require much effort and much prayer.

I now have two little girls. During both of my pregnancies I had a ondition known as placenta previa. Both were high risk pregnancies ollowed by very difficult labors and deliveries. Eight months after the irth of my second daughter, at the age of twenty-three, I had to have a ysterectomy. The damages done by my abortions were so severe that ny childbearing days were over. All of this occurred because of my two "safe and legal" abortions.

Had I been told the truth about the risks that I was taking with my ody and about the developing persons inside of me, I know that I would not have made the decision to destroy life. There are those eople who can deliberately take the life of another person, but that is ot ny nature. Yet I must live with the truth, because that is what I a done.

I still feel that I probably couldn't have loved that child conceived f rape, but there are so many people who would have loved that baby learly. The man who raped me took a few moments of my life, but I ook that innocent baby's entire life. That is not justice as I see it. My irst marriage ended in divorce, so the reality is that my first abortion vas done for the convenience of two very selfish people.

15) Edith Young

Edith is thirty-eight years old. When she was twelve, she became pregnant as the esult of rape/incest by her stepfather. To cover up the incident, her parents rocured an abortion for her without telling her what was to happen. The m al and physical scars of her incest and abortion experiences are still vith her today.

Where do I begin? Rape, incest, and abortion. For most people, these hings will never happen to them or to anyone they know. When eported in the media, rape/incest is usually called by the watered-lown term of child molestation or sexual abuse. By any name, it's still a ragedy. Abortion, though legal, is also a tragedy. Both take away from he victim things that cannot be replaced.

My remembrance of most of the occurences are very vivid, even

though they happened twenty-six years ago. These events began in 1960, and their effects continue still in 1986.

When I was eleven and a half years old, I began my menstrual period. Shortly afterwards, I became the victim of rape/incest. Rape, because it was violent and by force. Incest, because the perpetrator was my stepfather, who by marrying my mother had assumed the position of my father.

Several times before the attacks my stepfather entered my room and laid on the floor beside my bed. In the beginning, he didn't touch me or say anything to me. He'd pretend to be asleep, but I knew he wasn't. My mother, who was home during these times, would come to my room and make him leave. All she ever said to him was, "Leroy, get up and come out of here." She didn't say anything to me. She'd just leave, too.

One night she didn't leave as usual. Instead, she lifted my covers, opened my legs, and asked if he had messed with me. I told her "No." I began to be afraid after this. Questions started going through my head: Messed with me how? What was he supposed to do to me that made her look between my legs? Oh, God help me, what's going on?

Not knowing what to expect, I started getting my two younger nieces to sleep with me. I felt safe with one on each side. But mom stopped them from sleeping with me immediately, while my stepfather continued to enter my room. Often I have felt that I was set-up for all that was to happen to me—so conveniently being left alone with no assurance of protection. Frequently, while mom was working, I was left alone with him. My sister and brother would be out, unaware of what was happening. They were both older than me, my sister by ten years and my brother by two. I also have a brother who was about five at this time. I can't remember much about him except I resented him. He is the only child my mother and stepfather had together.

Although there were several, the attack I remember most vividly is the first one. There was no one home but us, maybe my younger brother was in bed, and I had also gone to bed. My stepfather entered my room the same as before, *except* this time he did not lay on the floor but started to climb onto my bed. I was terrified. I didn't know what he was going to do, but I knew I had to get away. In the struggle, I knocked over a table lamp. He grabbed my leg, pulled me back onto the bed, yanked my clothes off, then he began to sexually attack me. I recall screaming, "No! No! Get away! Leave me alone! Someone help me!" But it was all to no avail. There was no one to help me, no one to

rescue me. So he continued, obviously sure he had time to do what he wanted, with no fear of being caught. This attack continued for what seemed to be forever. I was wondering to myself, "How could he do this to me? How could he be enjoying this? It hurts so bad. Why doesn't somebody help me? Why don't I die? Help! Help! Help!"

When he stopped, he threatened to hurt me and the rest of my family, including my natural father. He walked out as if what had happened was so natural. It meant nothing to him. But it meant something to me. I was left alone, crying softly so no one would hear me, and I was so scared. I didn't move for a long time.

Mom came home, checking me as usual. I could tell from the look on her face that she knew, after all I was bleeding. Nevertheless, she said nothing. She didn't even ask the usual, "Did he mess with you?" Instead, she left my room and got into bed with him. This was the last night she checked me.

From that night on, terror reigned in my life. I was being sexually abused, threatened by him, and betrayed by mom's silence. Even though she knew, I was still left alone with him, therefore the attacks continued. In the midst of these attacks, I tried to deny what was happening to me. But I have learned that denial is temporary, reality is forever.

I told no one about what was happening. Who could I tell? Mom and he were considered "upstanding" members of the community and church. People were always commenting on what a wonderful job they were doing in raising us. Several times I wanted to shout the truth, especially when I had been attacked the day before. But fear kept me from saying anything. What if I told and no one believed me? I would have to go home with them. Would he make good on his threats? What would mom do? She hadn't stopped him. I believed silence on my part was both my protector and friend.

One night in January of 1961, mom and I walked to the doctor's office not far from where we lived. I didn't know why we were going. He was an elderly man with a kind face. He examined me and told mom I was about three or four months pregnant. I knew being pregnant meant having a baby, but I said nothing until the doctor asked me, "Who did this?" I replied, "My stepfather." Of course mom denied the truth. She said, "It was some old boy she's been messing with." Her answer was so strange to me. I had better not look at a boy, let alone have one for a boyfriend. I didn't have any desire for one, the thought terrified me. We left his office and went home.

Within a couple of days mom started giving me some large red pills. I didn't know where she got them, but I took them for a few days. Every day she would ask if I had started bleeding. She didn't explain anything, she just kept asking over and over, "Are you bleeding?" Suddenly I realized I was no longer being attacked sexually. Relief didn't come though. There was a constant fear it would start again. When the pills didn't bring about any bleeding, I was taken to another doctor.

As we entered the office, I noticed no one was there but us. He led me to where the examining table was. I was too scared to talk. He said things such as "Hi," "How are you?," "It won't take long." As I laid there, I looked around, asking myself, "What won't take long?" It was an ordinary doctor's office; he saw patients every day. My eyes wandered toward the foot of the table. I saw a red rubber tube in his hand. This was inserted into my vagina, there was a tug, then the tube was removed. I got off the table and joined my mother in the other room. We went home.

I had to stay in her room, in *their* bed. Again she began to ask if I felt or saw anything. I was told to use the basin whenever I felt *something* coming. I was alone when I began to feel "something." I got the basin and out "something" came. The "something" was a baby girl. Yes, "something" was unquestionably a girl, my daughter. I saw her with my eyes, after she came from inside my body, lying there dead, in a cold white basin. What happened to her? I don't know, but I'll never forget her. She had a face, hands, arms, legs, and a body. Everything I had, she had. After seeing my baby, I don't remember what happened. Did I scream, call my mother or what? I really don't remember.

Mom came in the room, told me to lay down, while she got me some bath water. She bathed me in the tub as if I had become as helpless as the baby in the basin. Maybe for the moment I was. Almost with every stroke, she made me a promise—promises she has never kept. For a while I believed things would get better if she would just keep her promises. I believed the confusion, fear, and pain would disappear. However, all the stroking and promises in the world could not erase what I had experienced. It was like being in a dream world where all the dreams are nightmares. I thought I would awaken and find the nightmare was over. But it was not a dream, and the nightmare continues. . . .

There weren't any more sexual assaults, but my mother started

beating me for any and everything. It seemed as if my mere existence was excuse enough. Mothers are supposed to love and protect, not betray and destroy.

It was when I was in the tenth grade (fifteen years old), taking nursing courses, that I began to fully realize what happened to me. Imagine the shock when I understood what took place that day. The day I passed "something," my baby, my daughter, Lori Ann, into a basin. My textbook said, "life begins at conception." Reality really sunk in. A life had ended that day. Murder had been committed.

After this revelation, I started drinking. Liquor was easy to get. My stepfather drank all the time, so I began stealing his hidden alcohol. I did not worry about being caught; in fact, I didn't care. Alcohol helped me through the next few years. Drinking made existing easier; it distorted reality enough to go on while truthfully my life was in a turmoil. Yet no one knew it. I was an honor roll student. In fact, I was in the National Honor Society in high school. From the sixth to twelfth grade I sang in the school choir. In high school I participated in intramural sports and was the captain of the girl's basketball team.

They stayed together approximately twelve or thirteen years after the abortion. How she could continue to stay with him, I'll never understand. . . . I tried to kill him a few times. Once by making him move when his nose was hemorrhaging, by throwing something out of his reach. Three times I attempted to stab him, but mom intervened each time. How I hated her for that. During those attempts I was upset by my failure to kill him. Now, I'm grateful to God that I didn't succeed. Living with the memory of sexual attacks, pregnancy, abortion, and beatings are more than enough without adding murder.

When I was a senior in high school, mom decided she didn't want me around anymore. I moved in with my natural father. You may have been wondering where he was during this time. He and mom separated and divorced when I was about three or four years old. I saw him often enough. Since he was included in the threats of my stepfather, I did not tell him about the attacks. I had vowed to never tell him. All I kept thinking was, what would he do? Would he be killed like my baby? Would it kill him to know? Would he kill them and end in jail? I was so afraid to tell him, and I only just recently did. It was a few days after he turned seventy-seven years old in September, 1986. After serving as Delaware State Director of WEBA, a press conference was to be held, and I didn't want him to read about me or hear it from someone else. Telling daddy was one of the hardest things I have ever had to do.

God's timing was perfect. Our national president, Lorijo Nerad was there to support me. Daddy wept when he was alone, but he said he was sorry; he didn't know.

The Lord has blessed me with three living children. I became pregnant before I moved out of my mother's, while I was a senior. The school's answer was adoption. Arrangements were made without my knowledge or consent. Refusal was made in not so polite terms by me. The pregnancy was not too bad; I carried my son full term. My third pregnancy, I had to wear a maternity corset. Without it my abdomen felt as though it was being torn apart. Ironically, this daughter was born on January 22, 1973, the day abortion was legalized. With my fourth child, also a girl, my water had to be broken by the doctor.

Throughout the years I have been depressed, suicidal, furious, outraged, lonely, and have felt a sense of loss. I have felt, and at times still feel, that my mother and stepfather owe me something. What? I don't know. Maybe a sincere, "I'm sorry." Even if my daughter had been put up for adoption, instead of killed, some of the pain would not be present. Often I cry. Cry because I could not stop the attacks. Cry because my daughter is dead. And I cry because it still hurts. They say time heals all wounds. This is true. But it doesn't heal the memories, at least not for me.

I've suffered many physical problems and continue to do so. Ever since the abortion I've suffered chronic infections of my tubes, ovaries, and bladder. The pain from my menstrual periods was nightmarish and continued from the time of my abortion until my partial hysterectomy in November, 1982. In April of this year, I again had surgery. There was a growing, bleeding cyst on my left ovary. On my right side, there was a massive amount of adhesions, and the ovary could not be found. Twenty-five years have gone by, but the consequences of the abortion are still going on.

As you can see, the abortion which was to "be in my best interest" just has not been. As far as I can tell, it only "saved their reputations," "solved their problems," and "allowed their lives to go merrily on."

My daughter, how I miss her. I miss her regardless of the reason for her conception. You see she was a part of me, an innocent human being, sentenced to death because of the selfish, sexual gratification of another and the need to "save reputations." She was a unique individual whose life was exterminated.

Yes, the abortion occured before the ill-fated legalization of abortion in 1973. Not in a back alley, but in a sterile office, on the

examining table of a doctor, much like the abortion mills of today. Everyone is still living except for my daughter and both doctors.

In situations like mine, emotions are something you are expected to control no matter what. I wasn't allowed to cry, scream, react, or grieve. These things are also true of women who have abortions today. Whatever the reason, a baby is killed and his/her mother is left to face the reality of that decision, often alone.

In the past, incest was not spoken of. It, like abortion, was taboo in our country. But a few years ago when incest stories became a common headline for reporters, I wondered what was happening psychologically to the many women who have been victims of incest. What changes were they going through? Now I wonder what's going to happen to the millions of women who have had abortions when reporters finally get the guts to write as honestly about abortion as they did about incest. All the legalities in the world will not remove the reality that a baby is a baby. For many women the aborted baby is the only one they ever had a chance to have. For many more, abortion is the start of physical and/or emotional complications.

The attacks, the abortion, and my baby in the basin frequently return in my dreams. There have been a countless number of nights when I've gone without sleep just so I wouldn't dream. I still have these sleepless nights—not for me, but for the millions of babies who are still dying. I lose sleep whenever I picket or sidewalk counsel at an abortuary. Watching woman after woman go in hurts. I know that the solution to their situations will not be found in there. Problems are not ended by abortion, but only made worse.

Even though I didn't have any say about the abortion, it has had a greater impact on my life than the rape/incest. About nine years ago I accepted Christ as my personal Savior. He has since become not only my Savior, but also Lord of my life. I have repented of the sin of abortion because of my years of silence. I am free. It's because of Christ I am able to tell my story. It's not easy, but I pray that by telling it an abused person will seek help, a baby will be saved, and most importantly, a woman who is considering abortion will save herself.