
CANADIAN ABORTION RIGHTS ACTION LEAGUE (CARAL)
ASSOCIATION CANADIENNE POUR LE DROIT A L'AVORTEMENT (ACDA)

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June, 1980

Phone: 961-1507

Dear Friend,

ANNUAL MEETING, 1980

CARAL'S sixth annual general meeting, on April 26, at Hart House, University of Toronto, was very successful in terms of content and somewhat less successful in terms of attendance. Approximately 100 people turned out to hear an excellent roster of speakers. Our morning panel was made up of Dr. John Lamont, Associate Professor of Obstetrics and Gynecology, McMaster University; Dr. May Cohen, Assistant Professor of Family Medicine, McMaster University; and Elizabeth Parker, M.S.W., Acting Director of Family Planning Services, Toronto Department of Public Health. Their topic for discussion was "Abortion in the Context of Human Sexuality."

All three speakers pointed out that abortion is one part of the larger area of human sexuality and should be analysed in this context. Thus, to understand abortion, we must understand, for example, the dynamics of male-female relationships - a near-to-impossible task, given the puritan attitudes to sexual research in this country, as Dr. Lamont pointed out. He went on to discuss the ways in which sexual self-expression by women is inhibited by cultural norms, the ideal sexual relationship being one in which both people can express, give, and request sexual pleasure. Elizabeth Parker went on to say that women who demand a responsible approach to contraception may be seen by men as too aggressive or too experienced. However, studies indicate that discussing contraception in fact furthers a relationship. Men should be included in birth control and abortion counselling, in the costs of birth control and abortion, in education relating to female reproductive functions, etc. Dr. Cohen also stated that we must declare ourselves to be sexual beings with the right to express ourselves sexually. Current anti-choice rhetoric on the negative consequences of abortion attempts to punish women for their sexual natures, whereas, in fact, the weight of medical authority indicates that when abortion is refused, negative psychological consequences follow. Thus, any therapeutic abortion committee which refuses a well-considered request for an abortion is breaking the law of Canada by endangering the health of the woman involved.

Dr. Henry Morgentaler was present at our meeting and spoke to us on the availability of abortion services in Quebec. He told us that women from all over the Atlantic provinces, rural Quebec, and northern Ontario continue to travel to his clinic for abortion services. He also informed us that he is seeing an increase in the number of women visiting his clinic from the Toronto area - another indication of declining services in Toronto.

During our lunch break we were treated to the premiere showing of CARAL'S new slide/sound show. The presentation explains the current situation surrounding abortion in Canada and makes the freedom of choice message clear. Copies of the show are being produced and will be available for use across the country in the near future.

Iona Campagnolo was our guest speaker for the afternoon session. She delivered an exciting speech about her experiences in politics and government with the abortion issue. When her strong pro-choice views became known to the anti-choice factions, she became a target for their harassment, which took the form, for example, of sexually-abusive hate mail. In her opinion, the 1969 Criminal Code amendments would not have passed through the Parliament in which she served and the present Parliament will never consider abortion reform. As far as the media are concerned, although CBC was helpful during the debates over the 1969 amendments, broadcast executives will usually not take high risks and, of course, 99% of decisions are made by men.

A vote was taken to change our name from the Canadian Association for Repeal of the Abortion Law to the Canadian Abortion Rights Action League. The motion carried. The Board felt that our old name was confusing many people, but wanted to maintain the acronym, CARAL. The new name also allows us greater freedom of action to fight in any way necessary for abortion rights in this country.

At the end of the meeting, we heard reports by Chapter representatives from across the country. As always, our Chapters have been outstanding in the work they have carried out this year.

Our new Board of Directors, elected at the meeting, is as follows:

MEMBERS-AT-LARGE

Judith Aber - Toronto
Gail Aller - Edmonton
John Baglow - Ottawa
Beverley Baker - Toronto
Vivien Batke - Waterloo
Nicki Bergen - Vancouver
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Karen Hammond, President - Toronto
Nancy Harper - Burlington
Helen Kiperchuk - Montreal
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Norma Scarborough - Toronto
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Sally Grenville - Newfoundland
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Betsy Carr - National Action Committee on the Status of Women
Deborah Bartlett - Women's Counselling, Referral and Education Centre
Leona Gisselson - Social Issues Committee - YWCA of Metropolitan Toronto

GO FREE TO THE CNE!

Toronto and area members: can you spare 4 hours of time to help out at our booth? You'll get a free pass to the grounds. Phone the answering service and let us know: 961-1507.

ARE YOU GOING TO OTTAWA?

The Ottawa Chapter will arrange an appointment with your MP if you write and tell them when you'll be there. The address is 179 Cameron Ave., Ottawa. (But you don't have to be in Ottawa to see your MP - visit him or her in your riding!)

CARAL PRESENTS BRIEFS TO HEALTH SERVICES REVIEW COMMISSION

Two excellent briefs outlining inequities in health care pertaining to abortion were presented by National CARAL when the Commission heard submissions in Toronto. One of the briefs was written by Dr. W. Watters, an Honorary Director, and the other by Carolyn Egan. CARAL Newfoundland also presented a brief to the Commission when it was in St. John's. The anti-choicers, of course, presented a brief demanding that abortion not be covered by provincial health insurance schemes.

Justice Emmett Hall, who heads the Commission, was listed as a patron of a 1977 "Festival of Life" (an anti-choice meeting and rally) in Ottawa. In the light of this information, it will be interesting to note what recommendations he makes (if any) regarding abortion.

SEE MACLEAN'S JUNE 2, 1980 for a good rundown of anti-choice activities. However, the photo of our poster "Every mother a willing mother - Every child a wanted child" was incorrectly identified as a Right-to-Life poster!

VICTORIA CHAPTER ACTIVE IN MAINTAINING ABORTION SERVICES AT VICTORIA GENERAL HOSPITAL, VICTORIA, B.C.

When the newly-appointed therapeutic abortion committee at the Victoria General adopted a policy of approving only 20% of applications, the hospital Board and the medical staff were very upset. The Royal Jubilee, the other hospital in Victoria which does abortions, was suddenly overwhelmed with applications. It was clear that the situation could not be allowed to continue.

Pro-choice forces, led by our able and active CARAL chapter in Victoria, rallied to try to re-establish services at Victoria General. The head of the medical staff at the hospital has recently written a letter to the federal Minister of Health and Justice outlining the untenable situation the current abortion law creates both for medical staff and for patients. Moreover, the abortion committee at the hospital has been reorganized, and it appears that services there have been re-established.

RC anti-abortion film rejected

By DENYS HORGAN

The Roman Catholic archdiocese of Toronto has spent between \$12,000 and \$15,000 on two film clips to be shown as public service announcements on nation-wide television, but stations are loath to air one of them — an anti-abortion message.

Copies of a 30-second announcement against racism and a 60-second anti-abortion message were sent to 34 stations across Canada but only 12 responses were received by the diocesan office of communications. Of the two stations which said they would broadcast the anti-abortion message, one has since dropped the film after unfavorable audience reaction.

The anti-racism message does not appear to have run into difficulty.

To the strains of When I Grow Too Old to Dream, played on a barrel organ, the anti-abortion film shows a

crowd of about 15,000 people enjoying themselves in the sun at the CNE. As the camera zooms in on sleeping babies, the music fades and gives way to the sound of a heart pumping. Suddenly the people disappear and a voice announces: "Every three months in Canada, as many people as you see here are denied the right to life through abortion."

Barry Stewart, manager of public relations for CBC Ontario region, said the CBC had turned the film down because "the subject matter is contrary to the program policy of the CBC for public service announcements."

CHEX in Peterborough had aired the film during two successive weekday afternoons and received critical phone calls in response.

Judy Carswell, the station's director of promotion, said that when she saw the clip she did not like it. "If the

diocese wanted to get the message across, it could have done it in a subtler way."

However, Margaret McLaughlin, press officer for the archdiocese of Toronto, would make no apologies for the bluntness of the message. "It's definitely emotional. The truth of the message is heavy," she said in an interview yesterday.

Asked if there were any point in spending so much money on spot commercials that were not acceptable to TV stations, she replied, "We could not anticipate that it would not be shown."

The archdiocese would not buy time to air the films, she said, "because that would be setting a precedent."

To her knowledge, the only station that was still airing the anti-abortion film was CKCY in Sault Ste. Marie.

Toronto Star June 8/80

Ottawa plans no prosecutions in anti-abortionists' tax protest

By Pamela Wallin Toronto Star

OTTAWA — The federal government says it will not prosecute Saskatchewan Knights of Columbus members who are planning to withhold some of their 1980 federal income taxes to protest federally funded abortions.

The Roman Catholic men's lay group unanimously approved a resolution at its April convention asking its 10,000 members to withhold \$100 from individual 1980 tax returns and donate the money to anti-abortion groups.

William Rompkey, the minister of national revenue, says that although the protest is illegal, he will not go the prosecution route.

\$1 million affected

"We will use the same process as we would against any other person who defaults on payment, like attempting to collect it and perhaps resorting to a garnishee of wages," Rompkey said.

One million dollars in tax funds could be involved if all 10,000 Saskatchewan members decide to hold back the \$100.

The Knights have taken the step because they object to contributing tax dollars to government funding of abortion-related health care, hospital services, clinics and agencies which provide abortion referrals.

Eugene Thera, Saskatchewan head of the Knights, says he realizes the ac-

tion is a breach of the law but adds it is a matter of personal conscience how far each member pursues the protest.

"Legality was discussed but the feeling was this is a matter of murder — the murder of innocent children — so we don't feel we have a moral responsibility to uphold such a law," Thera said.

Rompkey sympathetic

Rompkey said he shares the Knights' sentiments on abortion and would probably join in their action if they were using a legitimate form of protest.

"I have no objection to people protesting. In fact I'd protest against it (abortion) myself, but not like that. It's not a legitimate form of protest," Rompkey stated.

But Rev. Ben Hermann, chaplain of the Macklin, Sask., Knights branch says other forms of protest don't seem to work.

"We're just trying to get some attention. Politicians only understand two things — numbers and bucks. They didn't seem to understand our strength in numbers but maybe they'll understand bucks," the priest, who is exempt from federal taxes, said.

He referred to an incident three years ago when 5,000 pro-lifers travelled quietly to Ottawa and spoke with MPs.

"They received a few minutes television time, while the 50 abortionists

who demonstrated noisily received 15 minutes television time."

The priest said this response made his group believe "we had to get a little kooky too."

Hermann said he realizes there are going to be problems because those who have income tax deducted from their pay cheques will be unable to withhold a portion of their taxes.

However, he said the many self-employed Knights, such as businessmen and farmers, will be in a position to hold back the funds.

He said he expects the idea to spread across the country "because this seems to be the only way we can make the government hear us."

Not in Ontario

But Phillip Walke, an administrative assistant with the Ontario Knights, said the subject of withholding taxes was not on the agenda of its annual convention. He said this means similar action here could not take place for another year.

Walke refused to comment on the situation in Saskatchewan, saying "it was their own business."

Hermann said he regrets the discussion about the legal aspect of the protest because he thinks it may just put ideas in federal heads.

"Politicians are not too swift you know, maybe they don't even know what action they can take against us," he said.

Globe and Mail

June 4/80

If you see this commercial aired on your local station, phone and/or write the station and protest vigorously!

If you are as shocked as we are at Rompkey's statements, write and let the Prime Minister know.

Can the anti-choice lobby continue to deny its links with the Catholic Church?

Abortions a fundraising issue at new Charlottetown hospital

By BARBARA YAFFE
Globe and Mail Reporter

HALIFAX — The Prince Edward Island Hospital is a Protestant institution and performs a small number of abortions annually. The Charlottetown Hospital is Catholic, and doesn't.

The two are now being amalgamated to form the Queen Elizabeth Hospital, a \$32-million 350-bed project scheduled to open in the fall of 1981.

With some prompting from anti-abortionists, the question is on everyone's tongue: Will the new hospital have an abortion committee?

Right-to-life groups have bought newspaper ads to discourage donations to a hospital equipment fund until an answer is forthcoming.

A refusal by the board of governors to respond has left fundraisers scrounging to reach their \$400,000 goal for the fund.

Protestant ministers have been advising their parishioners the abortion issue shouldn't be linked to the equipment fund. Catholic priests have been urging Islanders to make their pledges contingent on an understanding there won't be an abortion committee at the new hospital.

Regarding the abortion question, Mr. McGinn said the hospital board is holding off on making any decision pending a recommendation from medical staffs at the two hospitals, just now in the process of being united. Their recommendation probably won't be made until next year.

A hospital fund organizer who asked not to be named said the real reason for the silence is that such a decision now would force the PEI Hospital to curtail abortions it would be performing between now and the opening of the new institution.

He said emotions are running so high along religious lines that there is talk in the Protestant hospital of going it alone with aging facilities rather than throwing their lot in with the Catholics.

The Charlottetown area has about an equal number of members of both religious groups. Ironically, relative to the rest of Canada, few abortions are performed in PEI. Statistics Canada records for 1978 show 60 abortions or 3.1 per 100 live births in PEI — the lowest rate of any province. Ontario had 23.9.

Most of the abortions are performed at a hospital in Summerside. Because of the relatively strict interpretation of abortion laws by PEI therapeutic abortion committees, an unknown

number of women have been seeking abortions in Halifax, Boston and Montreal.

Katherine Mullally, a spokesman for the PEI Right to Life Association, said the group regrets the hospital's equipment fund is the target of the anti-abortion campaign.

Equipment a lever

"We're very much pro-equipment. Equipment is lifesaving. But this is the only opportunity we have to make a statement and exert any leverage on the board of governors."

Rev. Eric Dunn, chancellor of the Roman Catholic diocese of Charlottetown, said he wouldn't donate to the fund until he's assured abortions won't be performed at the new hospital. "You can say it's almost dirty

pool, but in another way it isn't because the board had plenty of opportunity to make this decision."

He said priests in the diocese have been bombarded with calls from people wondering whether they should contribute.

Rev. Douglas Gass of Park Royal United Church said he has been urging people to support the fund and recognize that the abortion question is a different issue.

While door-to-door canvassing revealed quite a few people were influenced by the right-to-life campaign against the fund, corporate donations have not been affected.

Paul Jelley, a fund spokesman, said the controversy won't prevent the fund from reaching its over-all objective. "But we could have raised more money had there not been a controversy."

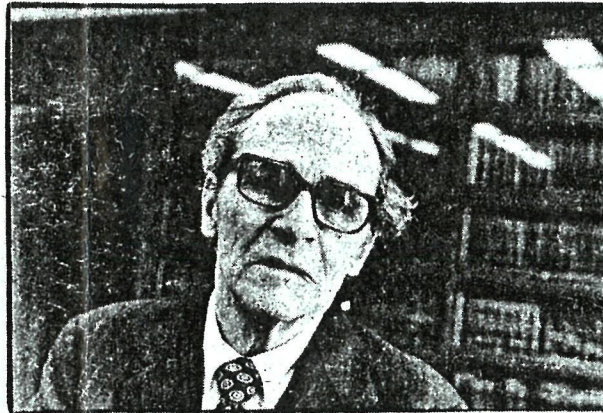
Abortion Rights: Overruling Neo-Fascists

By Ellen Willis

Judge John F. Dooling's 328-page decision striking down the Hyde Amendment is heartening in a way that transcends its strictly legal impact: for the first time a federal judge has taken the offensive against the arguments and tactics of the right-to-life movement. The ruling does not contain a word of denunciatory rhetoric, yet simply by accumulating facts it damns the movement as cruel, dishonest, and fanatical, devoid of decent regard either for the health and welfare of women or for anyone's freedom of conscience.

Much of the opinion is devoted to an exhaustive, scari-fying compendium of the destructive effects of unwanted pregnancy. This is in itself a compelling comment on the sadism of the "pro-life" crowd. But Dooling goes on to do a thorough demolition job on the Hyde Amendment's rigid requirements for Medicaid-funded abortions, focusing on the inherently ghoulish nature of the "life endangerment" and "severe and long-lasting physical damage" standards (the latter a concession in last year's version of the amendment—a rider to the annual HEW appropriations bill—that was deleted from this year's). Since it is rarely possible to tell, particularly in the first few months of a woman's pregnancy, whether a potentially life-threatening condition will actually kill her, or exactly how bad the damage to her health will be, the effect of such requirements is to force the woman to go on with her pregnancy until a full-blown emergency develops—a procedure totally repugnant to accepted medical practice and ethics. Dooling agrees that this is an intolerable bind, and concludes that both criteria are so vague as to violate the Fifth Amendment's due-process clause. He further observes that the 60-day reporting requirement in rape and incest cases functions to deny abortions to a large percentage of rape victims and to make the incest exception virtually meaningless (incest, the judge notes drily, tends to be secretive).

Throughout his opinion, Dooling displays a refreshing impatience with right-to-life cant and doubletalk. He demonstrates that the purpose of the Hyde Amendment was never to save the taxpayers money, keep the government neutral on a delicate moral issue, or distinguish between "necessary" and so-called "convenience" abortions. The amendment, says Dooling bluntly, was a ploy by anti-abortion Congressmen frustrated in their attempt to pass a Constitutional amendment that would override the Supreme Court's 1973 pro-abortion decision; its purpose was quite simply to circumvent the Court's ruling and prevent as many abortions as possible. Dooling, a practicing Catholic, makes short work of the anti-abortionists' pretensions to being a spontaneous



Judge Dooling

grassroots movement that owes its political victories to sheer moral appeal. He confirms that right-to-life's main source of energy, organization, and direction has been the Catholic Church, and describes in detail how the movement uses one-issue voting to put pressure on legislators, candidates, and the party organizations that nominate them—a tactic that gains it influence far out of proportion to its numbers. After quoting various Christian and Jewish theologians' differing opinions on abortion and the question of fetal personhood, Dooling argues that the anti-abortionists' absolutist view is not based on any moral or religious consensus but reflects a sectarian position that "is not genuinely argued; it is adamantly asserted." He also documents the movement's utter contempt for its opponents (we are all, by definition, mass murderers) and the refusal of right-to-life organizations and activists to take a stand against violent attacks on abortion clinics. The Hyde Amendment, he concludes, is religiously motivated legislation that imposes a particular theological viewpoint, violating dissenters' First Amendment rights. (In response to this aspect of the decision, Carolyn Gerster, the president of the National Right to Life Committee, declared that she couldn't imagine a religion that would condone abortion, "unless

it were one that included child sacrifice." Gerster's imagination is limited. Major denominations that regard abortion as an individual moral decision include the Baptists, Methodists, Episcopalians, and Conservative and Reform Jews. Jews will find Gerster's choice of words especially chilling; the charge that Jews kill children for ritual purposes is an old anti-Semitic canard, a traditional excuse for pogroms.)

In every respect, the Dooling decision confirms my own conviction that the anti-abortion movement is the most dangerous political force in the country. I believe—and in saying this I intend no hyperbole whatsoever—that it is the cutting edge of neo-fascism, a threat not only to women's rights and to everyone's sexual freedom and privacy but to freedom of religion and civil liberties in general. Right-to-life propaganda leaves no doubt that abortion is only the immediate focus of a larger crusade to crush women's liberation, sexual "immorality," birth control, sex education, and all other manifestations of "Godless humanism"—that is, the separation of church and state—in favor of patriarchal authority, the traditional family, and "Christian values"—that is, Christianity at its most authoritarian, parochial, and bigoted. The movement's most vicious bit of rhetoric—its continual assertion that legal abortion has murdered more people than Hitler—cannot be dismissed as meaningless bombast. However absurd (anti-abortionists' ideas about sex, women, and authority are actually quite similar to Hitler's; under the Nazis, abortion was a serious crime, in some circumstances punishable by death), this invocation of the Holocaust is clearly designed to justify whatever methods the movement chooses to adopt—after all, one doesn't quibble about democratic means when fighting genocidal maniacs. The comparison is also anti-Semitic; not only does it trivialize and co-opt the slaughter of Jews, it does so in the name of the very "Christian values" chiefly responsible for anti-Jewish persecution. Anyway, it's only a matter of time till the right-to-lifers notice, if they haven't already, that Jews (except for the Orthodox) are more liberal on abortion

FRED W. McDARRAH

WILLIS *Continued from page 8*

and "Godless humanism" generally than any other religious or ethnic group.

If you think I'm exaggerating, look up the January 21 *Times* and read about the recent conference of anti-abortion leaders. On contraception: "a form of moral insanity." On divorce: "... just as we are able to dispose of our spouses if we feel like it, so are we able to do away with our children if we feel like it." On politics: "One place the ordinary Christian can be effective to turn the tide is to begin by supporting and electing only pro-life candidates." On the firebombing of abortion clinics: "I don't cry real hard when I hear about one of their firetraps burning down." There was the obligatory reference to "the smell of the camps," and general agreement that the related evils of abortion, divorce, contraception, euthanasia, and genetic engineering are the logical product of secularism. You don't have to be Jewish, or female, or homosexual, or an atheist to get the message, but it helps.

Given the anti-abortionists' singlemindedness and resultant political clout, it is all too possible that they will either push their Constitutional amendment through Congress or get the required number of state legislatures to call a constitutional convention that might or might not have the power to tear apart the Bill of Rights. Since most Americans do not share either their attitude toward abortion or their general world view, a certain amount of alarm would seem to be in order. Yet so far the public has reacted to the right-to-life juggernaut, and to pro-abor-

tion activists' organizing efforts, with an almost willful apathy. Nearly everyone I know supports legal abortion in principle, but except for hard-core feminists hardly anyone takes the issue seriously. Press coverage and analysis of the abortion debate range from nonexistent to condescending. (The *Times* ran its piece about the anti-abortion conference on the style page.) When I buttonhole people and harangue them about abortion doing for the right what Vietnam did for the left, I don't even get arguments—just blank looks. On occasion even feminists have been obtuse about what we're facing—the most egregious example being NOW's attempt last year to meet with anti-abortionists to discuss "common interests" and "depolarize" the issue. (The right-to-lifers responded by displaying two mysteriously obtained dead fetuses and denouncing "baby killers.")

Part of the problem is that at the moment abortion is still legal and still available to most women; it's always harder to get people to defend something they have than to demand something they lack. Another important factor is sexism; the anti-abortion movement doesn't threaten men in an immediate, direct way, and abortion is regarded as a women's issue, which is to say trivial, sectarian, and "middle class."

But something else is going on that's even more disturbing: a lot of people who intellectually abhor everything the anti-abortionists stand for are emotionally intimidated by their argument. The right-to-lifers' most dangerous weapon is not their efficiency in the legislative arena but their ability to confuse and immobilize potential opponents by tapping the vast store of sexual guilt and anxiety that lies just below this society's veneer of

sexual liberalism. Patriarchal culture, with its deeply antisexual ideology, has existed for some 5000 years; the radical idea that people have a right to sexual freedom and happiness has been a significant social force for maybe a century; in this country, the changes we think of as the "sexual revolution" have all taken place within the past two decades. Most of us grew up with the old values. It is hardly surprising that even among sophisticated liberals people's emotions do not necessarily coincide with their enlightened ideas. And sophisticated liberals who nonetheless believe on some level that the desire for sex without "consequences" (i.e., children) is self-indulgent, and that the ability to control one's passion is a test of character, are likely to be apologetic about their support for abortion rights. There is now a sizable body of literature on the theme of "I'm for legal abortion, but..." Many pro-abortion liberals and feminists indulge a poisonously sentimental and self-flagellating view of the right-to-lifers as upholders of principle and altruism and sacrifice—the idea being that the rest of us are merely pursuing our selfish interests. Even more people, I'm convinced, are handling their ambivalence by simply blocking out the whole subject.

The sort of Orwellian reversal whereby apostles of brutality and repression become morally admirable even in the eyes of their opponents drives me crazy. That a 71-year-old male, Catholic judge, who probably disagrees with all my ideas about sexual freedom, should see this nonsense for what it is and come up with an effective refutation is the sort of irony that keeps me sane. Next month I'll comment on some of the legal implications and limitations of the Dooling decision. ■

As of last week, the federal and state governments must provide Medicaid funds for abortions judged medically necessary in the light of all possible factors affecting the pregnant woman's health—her physical and emotional state, her age, her economic, familial, and social situation. The Supreme Court has agreed to review Judge John F. Dooling's decision declaring the Hyde Amendment unconstitutional, and refused to stay Dooling's order that payments be resumed. The case, *McRae v. Harris*, will be heard some time in April.

Dooling's opinion—based on arguments by feminist lawyers, including Rhonda Copelon of the Center for Constitutional Rights, Janet Benshoof of the ACLU, and Sylvia Law of New York University Law School—holds that to exclude “health-related” abortions from a comprehensive program of medical aid to the poor is to deprive indigent women of their Fifth Amendment rights to privacy and equal protection; that the Hyde criteria for Medicaid abortions are so vague as to violate the Fifth Amendment's due process provision; and that legislation designed to impose a sectarian theological view of fetal personhood on people with differing beliefs violates the First Amendment's guarantee of religious freedom. If the decision is upheld by the Supreme Court—particularly if the Court accepts Dooling's unprecedented religious freedom argument and/or his inclusive list of factors affecting health—it will have a profound legal and psychological effect. At the least it will end de facto abortion prohibition for large numbers of women, hamper the relentless effort to nibble legal abortion to death, break the momentum of the backlash, give proabortion forces room to maneuver, and defuse the class tensions that have divided and weakened the proabortion constituency.

Still, encouraging as it is, the decision is limited in a serious way: it applies only to abortions that are “necessary in the judgment of the pregnant woman's attending physician.” However broadly defined—and Dooling defines it as broadly as possible short of discarding it altogether—the concept of “medically necessary” as opposed to “elective” abortions is sexist; since forced childbearing is an inherent violation of human rights, the only person qualified to judge whether an abortion is necessary is the pregnant woman herself. While Dooling had no choice but to invoke this regressive distinction—in 1977 the Supreme Court ruled that states may withhold Medi-

caid funds for elective abortions, a decision that presumably applies to the federal government—that fact is in itself a depressing indication of the ground we've lost.

When the radical feminist campaign for repeal of the abortion laws began in 1969, our first target was the “reformers” who sat around splitting hairs over how sick or poor or multiparous a pregnant woman had to be to deserve exemption from reproductive duty. It was the feminist demand for the unconditional right to abortion that galvanized women and created effective pressure for legalization. Now the idea that abortions without some special justification are not necessary but merely “convenient”—as if unwanted pregnancy were an annoyance comparable to, say, standing in a long line at the supermarket—has been revived with a vengeance.

Of course, feminists never did achieve their original demand. The Supreme Court's 1973 decision asserting a constitutional right to abortion explicitly stated that that right was not absolute or unlimited but subject to varying degrees of regulation, depending on the stage of pregnancy; even in the first trimester, the decision to abort was held to rest with the “medical judgment” of the woman's doctor. At the time, Lucinda Cisler and other activists warned of the inadequacy of this language and urged feminists to continue pressing for the repeal of all abortion laws, however liberal. Subsequent events have proved the wisdom of that largely unheeded warning. Yet even total repeal would not insure women's control of the abortion decision.

On the contrary, the demand that abortion simply be removed from the statute books and considered, as feminists often put it, “a medical procedure like any other” leaves essentially the same loophole as the Supreme Court ruling. In general, it is the medical profession that establishes criteria for the use of a particular treatment. (Judge Dooling threw out the Hyde Amendment's “life endangerment” requirement on the grounds that it has no agreed-on medical definition and is alien to standard medical practice.) There is a long-standing, accepted distinction between necessary and elective surgery, and doctors have always been free to withhold treatment they consider unnecessary or harmful. If there were no abortion laws, doctors and hospitals could still deny women “unnecessary” abortions, or even argue (as many antiabortionists do) that abortion causes guilt and depression and is therefore bad for women's emotional health.

A radical view of abortion rights implies that abortion is not, in fact, just a medical procedure like any other, nor is it, in most cases, primarily a health measure. It is first of all a moral and political act, an implicit assertion of

women's right to sexual and reproductive freedom; the medical procedure is only a means to this nonmedical end. While it's true that denying an abortion to a woman who wants one causes mental anguish and so can be regarded as psychologically harmful, this is merely a convoluted—or euphemistic—way of saying that abortion is a right. We don't, after all, feel the need to justify freedom of speech by arguing that having one's ideas suppressed causes psychic damage. A long range feminist abortion strategy must go beyond repeal and include the demand for a positive legal guarantee of the fundamental rights that require access to abortion. That is, we ought to counter the antiabortion movement's so-called Human Life Amendment with our own proposal for a Sexual and Reproductive Rights Amendment that would recognize voluntary childbearing and freedom of sexual association with a consenting partner as basic liberties. This demand should in turn be understood as part of the larger feminist struggle against oppressive conditions of childrearing that restrict women's freedom to have children as surely as abortion laws restrict our freedom not to have them.

All this may sound ridiculously utopian, given the present political atmosphere. But it never pays to get trapped in a defensive stance; part of the reason the abortion rights movement is suffering from an energy crisis is that it has felt understandably compelled to concentrate on holding the line. At bottom, anti-abortionists derive their ideology from certain traditional assumptions—that women are not self-determining agents but (in the words of an antiabortion congressman) “vehicles for life”; that sexual pleasure for its own sake is at best an unnecessary (“convenient”) indulgence, at worst a sin. The right-to-life movement succeeds by exploiting people's overt or unconscious loyalty to those assumptions. The only way feminists can win is to keep insisting on our premises and appeal to people's overt or unconscious desire for freedom and happiness.

We don't have to start from nowhere; there is already some legal precedent for the idea that the state should stay out of our sexual and reproductive lives. Various court rulings—including the recent decision striking down Syracuse's consensual sodomy law—have acknowledged a right to sexual privacy. The Supreme Court's 1973 decision held that a woman's right to privacy entails a (qualified) right to abortion. The Dooling decision goes further, affirming that (health-related) abortion is a conscientious moral and religious choice, and that a woman's freedom to make that choice is “nearly allied to her right to be.” This argument does not simply hold the line but breaks new ground. We can take it from there. ■