

Abortion in America

Thirty years after Roe v. Wade, a pro-life veteran remembers and reflects.

By Peter LaBarbera

Standing for Life 1973-2003



Watching Michael Schwartz explain the history of the abortion debate to a group of college interns is to observe a man who would rather be doing nothing else than equipping others to fight for the unborn. Impassioned, he briefs them with the same intensity and respect that he would a roomful of senators.

Schwartz, 53, Concerned Women for America's vice president for government relations, was there at the inception of the modern pro-life cause. He was there before abortion-on-demand resulted from the infamous *Roe v. Wade* Supreme Court decision on January 22, 1973. He has spent nearly his entire career strategizing on how to move public policy toward helping the "least of these"—defenseless unborn babies made in God's image.

Thirty years after that fateful day, Schwartz reminds us that *Roe*, coupled with *Doe v. Bolton*, made abortion permissible in all nine months of pregnancy, not just the first trimester as is frequently reported. He sat down with Family Voice to reflect on the lessons learned from three decades of pro-life struggle. The first installment of our interview with Michael Schwartz follows.

Mike, tell us about the origin of abortion laws in America.

For a long time, abortion was generally illegal in the United States. Laws were

passed banning it from the 1850s onward. Basically the abortion laws were written as a consequence of the discovery of the human ovum, which did not occur until 1826. Before then, no one knew exactly how God made babies. So now a generation of doctors knew that was the beginning of life, not some moment of "quickenings" or when you could feel the baby kicking. It was fertilization. And so the existing consensus in favor of life, based on America's Judeo-Christian heritage, was crystallized and made firmer.

“Abortion laws were written as a consequence of the discovery of the human ovum in 1826. Then a generation of doctors knew that the beginning of life was fertilization.”

There was an underground abortion industry, and the American Medical Association

resolved to wipe it out because it now realized that abortion killed human beings.

The feminist movement—post-Civil War-era people like Elizabeth Cady Stanton—agreed with that. They were concerned with moral uplift: getting rid of prostitution, abortion, gambling, and instituting prohibition of alcohol. The pro-life movement was very closely tied with feminists at that time. So there were anti-abortion laws but underground abortion was always a marginal phenomenon.

Before 1967, so-called therapeutic abortions could be acquired in most

Photo at left: Michael Schwartz and his 8-year-old son, Joe, attended the March for Life in Washington, D.C., in 1983, ten years after the Supreme Court gave blanket permission to abortion in America.



In 1962, TV personality Sherri Finkbine fled the United States to obtain an abortion in Sweden. This well-publicized story touched off the pro-abortion "reform" movement.

states if a committee of doctors agreed that this had to be done to protect the mother's life. These committees, of course, could be "talked to" so that wealthy or powerful people could have abortions. Otherwise it was an underground business that really didn't flourish.

Most of the people who did abortions back then were like the people who do abortions now: They couldn't make a living as a real doctor, so they set up a shady underground practice. Some had their medical license revoked. Some never had a license. Some were midwives who did abortions on the side.

What caused Americans to begin to accept abortion?

Literature is a great indicator of the culture. One important literary work was *Peyton Place* [by Grace Metalious in 1956]. A central character in the book gets pregnant by her alcoholic stepfather, but a kind abortionist gets rid of the baby for her. So the abortionist is put in a positive light.

Here something appalling was shown as a necessity. *Peyton Place* was a best-selling book for about a year. Women just ate it up.

In 1962 came the case of Sherri Finkbine, the host of a popular children's morning program in Arizona called *Romper Room*. She had taken Thalidomide, a drug that was discovered to cause very serious birth defects, especially of the limbs. When she learned what Thalidomide did to babies, Finkbine wanted an abortion. No one would kill her baby in Arizona, so she flew to Sweden, which of course was "up-to-date," and had her baby killed there. But it was a notorious case that really touched off the whole pro-abortion "reform" movement.

I was a freshman in a Catholic high school and, of course, everyone was against abortion. The priests and my teachers said this was a terrible thing to do. Essentially, Finkbine had her baby killed because he was disabled. It was inhuman. The Finkbine case created a climate of opinion in which public conversation about abortion became possible.

Over the next couple of years, abortion advocates established the Association for the Study of Abortion, a purely academic group that influenced elite opinion in favor of "reforming" abortion laws. The American Law Institute (ALI) published a model abortion statute making abortion legal during the first three months of pregnancy under certain "hard case" situations. (Ironically, it was the ALI model statute, enacted in Georgia, that was struck down in the *Doe v. Bolton* case, decided the same day as *Roe v. Wade*.)

Finally, Lawrence Lader and Bernard Nathanson founded NARAL, the National Association for the Repeal of Abortion Laws, as the radical political action wing of the movement.

So states were beginning to legalize what were supposed to be very few abortions?

Yes. The first states to legalize abortion were Colorado, Oregon and North Carolina [in 1967]. Other states followed, passing what were basically ALI statutes: legalizing abortion if you had been raped or [were a victim of] incest, or to save the mother's life. And abortion to prevent long-term health damages to the mother, but not for social reasons—and not after the first three months.

But it was really in 1967 in Colorado and California and, later, in New York that the radical abortion legalization movement got underway.

Did the early, more restrictive laws influence public opinion?

Yes. I remember researching some opinion polling on these specific indications from Colorado in 1965 and 1968 (before and after they changed the law). Approval for allowing abortions “under these circumstances” (rape, incest, etc.) would be very small before abortion was legal and much larger after abortion was legalized. People formed their view of what was right and wrong based on what the law said. These laws were very influential because, remember, this issue had not had a lot of debate.

How did pro-abortion forces react to the laws?

In 1970, California Gov. Ronald



Mike heads CWA's lobbying efforts on Capitol Hill and provides important training to activists at CWA affiliates around the country.

Reagan signed the abortion law in his first year as governor and said afterwards that he thought this would make things better because people wouldn't be going to Tijuana to get abortions. (Reagan later repented for signing this law.) Instead, California became an abortion haven.

I was in college in Texas in '67 when all this was happening: Planned Parenthood in Dallas was organizing and advertising two flights a week to Los Angeles and two flights a week to Denver, because those two states had become the abortion meccas in the West just like New York City would later become in the Northeast. So people traveled from all over to get abortions in Denver and California. Planned Parenthood advertised these trips. They were very expensive for those days, over \$500 including airfare and the abortion.

New York state began permitting abortions in 1970, and New York City was becoming an abortion factory. People were coming from all over the country to get abortions and that pretty much grossed out the New York

Legislature—or at least the majority, but not the two-thirds required to override a veto.

In 1972, both houses of the New York Legislature passed a repeal of the legalization, but Gov. Nelson Rockefeller (a Republican) vetoed the repeal.

So Republicans were not identified with opposition to abortion?

Right. I have to emphasize that the pro-life issue was not polarized like it is today. Support for abortion was not seen as a liberal (or Democratic) issue, nor was opposition to abortion seen as a conservative (or Republican) issue. Rather, it was a class issue. And the pro-life movement at this time was almost exclusively Catholic, as were legislators who were involved. Evangelicals were not engaged at all on one side or the other.

Pennsylvania legalized abortion in 1970, and the Legislature repealed the law in 1972. Then we saw a replay of New York: Pennsylvania Gov. Milton Shapp, a Democrat, vetoed the pro-life bill, and a Democratic legislator vowed to run against Shapp on that issue in the next election.

In 1972, two massive pro-life victories took place, defeating referenda that sought to decriminalize abortion. The voters of Michigan rejected abortion with 63 percent voting pro-life and, in North Dakota, abortion was defeated with 78 percent voting pro-life. The American people

were beginning to realize that making abortion more accessible was not desirable. They were beginning to react against the liberalization. And yet abortion was not a dominant issue in the presidential campaign. McGovern was openly pro-abortion, but he was careful to choose a pro-life running

mate, and Nixon was careful to avoid taking a position on the issue. **FV**

In The March/April Issue: Post-Roe politics and the growth of the evangelical pro-life movement.

Peter LaBarbera is senior policy analyst for CWA's Culture and Family Institute (www.cultureandfamily.org). Family Voice writer Sara Weltz assisted in the preparation of this interview.

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HOW YOU CAN HELP

- PRAY** that public opinion against legalized abortion will grow.
- PRAISE** for stalwart individuals, such as Michael Schwartz, who continue to stand firm on behalf of the unborn.
- ACT** Contact your U.S. representative and senators to tell them to vote in favor of a ban against partial-birth abortion, which is expected to come before the 108th Congress. Capitol switchboard: 202-224-3121.