

May 1991

Friendly Fire

Francis X. O'Brien

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

Recommended Citation

O'Brien, Francis X. (1991) "Friendly Fire," *The Linacre Quarterly*: Vol. 58: No. 2, Article 11.
Available at: <http://epublications.marquette.edu/lnq/vol58/iss2/11>

Friendly Fire

Francis X. O'Brien, Jr., M.D.

Doctor O'Brien practices internal medicine in Collingwood, New Jersey.

Recently the Louisiana legislature, encouraged by the 1989 *Webster vs. Reproductive Health Services* decision by the United States Supreme Court, sought to exert its democratically achieved authority by proposing a total ban on abortions except to save the life of the mother. HB 1637 would have imposed harsh prison terms and large fines upon abortionists who might then be tempted to take an innocent human life illegally. Gov. Charles Roemer had stated publicly that he would veto legislation which did not permit the killing of children conceived by rape or incest. The legislators pushed ahead nonetheless, buoyed by their constituents, their sincere belief that a veto could be overridden, and by their obligation to the unborn.

Pro-life citizens in Louisiana orchestrated in impressive field of experts in law, medicine, and religion to join the debates. Testimony was comprehensive, detailed, accurate, and conclusive. It was impossible to deny the humanity of the unborn and their right to protection by law.

The Louisiana Human Life Act of 1990 passed by a sizeable majority. The tally was 74 to 27 in the House and 24 to 15 in the Senate. But instead of the prompt veto which had been expected, Governor Roemer held the bill for the fully allowed 20 days, giving the abortion lobbyists time to rouse their forces. The override attempt failed by three Senate votes, with a final count of 72 to 30 in the House and 23 to 16 in the Senate.

Having fulfilled their moral duty to try to protect 'all unborn children', the legislators, again backed by their constituents, amended the bill to meet the exclusions for rape and incest demanded by the Governor. To facilitate its passage, this amended bill was grafted to another bill already under consideration. Precedent for this technique is firmly established in the Louisiana legislature; there was nothing "cynical and ill-conceived" in the maneuver. Both bills pertained to the Louisiana criminal code, to which they were certainly "germane". This new package succeeded by the incredible margin of 83 to 22 in the House and 32 to 7 in the Senate. It clearly reflected overwhelming support for prolife legislation by the representative government of the state, and through them, the citizens

of Louisiana. Now the self-styled “pro-life” governor showed his true colors. Knowing that a veto would be overturned, he again kept the bill hostage. By the time his veto was issued, the legislature had adjourned. A special session would have had to have been called to effect an override. After the second veto, Governor Roemer stated that more exceptions were required. It was clear that he would have choked any meaningful pro-life bill.

The organized, aggressive and honorable effort to protect the unborn children of Louisiana deserves universal pro-life praise and encouragement. Its defeat reminds us that we know our enemies but must be wary of our supposed friends.

Criticism of Pro-Life Citizens

The November, 1990 issue of the *Linacre Quarterly* features a criticism of Louisiana pro-life citizens by Rev. William F. Maestri.² It is riddled with half truths, inaccuracies, unsupported statements, and slurs which rouse me from complacency, and compel me to speak out.

Father Maestri begins by exaggerating post-Webster pro-abortion strength and by downplaying pro-life victories, e.g., the Pennsylvania Abortion Control Act of 1989, the South Carolina Parental Consent Bill, the continued ban on federal funding of fetal research and of abortions, the Minnesota Fetal Disposal Law, and Guam pro-life legislation. He generously refers to the opposition as the “pro-choice” side. Having thus set the tone of his article, he distorts the facts in an important way. He leads the reader to believe that the pro-life legislators expected Governor Roemer to *sign* the bill, and that Roemer held the bill for serious study. On the contrary, Roemer had publicly stated even before the bill was voted upon that he intended to veto it. A quick veto by the “pro-life” governor had been hoped for, so that an override attempt might be swiftly made. Maestri totally ignores this calculated delay by the governor to foil both the initial bill and the subsequent amended version. He deceives the reader in an effort to make the pro-life legislators appear foolish and to present the governor as a man wrestling with his conscience.

Having misrepresented the facts surrounding the defeat of HB 1637 and the amended bill, Father Maestri goes on to “analyze” how pro-life forces “managed to snatch death from the jaws of victory”. The “pro-choice” forces were too strong, he says. (Losing by a margin of four to one is usually not considered strength.) He states pro-lifers “miscalculated” Governor Roemer. (They expected him to oppose them, but not to wage war.) They misjudged the “mood” of the voters. (Louisiana is solidly pro-life, as Father Maestri himself notes — hardly a “mood.”) The pro-lifers don’t understand the “present reality” of the United States Supreme Court, he concludes. (The only “present reality” is that 1.5 million Americans die of abortion every year; it should be our mission to change the laws, not to mollify the lawmakers.) As a final thrust, Father Maestri accuses the Louisiana bishops

of being "more interested in impressing one another, the clergy, pro-life groups, Cardinal O'Connor, and ultimately Rome," than with saving babies. This outrageous calumny is totally unsupported. The account which I read suggests that the Louisiana bishops stayed out of the public discussion.³ It is apparent that Father Maestri feels that children conceived through rape and incest should have been abandoned at the outset, in the interest of political expediency. Finally, why he was compelled to take in irrelevant jab at Cardinal O'Connor and "Rome" must be assumed to be a personal matter.

Father Maestri calls upon the standards of St. Thomas Aquinas for good laws and finds *The Louisiana Human Life Act of 1990* wanting, in fact, the bill met all of St. Thomas's criteria for a good law. It would have been moral and enforceable; it had strong popular support. Father Maestri is premature in his assumption that the law would have been struck down by the United States Supreme Court. HB 1637 would have had a substantial chance of being upheld, of being an instrument to overturn *Roe v. Wade*. The proposed law had been considered by pro-life legal scholars to pass constitutional muster under the "rational basis" test used by the majority of the Supreme Court.⁴ Even when a statute "unduly burdens" the "right" to abortion, it can still be upheld in recognition of the state's compelling interest in protecting the unborn throughout pregnancy.

This article is full of advice to compromise with the "pro-choice" side, to engage in "genuine listening", to attune ourselves to the "complex and pluralistic current" at work in our society. This is sophistry. The amply financed, politically and socially well connected, highly organized opposition, aided by an advocate judiciary and the sympathetic mass media, are prepared for a bare-knuckled brawl. They are not participants in a "discussion" but enemies who plan *unrestricted, government subsidized abortion on demand*. They will be victorious or they will be carried from the field. It is the battle that Father Maestri suggests we attend in our tennis whites, and on our best behavior.

Surely we should be "prudent" with outsiders, but we must also make the most of every opportunity. Prudence is a vice if it means unnecessary moral compromise. "Let us not grow weary of doing good; if we do not relax our efforts, in due time we shall reap our harvest."⁵

References

1. "The Obligation of Catholics and the Rights of Unborn Children", a pastoral statement by the Most Reverend John J. Myers. Reprinted in *Linacre Quarterly* Vol. 57, No. 3, August 1990.
2. Maestri, Reverend William F., "Abortion in Louisiana: Passion Over Prudence", *Linacre Quarterly* Vol. 57, No. 4, November 1990, pp. 36-45.
3. Likoudis, Peter. "Louisiana Legislators Angry After Governor Vetoes Tough Abortion Law", *The Wanderer*, August 9, 1990, p. 1.
4. Bopp, James Jr. "Louisiana Law Would Be Upheld By The Supreme Court". *National Right to Life News* Vol. 17, No. 15, July 31, 1990, p.8.
5. *Galatians* 6:9 (New American Bible).