

Letter from Chicago

Trench warfare

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How will this dreadful conflict over abortion ever be resolved? Will it end in a compromise, a stalemate? Or will the opposing camps become locked in a combat as bitter and destructive as that which once divided the United States over civil rights and Vietnam?

The latest episode in the continuing saga was the decision by an increasingly conservative Supreme Court to nick a dent in the 1973 decision forbidding states and local governments to pass antiabortion laws. By five to four the court upheld a Missouri law outlawing the use of public funds to pay for abortions and forbidding public employees to perform them or counsel women about having them, as well as requiring doctors to carry out extensive fetal viability tests on women seeking abortions after the 20th week of pregnancy. These measures, though making abortion less accessible for some, will have no appreciable immediate impact. But allowing states to regulate abortions opens the floodgates to the eventual passage of some 140 antiabortion bills currently in committee in the various state legislatures.

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Since the court's 1973 ruling the number of abortions in the United States has doubled from 0.8 to 1.6 million a year. Over 90% are performed in the first 12 weeks; over half in the 20 to 29 age group; almost one quarter in teenagers; some two thirds in whites and one third in blacks. A private abortion now costs \$200-250 as an outpatient procedure, \$600-1000 when done in the hospital. Several recent polls suggest that some 45% of Americans favor legalizing abortions; some 40% would limit them to rape, incest, or danger to the mother; and some 15% would outlaw them outright. In general, more Republicans oppose abortions than Democrats, and the court's decision is expected to influence the 1990 state elections, making the legislatures a battleground between opposing forces. Already politicians are being asked to declare their position, and no longer will they be able to take the comfortable position of voting for restrictive bills in the knowledge that they will be overthrown by the courts. "We are going into a period of trench warfare," said one political observer, worrying that the next elections could become a referendum on abortion to the neglect of other more important issues. In Illinois a recent poll indicated a 17 to 11 antiabortion majority in the senate and a 27 to 24 majority in the legislature. Political considerations will clearly prevail, for state legislatures are places for horse trading, strange deals, and last minute compromises hammered out in smoke filled rooms.

The public, meanwhile, remains deeply divided. Pro-life spokesmen were triumphant over the court's decision, determined to carry on the fight until abortion is totally outlawed. The pro-choice camp called the decision a sad day for freedom, vowing to take its cause to the people and fight it out in every future election. Women wept in public, protesting that their rights had been trampled on by conservative judges. The most senior dissenting judge commented that, although the 1973 decision stands undisturbed, "signs are evident and very ominous, and a chill wind blows." Many women thought that the decision should be left to them; that while the rich can pay and travel it is the poor who will suffer; that the days of unsanitary backstreet abortions will return; and that women will again die from sepsis and hemorrhage. At a more constitutional level there was

considerable agreement that in a democracy neither the Supreme Court judges nor the federal government should decide, but that the issue has been appropriately sent back to the states, where it belongs. Along these lines one of the Supreme Court judges said that he hoped that the cartloads of mail would now be redirected to the elected representatives of the people. Others likewise thought that it was good for democracy to have the issues fought out at state level, though some feared that the ensuing civil strife could be harmful.

Few voices so far have spoken in favor of compromise. But the Wall Street Journal reminded its readers that more than 90% of abortions take place in the first 12 weeks; and since God has not revealed all of His mysteries and science has not been too helpful either the poor humans must often make these decisions. It went on to point out that under common law abortions done before quickening were not considered murder; that society in general seems to agree with this view; and that some compromise may well have to emerge from the legislatures—leaving women to decide on early pregnancies but reaffirming the state's right to protect at some point the life of the unborn. In possibly the same spirit Chicago's new mayor also refused to intervene, though personally opposed to abortion, saying that this was a private matter between the patient and her doctor. Others noted that a total ban on abortion would be achieved only at tremendous cost, were certain it would lead many desperate women to tragedy and death, and hoped that reason and tolerance would prevail.

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