

Los Angeles, Calif.

Jan. 24, 1973

*L. A.*  
JAN 27 1973

Linda Jenness

Dear Linda,

The Supreme Court decision on abortion laws represents the greatest victory won by women in this country since 1920 when the right to vote was finally achieved.

This victory is the direct result of the existence of the modern Womens' Liberation Movement and especially that part of it that correctly raised the abortion question to the primary point of its activities.

This is how, in my opinion, we should look upon last Monday's decision and how we should explain it in our propaganda. We should inspire the entire womens' movement. We should take advantage of the new development to launch a propaganda polemic against all those who opposed putting the struggle around the right to abortions in first place.

A full round-up of the last few years' experience should be written and widely distributed. "How and Why the Abortion Fight Was Won," may be a good title.

I cannot, from my position, suggest right now just what the next steps should be. But whatever is decided should use the present victory as the jumping off point.

Comradely,

*Milt*

Milton Alvin

P. S. - Look at the issue of Time, Jan. 29th, pages 46 and 47.

## Abortion on Demand

Over the past half-dozen years, Americans have taken an increasingly liberal attitude toward abortion. Four states\* already permit abortion on demand; in the other 46, pressure is building for the easing of restrictive statutes. But the opposition is rallying its forces, too, and in recent months the controversy has become more heated than ever. The legal battles may be nearing an end, however. Last week TIME learned that the Supreme Court has decided to strike down nearly every anti-abortion law in the land. Such laws, a majority of the Justices believe, represent an unconstitutional invasion of privacy that interferes with a woman's right to control her own body.

The historic ruling, upholding a challenge to Georgia's restrictive abortion statute, will permit states to impose only minimal curbs on the right to abortion at will. These might include consent of a physician, licensing of abortion facilities and a ban on late termination of pregnancy. Beyond that, a woman's freedom to end her pregnancy will not be significantly abridged. No decision in the court's history, not even those outlawing public school segregation and capital punishment, has evoked the intensity of emotion that will surely follow this ruling. The pronouncement, ending 13 months of wrangling among the Justices, is certain to be met with passionate resistance by abortion opponents and to stir new controversy across the nation.

The basis for the court's ruling is a 1965 Supreme Court decision that struck down Connecticut's anti-contraception law and recognized for the first time a constitutional right to privacy in family, sexual and other matters. The Justices were also influenced by the 1972 opinion of U.S. District Judge Jon O. Newman that overturned Connecticut's anti-abortion statute. Newman concluded that a fetus is not a person until it is born, and that it has no constitutional rights. Though acknowledging that there are wide differences of opinion about the moment when human existence begins, Newman ruled that the moral certainty of some people "must remain a personal judgment, one that they may follow in their personal lives and seek to persuade others to follow, but a judgment they may not impose upon others by force of law."

No court ruling can settle the ethical questions about abortion. In fact, as legal restraints are removed, the ethical issues become more urgent; every woman must then rely entirely on herself in deciding whether or not to end an unwelcome pregnancy. She may be influenced in her choice by religious and philosophical considerations, by her

\*New York, Washington, Hawaii and Alaska.

views on the right of self-determination, or perhaps by her awareness of the social and psychological consequences of abortion.

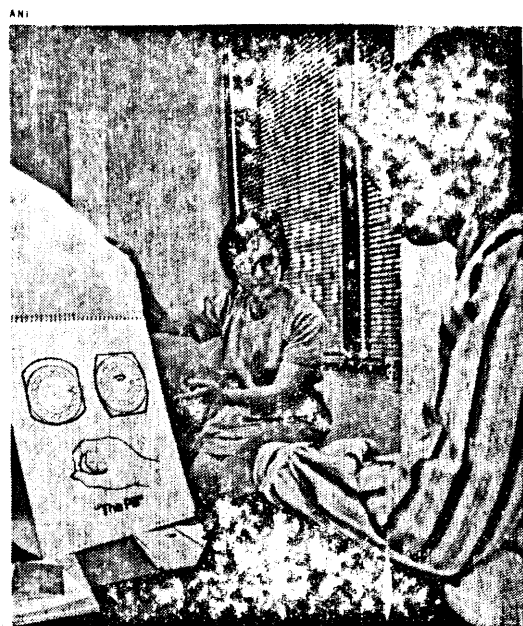
► **WHEN DOES LIFE BEGIN?** Most theologians and philosophers believe that she should base her decision on the question that Newman found to be a matter of individual judgment: when does a human being begin to exist? Is a fetus only "a bit of vegetating unborn matter" that counts for nothing, as Physician H.B. Munson asserts? Or is it a real person whose destruction Terence Cardinal Cooke describes as "slaughter of the innocent unborn"? The view of the fetus as a person has spawned a nationwide, Catholic-dominated, Right to Life movement whose partisans insist that abortion deprives the fetus of due process under the Constitution. Asserts Fordham Law Professor Robert Byrn, a leader of the movement in Manhattan, "I believe that each of us has the right to privacy. But there is a superior interest—the right to life."

Some biologists believe that humanity begins at conception because the fertilized egg cell contains human DNA (deoxyribonucleic acid). Manhattan Lawyer Cyril Means Jr., among others, finds this line of reasoning unconvincing: each sperm and egg also contain DNA, yet hardly anyone would argue, even metaphorically, that spermatozoa and ova possess the value of human beings.

A more persuasive argument makes a distinction between an embryo and a viable fetus—one sufficiently developed to survive outside the uterus. Because of incubators and sophisticated medical techniques, such survival is now possible after 28 weeks. "In this modern day," asserts R. Paul Ramsey, a Methodist and a professor of religion at Princeton University, "viability must be regarded as the equivalent of birth."

Most behavioral scientists, however, do not believe that viability marks the beginning of humanity. In their view, a fetus is not a person but a coherent system of unrealized capacities, and humanity is "an achievement, not an endowment." Anthropologist Ashley Montagu concurs, arguing that the embryo, fetus and newborn do not become truly human until molded by social and cultural influences after birth.

► **WHOSE RIGHT TO LIFE?** Some ethicists are not especially concerned about pinpointing the moment when human life begins. Philosopher Hans Jonas, who teaches at Manhattan's New School for Social Research, emphasizes rather that "a mother-to-be is more than her individual self. She carries a human trust, and we should not make abortion merely a matter of her own private wish." A secular ethicist, Jonas believes that society has a "social responsibility" toward pregnant women: it must protect the "mission of motherhood against



COUNSELOR EXPLAINING THE PILL

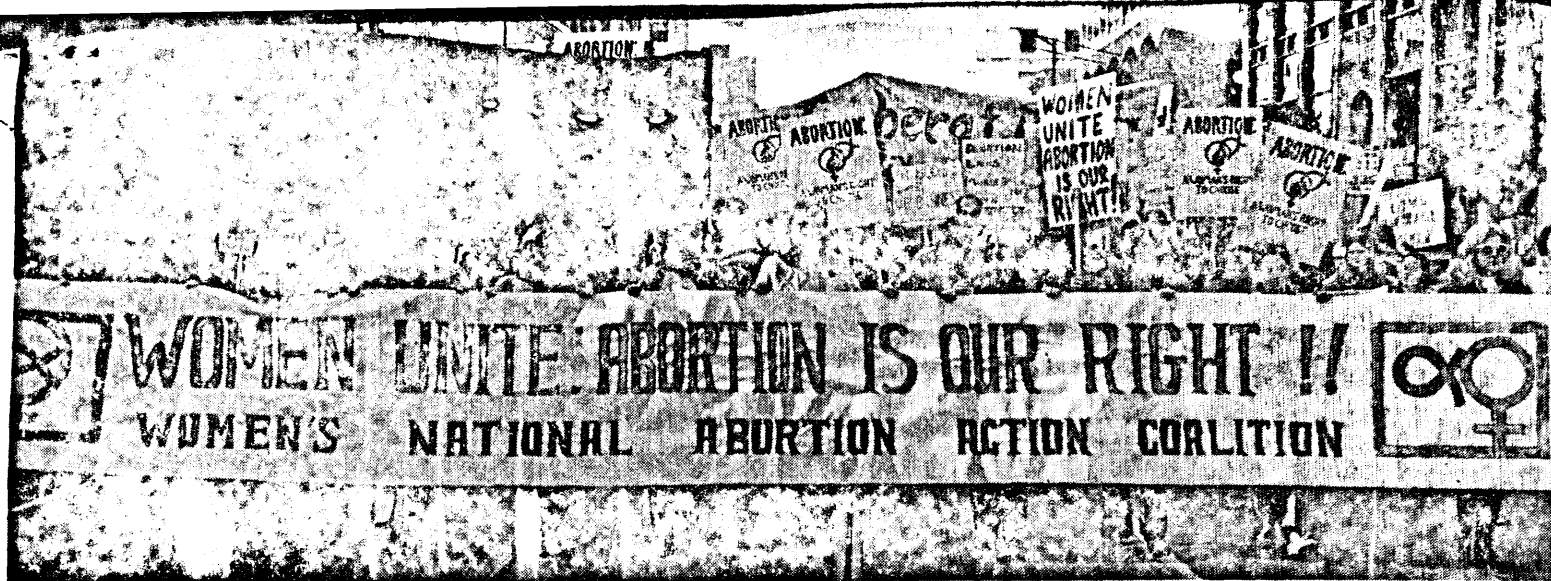
the clamors of individuals or of social movements. To give this mission over completely to individual choice oversteps the order of nature. Others disagree. According to Reform Rabbi Israel Margolies, a fetus "is literally part of its mother's body, and belongs only to her and her mate."

In fact, feminists—and male sympathizers—insist that the fetus belongs to the woman alone, and that her sovereignty over her body is absolute. Feminist Emily Moore notes that open abortion recognizes "the needs and desires of half the population—women." She complains, too, that "we have a celibate male religious hierarchy which is in the forefront of opposition to the full recognition of women as persons, and we have male-dominated legislatures and a male-dominated medical profession who are loath to relinquish their role as decision makers in this arena."

That male reluctance, Psychoanalyst Robert B. White suggests, stems from powerful unconscious and irrational motives: "Pregnancy symbolizes proof of male potency. If men grant women the right to dispose of that proof, we men feel terribly threatened lest women rob us of our masculinity."

► **SOCIAL EFFECTS.** Proponents of abortion argue that anti-abortion laws not only abridge women's rights but abridge them unequally. They cite Anatole France, who in 1894 wrote sardonically that "the law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges." What his words meant then was that the rich could find beds; what they suggest now is that despite anti-abortion laws, rich women can always find doctors who, for a price, will end their unwanted pregnancies.

Anti-abortion laws are also socially harmful, say those who favor abortion, because they require the birth of unwanted offspring—"foredoomed children." Manhattan Psychoanalyst Nat-



WOMEN'S NATIONAL ABORTION ACTION COALITION DEMONSTRATING IN DOWNTOWN SAN FRANCISCO (1971)

ROGER LUBIN



ABORTION FOE DISPLAYING FETUS

Shainess calls them. Indeed, a Swedish study of 120 wanted children and 120 others born to mothers who had been refused abortion suggests that Shainess could be right. By age 21, some 28% of the unwanted offspring had required psychiatric treatment as against 15% of the wanted children. Similar differences in delinquency rates, school failures and need for welfare aid led the researchers to conclude that "the unwanted children were worse off in every respect." Still, unwelcome pregnancies do not necessarily result in unwelcome infants: pregnant women often change their minds when their children are born, and "unwanted" babies are very much wanted by adoptive parents.

Some abortion opponents fear that liberal laws encourage an "abortion habit." Indeed, studies in Japan and the Soviet Union, where abortions are readily obtainable, suggest that some women do seek repeated operations. In the U.S., one preventive measure is already being tried on an experimental scale. At San Francisco General Hospital, a new

kind of mental health professional called the "abortion counselor" meets with patients before, during and after their operations, in part to help women understand what emotional factors may have kept them from using adequate contraception.

► **PSYCHOLOGICAL EFFECTS.** As for the psychological effect of abortion on women, not much is known. "While the literature is immense," says Psychologist Henry David of the Transnational Family Research Institute in Washington, D.C., there is "undue reliance on impressionistic case reports." The one certainty, he says, is that "there is no psychologically painless way to cope with an unwanted pregnancy."

Psychiatrist Theodore Lidz feels that abortion is always "a potential major trauma," and Washington, D.C., Psychiatrist Julius Fogel believes that "a psychological price is paid. It may be alienation, it may be a pushing away from human warmth." In the experience of Los Angeles Psychoanalyst Ralph Greenson, abortion is often followed by a delayed reaction of depression. Oddly enough, the father is more likely to feel guilty than the mother.

Many experts find that the emotional aftermath of abortion depends somewhat on circumstances (abortion is harder on single women for example, than on married ones) and greatly on emotional health. A study by Psychiatrist Norman Simon found that reactions were mild and transient in women who were relatively stable before their pregnancy was terminated.

In the experience of Psychiatrist Carol Nadelson of the Pregnancy Counseling Service in Boston, giving up a child for adoption "is a much more major trauma than abortion." Psychologist David points out that while psychosis after childbirth develops in 4,000 U.S. mothers each year, there are few cases of post-abortion psychosis. Nor is there much evidence even of less serious emotional trouble.

According to a team of Harvard psychiatrists who have studied 100 cases, "the vast majority of women do

not experience mental anguish." Quite the contrary: they feel great relief when the abortion is over, and their mental health becomes and remains better. In fact, after surveying 75 of his colleagues in the U.S. and abroad, Psychiatrist Jerome Kummer concluded that the notion of post-abortion mental illness is probably myth: "Abortion, far from being a precipitator of psychiatric illness, is actually a *defense* against it in women susceptible to mental illness."

Kummer is not alone in his positive view. For many women, according to Psychiatrist Nadelson, the experience "can produce psychological growth." Feminist Moore concurs: "For the woman who has let her life wash over her, who has let her life be directed by forces outside of herself, to make a decision to take charge of her life can be an extremely liberating, positive experience. For the first time in her life, she is the master of her destiny."

Catholic author Sidney Cornelia Callahan disagrees: "That was Raskolnikov's argument in *Crime and Punishment*: that to kill somehow gave him a sense of growth. I would say everything you have said for contraception, but not for abortion." Nevertheless, Moore is convinced that she is right—and from her own experience even concludes that it can sometimes be wrong *not* to end a pregnancy: "It would have been extremely immoral for me not to have an abortion when I did. There were circumstances having to do with my family, my studies, my future, my health. Taking these factors into account, it would have been grossly unfair to me, to the child and to my family to have carried a pregnancy to full term."

Joseph Fletcher, an Episcopalian and a professor of medical ethics at the University of Virginia, is typical of those who favor abortion. In his opinion, the freedom to get an abortion—and the exercise of that freedom—represents an advance in social ethics. In fact, he says, the nation's increasingly liberal outlook is "a welcome trend away from the sanctity-of-life attitude toward a quality-of-life ethic."