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when you nurse the sick poor . . .
you are honoring the life of our Lord Jesus Christ, Who so often did the same things you do. And when you serve the convicts, you are honoring the sufferings and calumnies endured by our Lord on the Cross. . . . It can truly be said of you, as of the Apostles, that you go from one place to another, and that just as they were sent by our Lord, so you are also in His name by order of your superiors."

Since St. Vincent de Paul belongs not alone, to his religious communities, but to the entire world, it is the wish of the Tercentenary Observance Committee that all the faithful join with them in honoring the anniversary of his death. There is still a great need for the charity of "M. Vincent" in the world. Perhaps in remembering his love for his fellowmen all men will find a new charity in their own hearts.

Remember someone with a subscription to The Linacre Quarterly as a Christmas gift. A remembrance of lasting value. A gift note will be sent in your name.

A LAWYER REVIEWS PLAN FOR LEGALIZED ABORTIONS

LAW TAYLOR

For the past twenty years, practicing Colorado lawyer, has been on the part-time faculty at the the University of Colorado, he represented clients in connection with medical-legal litigation. He addressed the following review article to the Law Institute's Director of the work on a Model Penal Code that legalized abortions. Mr. T. encourages our readers to send subscriptions to any members of the bar they might know to uphold high medical standards.

MODERN medicine has encouraged protection for the unborn. There is a modern movement giving recognition to an unborn child as, in fact, a living human person. The Institute does not want to see medical-legal standards. Ethical doctors subscribe to the Hippocratic Oath as adopted by the World Medical Association, comprising thirty-nine national medical societies including our own American Medical Association. In part reads: "I will maintain the utmost respect for human life from the time of conception." The International Code of Medical Ethics, in defining the doctor's duty to all persons, provides: "A doctor must always bear in mind the importance of preserving human life from the time of conception until death."

Modern medicine has encouraged protection for the unborn. The recent decisions of the United States District Court for the District of Columbia (1946) and of the highest courts of the states of Minnesota and Ohio (1949), of California (1939), of Kentucky and Oregon (1955), and of New Hampshire (1958), recognize the rights of the unborn and permit a civil suit for negligence or malpractice based on prenatal injuries. Ohio, Missouri, Illinois and New York in former times followed the unscientific rule first adopted in Massachusetts. Now
Ohio, Illinois, New York and Missouri have overruled their earlier decisions and today recognize the unborn child as a person and permit recovery for negligent prenatal injuries. In fact, New York and New Hampshire allow recovery whether the infant was viable or not.

Tentative approval by the American Law Institute apparently was given to Section 207.11 (2): "Undertaking to deliver a child..." and places the burden on the doctor to establish the necessity to prevent serious and permanent bodily injury to the mother. (Colorado Revised Statutes 1953, 40-2-23, Johnson v. Rice, 33 Colo. 224, 80 Pac. 133.) In 1898 some competent and conscientious doctors did perform therapeutic abortions to save the life of the mother but in 1949 and 1959 the advances in medicine and obstetrics have made childbearing eight to ten times safer than it was in 1930. These advances have prompted doctors to advocate and rail against any therapeutic abortions even on the assumed ground of saving the life of the mother.

In the November 1951 meeting of the Clinical Congress of the American College of Surgeons, Dr. Samuel A. Cosgrove of Columbia University and Margaret Hague Maternity Hospital, New York and Dr. Roy J. Heffernan of Tufts Medical College and Carney Hospital, Boston, favored the outlawing of therapeutic abortions..."Anyone who commits therapeutic abortion today," said Heffernan, "does so because he is either ignorant of the modern methods of treating the complications of pregnancy or is unable to take the time to treat them..." Dr. Cosgrove agreed.

First: An abortion is declared to be justifiable if performed by a licensed physician on the basis of belief that there is substantial risk that continuation of the pregnancy would gravely impair the physical health of the mother. In Britain and thirty-one states of the United States a therapeutic abortion is legal only if performed to save the life of the mother. In only three states (Maryland, New Mexico and Colorado) and the District of Columbia is a therapeutic abortion permitted to prevent physical harm to the mother. The Colorado statute is typical and places the burden on the doctor to establish the necessity to prevent serious and permanent bodily injury to the mother. (Colorado Revised Statutes 1953, 40-2-23, Johnson v. Rice, 33 Colo. 224, 80 Pac. 133.) In 1898 some competent and conscientious doctors did perform therapeutic abortions to save the life of the mother but in 1949 and 1959 the advances in medicine and obstetrics have made childbearing eight to ten times safer than it was in 1930. These advances have prompted doctors to advocate and rail against any therapeutic abortions even on the assumed ground of saving the life of the mother.

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Second: Is it justifiable under the law if a physician performs an abortion on the basis of belief that there is substantial risk that continuation of the pregnancy would gravely impair the physical health of the mother? The Colorado statute is typical and places the burden on the doctor to establish the necessity to prevent serious and permanent bodily injury to the mother. (Colorado Revised Statutes 1953, 40-2-23, Johnson v. Rice, 33 Colo. 224, 80 Pac. 133.) In 1898 some competent and conscientious doctors did perform therapeutic abortions to save the life of the mother but in 1949 and 1959 the advances in medicine and obstetrics have made childbearing eight to ten times safer than it was in 1930. These advances have prompted doctors to advocate and rail against any therapeutic abortions even on the assumed ground of saving the life of the mother.

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Third: Is it justifiable under the law if a physician performs an abortion on the basis of belief that there is substantial risk that continuation of the pregnancy would gravely impair the physical health of the mother? The Colorado statute is typical and places the burden on the doctor to establish the necessity to prevent serious and permanent bodily injury to the mother. (Colorado Revised Statutes 1953, 40-2-23, Johnson v. Rice, 33 Colo. 224, 80 Pac. 133.) In 1898 some competent and conscientious doctors did perform therapeutic abortions to save the life of the mother but in 1949 and 1959 the advances in medicine and obstetrics have made childbearing eight to ten times safer than it was in 1930. These advances have prompted doctors to advocate and rail against any therapeutic abortions even on the assumed ground of saving the life of the mother.

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By and large, obstetricians have formed therapeutic abortions for psychiatric indications begrudgingly. They have been inclined to regard the claims of their psychiatric colleagues to them as too esoteric and unlikely to be convincingly made. Although psychiatrists have frequently crossed their minds cleaver, shaming woman is not simply to hoodwink both psychiatrist and obstetrician. The present volume goes forward correcting those misapprehensions on the part of obstetricians. Indeed, from the statements and case histories which psychiatrists present in this volume, it is clear that their opinion is veering rapidly toward greater conservatism. The guilt complex which sometimes follows an artificially produced abortion receives especial emphasis. Author after author uses such phrases as 'the sense of guilt or inadequacy which appears directly related to an abortion,' 'psychic hangovers from abortion,' 'traumatic experience of an abortion,' 'the effect of the termination on the personality of the woman,' 'emotional trauma which the in will subsequently experience,' to something of the stress laid on 'exceedingly depressed hysterectomized patients' and suicide tendencies in vasectomized men. The feeling is growing apparently among the leaders in psychiatry that therapeutic abortion on psychiatric grounds is a double edged sword and 'emotional trauma' carries with it a degree of emotional trauma for exceeding that which might have been sustained by continuation of pregnancy.
the statement, "The fact that the chances that the infant will be normal in spite of the mother's infection are much better than was formerly thought seems a valid reason not to interrupt the pregnancy." If every woman with German measles in early pregnancy has an 88 per cent chance to have a normal child, should we permit a doctor on his own opinion to destroy the unborn child? Doctors, as yet, are not endowed with infallibility and prescience to predict the sex of an unborn child let alone to determine whether a child will suffer any physical or mental defect.

**FOURTH:** Does the law countenance an abortion where the pregnancy resulted from rape by force or its equivalent ... or from incest? Again there is no statute of any state in the United States nor reported decision which countenances such abortions. In cases such as rape the doctor is asked to execute the unborn child because his mother has been ravaged. Some doctors may have aborted a woman in such circumstances but many have felt that the trauma of the abortions would have been more destructive than permitting the pregnancy to go to full term and have the child relinquished for adoption.

It is hoped that the final draft of the American Law Institute's Model Penal Code will not disregard the modern advances in medicine and the better reasoning found in the recent tort cases that give support and protection to the unborn. It would be better if the final draft, if it is to indulge in advocacy, would advocate the outlawing of abortion. If the Penal Code is to be a restatement of the criminal law then it should respect the statutes and decisions of our states. May the final draft not be a pretended code encouraging abortion on more and easier grounds.

This is submitted with respect and as an outgrowth of deep interest in encouraging higher and better medical and legal standards.

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**WE GROW**

thoughtful regarding the suffering of Our Lord during His public life, and the number of times the Gospels make mention of His compassion for the sick is cause for wonderment. "Signs" were constantly demanded as proof of His divinity. Everywhere He went was the demand, "Give us a sign..." Many would not believe in Him otherwise. He must have been deeply hurt at this continual demand, but the sick and the infirm knew His great compassion and through them He manifested to those insistent doubters the power that was His alone.

Artists have touched brush to paintings of "Christ Healing the Sick" and prayers have been written in numbers to ask His help for those ill of many diseases.

Those whose lives are dedicated to caring for the sick can take comfort in Our Lord's great concern for the unfortunate and can be called "Other Christs" for His sake.

St. Matthew was the first of the Evangelists who wrote the Holy Gospel of Jesus Christ. It is the freshness of this first writing that had appeal for your scribe and the reason for choosing this Gospel to follow Our Lord in "going among the people and doing good."

A reading reveals that no less than thirty times there is mention of sickness in some form, either of the body or of the spirit. The first simple statement occurs soon after He began calling together His Apostles. He had left Nazareth and come to dwell in Capharnaum. Walking by the sea of Galilee, Peter and Andrew were the first invited to "leave their nets to follow Him." James and John likewise "left the mending of their nets and father and followed Him."

*Chapter 4, verse 23 reads: And Jesus went about all Galilee, teaching in their synagogues and preaching the gospel of the kingdom and healing all manner of diseases.*