

The politics of abortion: The case of Iowa

by

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I. INTRODUCTION AND MODEL

The reform of abortion laws in most of the states of the Union has been an issue of major concern since the mid-sixties. The moral implications of the issue have caused many people to become politically involved in abortion reform. Major religious, political, medical, and civil liberties groups have become involved on both sides of abortion reform. Also, large numbers of people have become involved in abortion reform either as individuals or as members of groups. These attempts have attracted much attention and involved bitter debates. Iowa has been involved in this struggle since 1967. Bills to reform Iowa's abortion law have been introduced and have failed in four legislative sessions. It is the purpose of this thesis to determine why these bills failed and what factors were at work in Iowa to prevent abortion reform legislation from being enacted. It is necessary to study the general issue of abortion, the early attempts at reform, the importance of the 1970 election, and the 1971 legislative session to find some reason or reasons why such bills did not pass.

To do this, David Easton's systems approach to studying decision making in government will be helpful. In A Systems Analysis of Political Life, Easton sets up a model for dealing with governmental actions and decision-making. In its most simple form, his is a system of inputs which

lead to and influence decision making, which in turn leads to the outputs of the system which then cause feedback to re-enter the system as inputs. The whole process is going on within the environment of the particular system.

There have been a wide variety of inputs into the governmental system to reform or to prevent any reform of Iowa's abortion law. These inputs affect the way each decision maker will vote on this particular issue. The inputs into the system are drastically affected by the environment. The environment on abortion legislation consists of religious views, interest group opinions, public opinion, political party activity, national interest and action in the area, and the traditional moral views of the people. Those making demands on the system must either act in accord with the elements found in the system's environment or try to alter the environment to be more favorable to their demands.

On this specific issue, the environment in which the legislative struggle for abortion reform is fought is varied. Because of the moral implications of the issue, religious beliefs and the stands taken by religious groups are necessarily highly important in influencing the decision makers. Religious leaders are able to set the tone for much of the debate. They influence public opinion as well as the individual decision makers. People's traditional moral views

will have a great impact on any final decision in the area of abortion reform. Members of the medical profession can also have a significant impact in this area.

Interest groups have an important position in relation to the environment. They cannot act in a way that is alien to the prevailing views of the society. If the prevailing views of society are not the same as their own, it is one of their major functions to try to make the feeling on the issue of abortion in society line up with their own views. David Truman in The Governmental Process emphasizes the importance of public opinion as part of the environment. He says:

A primary concern of all organized political interest groups in the United States is the character of the opinions existing in the community. Group leaders, whatever else they may neglect, cannot afford to be ignorant of widely held attitudes bearing upon the standing and objectives of their organization.¹

Thus, in the abortion issue, it is the role of the groups involved to discern these prevailing attitudes and then use them to gain their goals or to re-orient them if they are against their goals.

The political parties also make up part of the environment. Their stands and positions are influenced by other factors in the system, but they in turn influence the legislators to some extent. The environment also consists of forces outside the state of Iowa itself such as actions

taken by federal courts, the national government, and other states. These various factors of the environment will probably influence, if only indirectly, the decisions made on abortion legislation.

In the decision-making process for abortion reform in Iowa, the personal conscience of the individual legislator has been an important factor. He must also consider interest group and constituent demands. When it comes time to make the decision, each legislator will act upon the inputs fed to him in the context of the environment of which he is a part.

In looking at abortion reform attempts in Iowa, the kind of inputs and their final effect on the decision made are important. When dealing with an emotionally-charged issue like abortion, it may be impossible to tell exactly what influence each of the inputs had on the individual decision-maker, but certain generalizations can be drawn concerning the weight of various inputs and environmental factors on the final decisions made.

The issue of abortion reform strikes at what could be regarded as the very core of our society--the right of human life. The importance of the issue can be seen in the depth and variety of involvement in the issue. The purpose here is to discover the factors influencing the decision makers on abortion reform legislation in Iowa.

Notes for Chapter I

¹David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 1957), p. 214.

II. THE ISSUE OF ABORTION REFORM

The importance of the environment in any decision on abortion reform was recognized in Chapter I. It is necessary to understand the general implications of abortion reform and the ideas held by those concerned with this issue to be able to interpret the actions taken within the political process in connection with this issue. The issue of abortion reform itself needs to be considered. In addition to the philosophical considerations there is a political environment composed of actions taken by other states on abortion reform which influences the actions taken by the Iowa legislature.

The value and sanctity of human life are central to the issue of abortion reform. Those persons involved on both sides of the issue are concerned with the preservation of the sanctity of human life. The conflict has arisen in our society because of the different interpretations of how the value and sanctity of life can best be protected. Those who oppose any abortion reform contend that life simply because it is life is sacred and must be protected at all stages of its development. Those favoring a more liberal approach to abortion legislation contend that the value and sanctity of human life cannot always be best preserved by forcing the pregnant woman to bear her child if she wants to or not.

According to David Smith, editor of Abortion and the

Law:

There is perhaps no greater quandary presently facing society than determining the conditions, if in fact there are any such conditions, under which the human fetus may be destroyed within the womb, and preventing and perhaps punishing its destruction under any other conditions. Nature only is responsible for the spontaneous abortion, and nature needs no justification. Society, however, is still in the process of deciding whether therapeutic abortion exists (except as a phrase of those practicing it) and, if so, defining its boundaries.¹

Smith continues to say that the issue crosses the areas of law, philosophy, medicine, and religion. The final say will come from the area of law since the law must determine:

the priority between the religious and philosophic claims of the inviolability of the right to be born and the absolute proscription of the destruction of life, and the medical and sociological claims of the primacy of the mother's life and the necessity of preventing the birth of the defective individual or the individual whom circumstance of environment can only compel to lead a defective life.²

It is in all of these areas of law, philosophy, medicine, and religion that the issue of abortion is currently being discussed. It is the domain of the law that binding judgments on the matter will be made, but even when the laws have been defined, the struggle will continue on the other levels. The decision reached by the law will not be made within a vacuum but rather in the atmosphere provided by the struggle in the areas of religion, medicine, and philosophy. The struggles and arguments in those areas cannot

help but influence the outcome of the struggle in the area defined by the legal implications of the issue.

The seriousness of the issue of abortion cannot be denied or underemphasized. The fetus to be aborted is called a human life by those opposing abortion reform and merely tissue not unlike that of the tonsils by those favoring reform. But both agree that this human life or tissue is the only thing with the potential to become a human being and cannot be disregarded completely in the consideration of abortion reform. Both are concerned that the fetus have the best possible chance whether for life simply for life's sake or the chance to be a loved and fruitful human being.

Legally, abortion is defined as "an intentional interruption of pregnancy by removal of the embryo from the womb." According to Roy Weinberg, when "properly performed by a competent obstetrician in an accredited hospital where satisfactory pre-operative and post-operative procedures are observed, it is a comparatively safe operation."³

In the United States, criminal abortions are a major problem. Doctor Kenneth Niswander contends that:

criminal abortion has become a major cause of maternal death. A recent survey of maternal deaths in California found that almost one-third of the deaths studied were related to illegal abortion. In 1961, according to the records of the New York Department of Health, forty-seven per cent of the maternal deaths occurring in metropolitan New York were due to illegal abortion.

It has been established that between 300,000 and a million or more criminal abortions are performed each year in the United States.⁴ The magnitude of the problem can hardly be denied.

In the discussion on abortion reform there seem to be four focal points. First, there is the fetus itself. When does life begin, at fertilization, quickening, or birth? Also, what is the fate of the fetus if the pregnancy goes to term? Will the child be deformed, mentally defective, or incapable of living a normal life? The second focus is on the pregnant woman. Will she survive the pregnancy at least and remain physically and mentally healthy at most. Then there is the focus on the family unit. Will the family be able to sustain undamaged the new life about to enter it? Finally, the needs of the community need to be considered. Can we control our population, and can we survive if we do not?⁵

No one contends that abortion should be practiced on a widespread basis without deep consideration by those involved. It is a decision that none feel should be taken lightly by the mother and any others who are helping her make her decision. Eunice Kennedy Shriver states the dilemma and seriousness of the decision very well in her preface to The Terrible Choice: The Abortion Dilemma. She says:

Doctors may advise you, ministers and priests or rabbis may counsel you, lawyers may tell you your rights; but--when the advisers have finished and gone their ways, only you, the mother, will make the final decision on abortion. Pray God that your decision be wise, and honest, and just and loving....⁶

The present controversy on abortion reform deals with who shall make this "terrible choice," the law or the woman involved. The abortion question has a long history with most civilizations and religious groups taking a stand on its practice. Doctor Niswander reports that almost every civilization indicated knowledge of abortifacient agents and abortion techniques.⁷

Laws dealing with abortion go back centuries before Christ. The Sumerian Code of 1300 BC, the Assyrian Code of 1500 BC, the Hittite Code of 1300 BC, and the Persian Code of 600 BC all prevent the striking of a woman to cause the death of her unborn child. The ancient Jewish code was concerned with abortion only if the woman died. The Greek and Roman systems were hostile to limiting abortions. Both the Republic and Politics advocate abortion, but the Oath of Hippocratis forbids it. The Roman system, which recognized the father as having complete legal control over the family, left the decision on abortion in his hands. Roman law was changed in 193-211 AD to a much more harsh law to keep pace with a reform of morals in the state. The law did not outlaw abortion but stigmatized it.⁸

The Orthodox Jewish position on abortion is based on the thousands of years of Biblical sources and the Talmud. These sources seem to indicate that Judaism, while it does not share the rigid stand of the Roman Catholic Church, refuses to endorse the far more permissive views of many Protestant denominations. Traditionally, they recognize only a grave hazard to the mother's life as a legitimate reason for therapeutic abortion. The Bible is vague on the subject. As interpreted in the Talmud, Jewish law assumes that the full title to life and the protection of life arises only at birth. If the mother is in danger, the child can be aborted, but as soon as the head of the child emerges from the mother's womb, it has full title to life and a choice cannot be made between the child and the mother. Before birth if the mother's life is threatened, the child is considered an aggressor on the life of the mother. The sanctity of life is unfettered by mental facility or any defects. The Orthodox view is that a threat to the life and health of the mother is the only justification for abortion. Rabbi Jakobovits, discussing the Jewish position on abortion if the child is possibly deformed, gave the analogy that a "classical statute by a supreme master is no less priceless for being made defective." So the fear that a child will be deformed is no reason for abortion.⁹

With the advent of Christianity in the world, a new

sense of human dignity developed. The Christian Church did not develop and maintain a single idea on the issue of abortion. At first, the early canonists did not believe that the soul entered the fetus at conception. The belief was prevalent that the soul entered the body of the female fetus at eighty days of gestation and the male fetus at forty days. Therefore, the interruption of a pregnancy before the fortieth day before the soul was present was not murder.¹⁰

In the Latin Church, Saints Jerome and Augustine condemned abortion whenever it occurred but acknowledged that they were not sure when life actually began. At various conferences, the severity of the penance and definition of abortion varied. Not until 1869 was there a clear-cut stand taken by the Roman Church on abortion. Pope Pius IX eliminated any distinction between the formed and unformed fetus as far as the power of excommunication for the persons involved in an abortion was concerned. All abortion was the direct killing of a person. In 1917, in the Code of Canon Law, excommunication was automatic for an abortion since the child was believed to be a person at every stage of development. In 1930, Pope Pius XI decreed that abortion was not even justifiable if the life of the mother were endangered. Vatican II set forth the doctrine that murder, genocide, abortion, euthanasia, and suicide were all equally evil. There were basically three steps in the development of the

position of the Roman Catholic Church against abortion. For the first eleven hundred years, the church punished for fetal destruction no matter what stage of formation was there. Then in the twelfth century fetal destruction was homicide only if the fetus was formed. The matter was settled in 1869 when Pius IX eliminated the distinction between formed and unformed from canon law and made all abortions against the laws of the Church.¹¹

The Roman Catholic Church has been in the forefront of attempts to stop abortion reform. The Church holds the position that, since it is impossible to tell specifically when human life begins, human life is defined as beginning at conception and must be protected in all stages of growth.

Mary Joyce, in an article on abortion in the Catholic newspaper Our Sunday Visitor, says of the abortion issue:

The abortion issue, more than any other, is the acid test of Christianity. Human life in its weakest and most defenseless state is first to be protected by the Christian commitment. Religious groups that expressly favor abortion have abandoned something that is absolutely essential to Christianity.¹²

Miss Joyce contends that there is no "middle ground for compromise" with human life since:

Only human beings have the human right to life. But any unwanted human beings easily can be, and often have been, subjected to 'learned doubt' as to whether or not they are human. Thus, the Nazis did not regard the Jews as human, nor did the slave owners regard the blacks as being persons.

She feels that now persons are even doubting if the unborn child is human at conception. More harm is done to those who practice abortion than to those on whom it is practiced.¹³

David Granfield, a Catholic priest and criminologist, describes the biological development of the fetus to substantiate his position that abortion is actually murder. Within five or six days, the blastula shows obvious signs of organization. "The human organism is never simply a chaotic mass of cells. It is goal-oriented in form and function every step along the way to maturity." Granfield feels that there is an abundance of scientific evidence that a human being exists so that the human status of the embryo need not be defended. He says:

Abortion could be recognized as the sacrificing of the life of one human being for the life of another human being. Moral principles and legal rules would then help us decide whether or not this lethal choice can ever be justified. Science, however, simply presents the fact that human life begins with fertilization and continues until death without the addition of an essential human element.¹⁴

Granfield makes the following comment on some liberalized abortion laws:

The rape victim, the incestuous woman, and in some cases the unwed mother, all qualify for an abortion under the liberal provision sometimes called the ethical and humanitarian ground--odd terms since, in most instances, there is no ethics in conceiving the child or humanitarianism in destroying it. Sometimes this ground is called the legal ground, since the essential elements of justification are matters of law rather than of medicine or

psychiatry. To avoid confusion, since the other ground for abortion can also be called legal grounds, it is helpful to specify more precisely and call it a criminal ground because of the criminal conduct that produced the pregnancy.

Granfield points out that it is very unlikely that the victim of forcible rape will become pregnant anyway.¹⁵

Granfield attacks the mother who wants an abortion because she fears the child will be defective by saying:

"The mother who wants an abortion because of the unborn child's forseen defects or her own mental or physical or financial limitations is making her lethal decision on a false assumption: namely, that life with these defects or limitations is a life not worth living." Granfield does say that the indirect killing of a child can be permitted; an example of "indirect killing" would be the removal of a malignant tumor in the uterus or the interruption of a tubal pregnancy.¹⁶

The March 1971 Christopher News Notes was devoted to the subject of abortion and abortion reform. To them, the whole question boils down to a single principle and "That principle is the sanctity of human life, and the extent and limits of civil society's responsibility toward it." They feel that strict abortion laws should be maintained, and less strict laws should be tightened. If life is to be sacred anywhere, it must be sacred in all places and at all times. The fetus is special from the very beginning. It

is unique with an identity its own apart from that of the mother. They contend that:

...innocent human life should not be directly taken by mere human authority. God alone is the Lord of life and death. This traditional view does not recognize a right of individual men, of public opinion, of a majority vote or of civil government to destroy innocent human life.

The dignity of life is not only in the fetus but carries over to studies of warfare and euthanasia. (The major problem and goal of society should be to alleviate human suffering on all levels.) According to the Christopher News Notes our society needs (positive programs to insure the sanctity of human life.) They feel that as (alternatives) to abortion, we need programs of birth insurance for parents, effective counselling for pregnant women so they can see all of their options, research to eliminate birth defects, and assistance for the parents of retarded children. These programs, not abortion, hold the answer to the preservation of the sanctity of human life.¹⁷

In his discussion of the abortion issue, John Noonan, a New York attorney, states that there are five points in the abortion discussion that are often neglected. First, the present status of medical research on the child and the woman make the real necessity for an abortion to save the life of the mother an invalid argument. Second, the position of tort law at the present time recognizes the fetus

as having certain rights. Third, there exist relevant constitutional law standards in regard to the child. For example, the child has the constitutional right to a blood transfusion even if its mother refuses. Fourth, statistical data on deaths from abortion do not justify any change in the law. Finally, the nature of the issue must be considered. Mr. Noonan feels that we should draw a lesson from the experience of Nazi Germany and not complacently allow abortion reform to pass.¹⁸

The study on abortion made by the Joseph P. Kennedy, Jr. Foundation and Harvard Divinity School concludes that there exists no question but that human life itself is involved in the abortion issue. Fetal tissue is unique. There has been or never will be anything identical to it. Fetal tissue is not simply a part of the mother. The tissue contains great potential. It, and it alone, has the possibility of developing into an individual. They therefore conclude that this unique tissue is human life and is to be protected.¹⁹

Sanctions have been developed against abortion, and the opponents of abortion hope they will be maintained to protect the life of the fetus which has been disabled through no fault of its own. To allow abortions is to concede that the non-viable fetus is really not the repository of any inviolable rights or that the strong and

dominant members of society may extinguish or terminate the life of any member whose physical or mental development may be so substantially arrested that the person cannot attain a life worth living. (Logically, abortion leads to infanticide and euthanasia.) Father Robert Drinan further contends:

that it is illogical and intellectually dishonest for anyone to advocate as morally permissible the destruction of a defective, non-viable fetus, but to deny that this concession is not a fundamental compromise with what is surely one of the moral-legal absolutes of Anglo-American law--the principle that the life of an innocent human being may not be taken away simply because in the judgment of society, non-life for this particular individual would be better than life.²⁰

(The opponents of abortion reform,) then, believe that the fetus is a human being from conception, and as such deserves the moral and legal protection of society. There simply are no circumstances under which society should turn the matter of abortion over to the mother or her doctor. The weak must be protected by society if society is to endure as a democracy where human life is valued.)

On the other side of the issue, the proponents of abortion reform contend that the value of life is deeper than the preservation of life simply because it is life.) Life must have dignity and meaning, and the pregnant woman must not be forced under all conditions to bear all children.

The unwanted and battered child has been the object of much concern in our society. According to Doctor Natalie

Shainess, we should not permit the unwanted child to be born. The unwanted child is a hated child who is treated cruelly by its parents through overprotection, inattention, battering, or murder. The hated child becomes the hatefilled adult who continues the progression and is even more destructive to his own children. The mental dangers of an abortion are exaggerated. Dr. Shainess says that the woman who has had an abortion feels relief, not guilt.²¹

According to the Iowa Association for Medical Control of Abortion, every day eight thousand women in the United States are forced to seek an illegal abortion. These women want enough food, housing, medicine, and education for their children so much that they would rather risk their lives on illegal abortions than bring a child into the world whose needs they cannot fill. Voluntary birth control measures are preferable to abortion, but there is no completely effective method of birth control available. Abortions in hospitals are medically six times safer than having a child. These persons contend that if a woman wants an abortion badly enough, she will get it. While the rich can go somewhere for a safe abortion, the poor must settle for "back alley" non-medical abortions or try to abort themselves. Our present laws are not controlling abortions and are discriminatory against the poor.²²

Somewhere between twenty and thirty per cent of all

pregnancies end in abortion. Dr. Harold Rosen, a psychiatrist, says that therapeutic abortions should be:

performed in order to preserve the physical and emotional health of the pregnant woman, or to save her life, physically or emotionally. It must be performed by a physician and under prescribed conditions....The uterus is evacuated--and this requires stressing--in order to correct, and only to correct, a pathological condition that has come into existence because the specific pregnancy involved; the developing chorionic tissue is either potentially or actually damaged and dangerous to the pregnant woman.

The physician should take the attitude toward the tissue removed that he takes in any operation.²³

Miss Jimmie Kimmey, director of the Association for the Study of Abortion, feels that it is necessary (to define what the abortion reform controversy is not about in order) to get at the real issues. She says it is not about preventing abortions, the war between the sexes, murder, eugenics, changing sexual activity and morality, and family planning or the population explosion. For her, "The question is whether at least a few more of those (or all of them) should be done in the safety of hospitals." She says that two American women a day die from complications of clandestine abortions. She also says "By any reasonable standard... abortion must be counted the least desirable, most wasteful of all methods of birth prevention."²⁴

There has been a growing interest in abortion reform since 1967. Four nationwide surveys indicate that the public

wants at least some reform in our abortion laws. The polls were made by the National Opinion Research Center in 1965, the National Fertility Study by Westoff and Ryder of Princeton in 1965, the Gallup Poll taken for the Population Council in late 1967, and the Harris Poll taken in 1969. Miss Kimmey interprets the polls as showing an increase in those who would allow abortion for health, rape, fetal deformity, and economic hardships. The 1969 Harris poll showed that sixty-four per cent of the people believed that abortion should not be a matter of law but should be left to the parents and doctor.²⁵

Father Granfield, an opponent of abortion, identifies four basic outcomes of the same polls. There was an increase in the number of respondents favoring abortion for every reason. Second, a wide majority favored abortion if the mother's health was endangered. Third, little more than half favored abortion if the pregnancy resulted from rape or incest or if the child would be defective. Finally, he said that a wide majority opposed abortion if the grounds were socioeconomic.²⁶ Both do agree that the public support for reform of some degree has increased.

John D. Rockefeller, 3rd, Chairman of the Commission on Population Growth and the American Future, says that as tragic as it is, abortion is the number one method of birth control in the world today. It is a moral issue in which

the tendency has been to discuss the moral aspects of the issue only in terms of the fetus. He feels that there are times when attempts to legislate morality create greater problems than they solve. We are faced with the inescapable fact that our present abortion laws cause greater tragedies when women must get illegal abortions than abortion itself. Rockefeller says: "Whenever laws are broken on a large scale, by otherwise decent and respectable people, the entire society faces a serious moral question, and respect for the law in general is set back." He says, also, that abortion legislation has been little more successful than prohibition was in the 1930's. The result of the legislation has been a gradual erosion of the moral fabric holding society together. The problem has been greatly intensified by the guilt that has been caused by the legislative proscription of abortion.²⁷

Rockefeller goes from his discussion of the legal problems to the problem of the unwanted child in our society. Unwanted children have been permanently harmed both physically and psychologically through hunger, neglect, and abuse. "Is this not a moral issue of the first order?" His answer is yes. Abortion in the case of the unwanted child is the lesser of evils. The greater evils are the:

unwanted child, the unwanting mother, the medical risks of nonprofessional practices, disrespect for the law. The damage done to the parents, children, and society by these greater evils

cannot be effectively measured by objective criteria, but it is urgent and real, and in many societies, critical.

He feels that it is one of the most fundamental rights of the child to be wanted, loved, and given a reasonable start in life. Rockefeller goes on to say:

It seems ironic that society requires the most careful checking and screening of persons who want to adopt children, and at the same time indiscriminately requires parents to go ahead with births they do not want.²⁸

Rockefeller calls for action in three areas. First, we must continue to study the problem and widely disseminate information on the issue. Hopefully through public understanding, the guilt and shame attached to abortion will decrease. Second, the laws should be changed to modify and liberalize them and to eventually have only the requirement that the abortion be performed by a licensed physician. Third, we need better family planning so abortion is not necessary. The purpose of these reforms is to "enrich the quality of human life" so that more persons can lead lives of "dignity and fulfillment."²⁹

It is the position of the United Methodist Church that we do not know when life actually begins. The Roman Catholic Church agrees but has developed a position saying that we should act as if life began at conception. A spokesman for the United Methodist Church says:

we repudiate tyranny in all human relationships;
fetal tyranny, merely because it is fetal is no

exception. Moreover, we cannot hide behind the facade of impersonal nature or a deus ex machina as justification for indecision and inaction. Direct abortion, when it is unavoidable, is no more than honest confrontation with the fact of our creatureliness and the dilemma of limited alternatives.

Finally, it warrants saying that abortion is not murder; it is abortion, and no intelligent purpose is served by continuing to insist on the mutuality and correspondence of these two actions. Abortion is a particular moral issue with its own moral problematics. It involves mature people in a morally discriminating decision to terminate nascent life, it is a premeditated but not thereby malicious action. It can, and ought always to be, a genuinely regrettable alternative to unwanted pregnancy. A claim for fetal value, like the value for any life at whatever state of its development is necessarily relative to the cluster of other values which impinge upon the decision to abort or not to abort a given pregnancy.³⁰

In 1970, the American Friends Service Committee published a study on abortion and the continuation of life by artificial means entitled Who Shall Live? Man's Control Over Birth and Death. The quality of human life is the main concern of those writing the book. The book begins with a statement of the population problem we face:

In December 1968 man got his first look at his world from outer space. Incredible that 3.5 billion people should be living on that small spinning planet! That over a million more are arriving each week is even more staggering. How can our globe, with its limited resources supply the essentials so many billions of people need to sustain life and to grow in mind and spirit?

The answer is that it cannot. Half the people in the world are already hungry.

The chief victims are the poor. In the decision, they are most in need of abortions because they are less likely to know of other birth control methods. They attempt abortions on themselves more often, and they die more often.³¹

The statement on abortion in Who Shall Live? (is worth) repeating here:

We believe that no woman should be forced to bear an unwanted child. A woman should be able to have an abortion legally if she has decided that this is the only solution she can accept and if the physician agrees that it is in the best interests of mother and child. She should be encouraged to seek the best social and spiritual counseling available before reaching a decision; and the physician, for his own support, should have the opportunity to confer with colleagues of his choosing if he feels the need for such consultation.

Believing that abortion should be subject to the same regulations and safeguards as those governing other medical and surgical procedures, we urge the repeal of all laws limiting either the circumstances under which a woman may have an abortion or the physician's freedom to use his best professional judgment in performing it.

We believe that no physician should be forced to perform an abortion if this violates his conscience; but, if this is so, he has an obligation to refer his patient to another physician willing to serve her.

We were drawn to these conclusions by facts and considerations that bear repetition.

The need for abortions may be greatly reduced when contraceptives that are as acceptable, effective, and safe as possible become readily available. But until that time, it can be assumed from the evidence that women will continue to have abortions. No prohibitions or penalties anywhere in the world have succeeded in stopping

them. Instead, restrictive laws have made them more difficult to obtain, more dangerous, and more degrading.

Current laws in the United States are discriminatory, since the rich find it possible to secure abortions unobtainable by the poor. They promote criminal activity and disrespect for law. They are an invasion of human rights: the right of a child to be wanted and loved, the right of a woman to decide whether and when she will have children. And, by interfering with the right of families to limit the number of their children, present laws contribute to population pressures.

While we found all of the above considerations persuasive and important, the most decisive factors in reaching our conclusions have been our concern that the individual, the family, and society achieve the highest possible quality of life and our conviction that this is unlikely for mentally and physically damaged or unwanted children, for their parents, and for an over-populated world.

On religious, moral, and humanitarian grounds, therefore, we arrived at the view that it is far better to end an unwanted pregnancy and childbirth. At the center of our position is a profound respect and reverence for human life, not only that of the potential human being who should never have been conceived, but of the parents, and other children, and the community of man.³²

Rabbi Israel Margolies, in an address to the Annual Forum of the Association for the Study of Abortion, said that progressive Jewish philosophy considers man as the active and responsible partner of God in establishing the Kingdom of God on earth. As a co-creator, man is able to exercise his own free will in determining whether or not to bring "the fruit of his seed into the world." It is a man and a woman who must decide whether or not they wish their

union to lead to the birth of a child, not the church or the synagogue, and certainly not the state.³³

The Rabbi does not feel that liberalization of abortion laws will encourage immorality because those who choose to indulge in such casual relationships are usually sufficiently adept in the use of contraceptives so abortion is rarely needed. Those who are most frequently "caught" are the very young and poor, those for whom an embittered and reluctant parenthood should be avoided. He says that even if liberal abortion laws would result in license, abortion is infinitely preferable to the endless, purposeless ushering of millions of unwanted and unloved children into an already teeming society. The fetus is part of the mother's body, and it should be her choice whether to bear a child or not. Only when the child actually emerges is it a living soul. If a child dies during birth or even in the first thirty days of life, no funeral is held because it is not considered to have lived.³⁴

Rabbi Margolies concludes by saying:

In my opinion, religion, in the highest sense, calls upon each of us to disavow the old taboos that suggest that abortion and planned parenthood are sinful, and assert honestly and proudly that, as creating partners of God, we reserve the right to create families purposefully and joyfully, not accidently and reluctantly.³⁵

Marya Mannes, an advocate of women's liberation, in "A Woman Views Abortion" states that:

For a woman, the decision to stop life is pain enough, and penalty enough. To add to it not only the risk of butchery but the humiliation of subterfuge and the squalor of crime is, I believe, indefensible: the result of archaic laws, social hypocrisy, religious pressure, and the refusal to accept present realities.

She maintains that the sanctity of life should be preserved but she wonders about whose sanctity, the child's? "The child of poverty and squalor and disease and crime? The child without a future, the child of a mother so overburdened that she has nothing left to give him? The child of a rapist, a degenerate, an incestuous father?" Miss Mannes is also concerned about the sanctity of the woman. The laws and moral values have been set by men who are "masters" of their own bodies but deny mastery of her body to a woman. The problem must be dealt with now because of poverty, overcrowding, the overwhelming needs of mothers, and the number of unwanted children. Abortion needs to be reformed to insure human dignity. Life is more than existence. According to Miss Mannes, the health of the mother is important. "Health" is defined by The World Health Organization to be "not merely the absence of disease, but a state of complete physical, mental, and social well-being."³⁶

Harriet Pilpel, a New York lawyer, takes the civil liberties approach to the abortion issue. She says that:

the right to decide whether and when to have a child is a basic civil liberty and by the free exercise of that right we determine the

constituency and quality of the world of the future. However, and as is the case with all our rights, this right is not absolute. Unless we meet problems of over-population with its resultant pollution, etc., head on, this right may conflict with the right of society as a whole to restrict its free existence for the benefit of the many. I submit this time has not yet come and that it may never come. I am concerned that if we really make freedom of choice possible with respect to human reproduction there will be no need to resort to compulsion in this area.

She quotes U Thant as saying: "the opportunity to decide the number and spacing of children is a basic human right." Finally, she concludes by saying: "It is for civil libertarians to recognize what needs to be done to avert a totalitarian pattern in the area of human reproduction."³⁷

There is a variety of arguments for abortion reform. (Not all reformers agree on what a liberalized abortion law should include and how restrictive it should be.) The proponents of reform believe that because of over-population, the horrors of the unwanted child, the right of the woman to control her own body, and our ability to prevent the suffering resulting from the birth of defective children, the sanctity of life is best preserved by allowing a woman to chose whether or not to have an abortion.)

The issue still revolves around the quality, value, and sanctity of human life. Both sides forcefully and articulately set forth their goals and beliefs. It is in this environment that the legislators on the national and

state levels must decide if abortions will remain a matter to be controlled by the state or if the decision will be left to the woman and her doctor. Each decision-maker will be faced with the arguments and demands for and against abortion and each must decide his own stand on the issue.

(The battle cannot help but be long and bitter for the sanctity of human life is not easily defined and then defended.)

Another aspect of the environment is made up of the actions on abortion reform in the other states of the Union, most of which have considered reform. The actions taken in other states have had some impact on the decisions made by the Iowa legislature on abortion reform not only by influencing legislators, but also by influencing those who are for or against reform. For example, those against reform have been affected by aspects of the New York bill with respect to allowing advertising of places where abortions can be performed, and by the time limit in New York since live births have been reported there. They cannot accept the situation created by these conditions in the New York law and have used abuses of the law enacted to show why Iowa should not reform its abortion law. The proponents have made their position more liberal after having seen some of the failures of therapeutic bills--such as that (in Colorado-- to allow women to have safe abortions with dignity. Appendix

B contains a check list of the "Current Status of Abortion Laws" in the United States which was prepared by the Department of Health, Education, and Welfare in August of 1970. This study is designed to show exactly the conditions under which an abortion can be performed in each of the states. Since the time of the study, the voters in the state of Washington approved an abortion reform bill by a vote of 532,739 to 424,875 in a November referendum. The Washington Bill allows an abortion to be performed by a licensed doctor up to four months if the woman had consented and if she has lived in the state for ninety days. Also, the bill stipulated that doctors and hospitals cannot be forced to perform an abortion.³⁸

Notes for Chapter II

¹David T. Smith, ed., Abortion and the Law (Cleveland: The Press of Western Reserve University, 1967), p. v.

²Ibid.

³Roy D. Weinberg, Laws Governing Family Planning (Dobbs Ferry, New York: Oceana Publications, Inc., 1968), p. 50.

⁴Kenneth R. Niswander, M.D., "Medical Abortion Practices in the United States," in Abortion and the Law, ed. by David T. Smith (Cleveland: The Press of Western Reserve University, 1967), p. 37.

⁵James B. George, Jr., "Current Abortion Laws: Proposals and Movements for Reform," in Abortion and the Law, ed. by David T. Smith (Cleveland: The Press of Western Reserve University, 1967), pp. 1-4.

⁶Joseph P. Kennedy, Jr. Foundation, The Terrible Choice: The Abortion Dilemma (New York: Bantam Books, 1968), preface.

⁷Niswander, "Medical Abortion Practices," p. 38.

⁸David Granfield, The Abortion Decision (Garden City, New York: Doubleday and Company, Inc., 1969), pp. 44-53.

⁹Rabbi Immanuel Jakobovits, "Jewish Views on Abortion," in Abortion and the Law, ed. by David T. Smith (Cleveland: The Press of Western Reserve University, 1967), pp. 125-143.

¹⁰Niswander, "Medical Abortion Practices," p. 38.

¹¹Granfield, The Abortion Decision, pp. 58-72.

¹²Mary Rosera Joyce, "The Abortion Atrocity: No Compromise with Murder," Our Sunday Visitor (November 1, 1970), p. 1.

¹³Ibid., pp. 6-7.

¹⁴Granfield, The Abortion Decision, pp. 19 and 131.

¹⁵Ibid., pp. 108 and 111.

¹⁶Ibid., pp. 131 and 135.

¹⁷"Abortion:" Christopher News Notes (March, 1971).

¹⁸John T. Noonan, Jr., "Amendment of the Abortion Law: Relevant Data and Judicial Opinions," The Catholic Lawyer, XV (Spring 1969). Available as a reprint from The National Right to Life Committee.

¹⁹Joseph P. Kennedy, Jr. Foundation, The Terrible Choice, pp. 3 and 2.

²⁰Robert F. Drinan, "The Inviolability of the Right to Be Born," in Abortion and the Law, ed. by David T. Smith (Cleveland: The Press of Western Reserve University, 1967), pp. 110-115.

²¹Natalie Shainess, "Abortion Is No Man's Business," Psychology Today (May 1970), pp. 18 and 20.

²²Iowa Association for Medical Control of Abortion, Information Sheet (February 1970), pp. 1-2.

²³Harold Rosen, M.D., "Psychiatric Implications of Abortion: A Case Study in Social Hyprocicy," in Abortion and the Law, ed. by David T. Smith (Cleveland: The Press of Western Reserve University, 1967), p. 76.

²⁴Jimmye Kimmey, "The Abortion Argument: What It's Not About," Barnard Alumnae, V, XIX, No. 1 (Fall 1969). Available as a reprint F23 from the Association for the Study of Abortion, Inc.

²⁵Ibid.

²⁶Granfield, The Abortion Decision, p. 95.

²⁷John D. Rockefeller, 3rd, "Abortion Law Reform--The Moral Basis," Address Delivered at the International Conference of Abortion Held by the Association for the Study of Abortion, Hot Springs, Virginia, November, 1968. Available as reprint F39 from the Association for the Study of Abortion, Inc.

²⁸Ibid., pp. 2-3.

²⁹Ibid., pp. 3-4.

³⁰Harmon L. Smith, "Life as Relationship: Insight on Abortion," Christian Advocate, XIV (October 29, 1970), pp. 7-8.

³¹The American Friends Service Committee, Who Shall Live? Man's Control Over Birth and Death (New York: Hill and Wang, 1970), pp. 1 and 16.

³²Ibid., pp. 64-65.

³³Rabbi Israel R. Margolies, "Abortion and Religion," Paper Presented at the First Annual Forum of the Association for the Study of Abortion, Inc., New York Academy of Medicine, February 24, 1965. Available as reprint F29 from the Association for the Study of Abortion, Inc.

³⁴Ibid., p. 2.

³⁵Ibid., p. 4.

³⁶Marya Mannes, "A Woman Views Abortion," Paper Presented at the Second Annual Forum of the Association for the Study of Abortion, Inc., New York Academy of Medicine, March 30, 1966. Available as reprint F28 from the Association for the Study of Abortion.

³⁷Harriet Pilpel, "The Civil Liberties Aspects of Human Reproduction," Paper for Workshop Discussion of "Control of One's Own Body" at the Biennial Conference of Planned Parenthood--World Population, at New York University, June 3-7, 1970.

³⁸Washington State, Referendum Bill #20, "An Act Relating to Abortion." Available as a reprint from the National Association for Repeal of Abortion Laws.

III. ABORTION LEGISLATION IN IOWA: 1858-1970

It is in the environment created by these general arguments and by the actions taken in other states that legislators must make their decisions on abortion reform laws. The inputs on the abortion issue into the Iowa legislature, as well as into legislatures in other states, are directly influenced by the religious and medical ground already considered.

In 1967, legislation was introduced by State Senator¹ John Ely to reform the abortion law of Iowa. This attempt at liberalization of existing abortion laws was not unique to Iowa. Reform attempts were being made in many of the other states that same year to reform the century-old laws regulating abortion. The 1967 bill marks the beginning of a struggle which has been part of all of the subsequent legislative sessions in Iowa, and which still has not been finally resolved. From the 1967 reform attempt, the bills offered, the opinions of legislators, the political parties, and the public in general, as well as the stands of various interest groups have evolved and changed.

Until the nineteenth century, abortion during the early months of pregnancy was not proscribed by statutory law in any nation in the world. The first nation to adopt such a law was England in 1803. In the United States, Illinois enacted the first law regulating abortion in 1827. The

rest of the states followed Illinois in regulating abortion so that by the last quarter of the century, all had laws regulating abortion. It has been uncertain to modern scholars whether these early laws were passed to protect the woman from the dangers of surgery or to protect the fetus. Evidence in New York has indicated that the protection of the woman from surgery was the prime reason for the passage of laws regulating abortion.¹

Mr. Robert Hall in "Abortion Laws: A Call for Reform" states that when the laws were initially enacted, they made medico-legal sense in their efforts to protect the life of the mother. Now, however, the proponents of abortion reform contend that abortion is actually safer than carrying a pregnancy to full term. Hall says that there is a discrepancy between the needs of our society and the law.²

Added impetus was given to attempts to reform abortion laws when in 1959 the American Law Institute, which was composed of 1500 lawyers, prepared a "Model Criminal Code." This code included the following provisions for when therapeutic abortions should be permitted. First, a therapeutic abortion should be permitted if the continuation of the pregnancy is likely to result in "serious impairment" to the mother's physical or mental health. (Most of the laws in the states allow abortion only to preserve the life of the mother.) Second, an abortion

should be permitted when there exists a substantial risk that the child will be born with grave physical or mental defects. Finally, an abortion would be legal if the pregnancy resulted from rape or incest which had been duly reported to the proper law enforcement authorities. They also recommended that the abortion be performed in an accredited hospital after at least two physicians certified that the circumstances justified the operation.³ These recommendations not only served as the basis for several laws enacted in other states, but they also brought the issue more into the open.

Iowa's present abortion law, passed in 1858, is found in the 1966 Iowa Code, Section 701.1. The law reads:

If any person, with intent to produce the miscarriage of any woman, willfully administer to her any drug or substance whatever, or, with such intent use any instrument or other means whatever, unless such miscarriage shall be necessary to save her life, he shall be imprisoned in the penitentiary for a time not exceeding five years and be fined in a sum not exceeding \$1000.00.⁴

Subsequent court cases helped to clarify the law. In 1863, the Supreme Court of Iowa in Hatfield v. Gano set forth the doctrine that the performing of an abortion by a married woman on herself was not a crime unless the child was quick. They later held that a woman could not be held an accomplice in an infraction of the law. In 1928, the Court in State v. Dukleberger, ruled that to justify abortion there must be peril to the life of the mother but that

this peril need not be imminent and that the doctor need not believe that the patient's death is otherwise certain to perform an abortion.⁵

On March 27, 1967, in the 62nd General Assembly of Iowa, Senator John Ely of Cedar Rapids introduced a therapeutic abortion bill* based on the Model Penal Code recommendations. The bill never got out of committee and was not debated, but it marked the beginning of the fight for abortion reform in Iowa and with its introduction began the solidification of support both for and against abortion reform.

According to Mr. Ely, he introduced the bill after being influenced by the Reverend Mr. William Weir who was the minister of the First Unitarian Society of Iowa City. The Reverend Mr. Weir had preached occasionally on the subject and sought Senator Ely's aid to liberalize the Iowa statutes relating to abortion. He was also aware of the civil liberties aspect of the abortion issue. After the bill, based on the American Law Institute model, was drafted, Senator Ely showed a copy of the draft to Mr. Robert Throckmorton, who was the chief counsel for the Iowa Medical Society. Mr. Throckmorton suggested a few minor changes in

*
A copy of this, and all other bills, can be found in Appendix A of this thesis.

the bill and informed Senator Ely that the Iowa Medical Society had no stand on the subject of the reform of abortion laws in Iowa.⁶

Planned Parenthood was the first interest group involved in the Ely legislation. From Planned Parenthood (Planned Parenthood as such could not lobby because of its tax exempt status), an ad hoc group called Iowans for a Humane Abortion Law was formed. (The group later disbanded.) None of the persons involved at this stage especially liked the Model Penal Code guidelines but they decided that there was no chance for the bill without them. Senator Ely felt that the abortion issue was the most controversial issue to come before the legislative session.⁷

The bill was referred to the Senate Committee on Public Health and Welfare of which Senator Ely was the chairman. Ely said that he knew the bill would never come out of committee with a favorable recommendation. However, he scheduled public hearings to build public interest in abortion reform. The first hearing was May 1, 1967, at which only proponents of abortion reform testified.⁸

Miss Louise Noun of the Iowa Civil Liberties Union testified that in their consideration of abortion, the opponents of reform as well as the present law give no weight to the wishes of the mother. The ICLU contended that no religious group should impose its morality on

others, and that whether or not to have an abortion is the right of each woman to decide.⁹

The Rev. John Cocoran, professor of theological ethics at Mount St. Bernard Seminary and St. Rose Priory in Dubuque, spoke for the Bishops of Iowa when a second hearing was held a few days later. He said that abortion was "murder." He contended that if legislation were passed to allow the destruction of a defective child in the womb, this could lead to the destroying of the defective in society out of the womb.¹⁰

The hearings brought a great amount of mail to the legislature. And, as Senator Ely had expected, the committee voted against the bill.

In 1967, there was very little organized interest group support or opposition for the bill. As was stated above, Planned Parenthood played a role in abortion reform indirectly. The Iowa Medical Society neither supported nor opposed the Ely bill, because the House of Delegates, the governing body of the IMS, had taken no stand on abortion at that point in time.¹¹ And the Iowa Catholic Conference, the administrative arm of the Catholic Bishops of Iowa, supplied speakers for testimony against abortion reform.¹²

The Des Moines Tribune quoted Senator Ely as saying after his bill was defeated, that he had "planted the seeds of thought on the problem and focused public interest on the

issue." The Tribune ascribed the defeat of the bill partially to the failure of the Iowa Medical Society to support it.¹³ Senator Arthur Neu attributed the failure of the bill to the fact that it was not really a very strong attempt to change the law that existed.¹⁴

After the issue of abortion reform was introduced in the 1967 legislative session, religious groups and other interest groups as well as legislators became aware of and active on the issue of abortion reform. Positions on reform began to form in 1968. In 1968, the Board of Directors of the Iowa Council of Churches adopted a statement on abortion. Their position consisted of the following three points:

The state should provide guarantees for access to safe medical aid, either for or against continuance of pregnancy. We, therefore, urge revision of the Iowa Code pertaining to abortion to permit a woman to obtain professional counsel and medical aid in cases of pregnancy and abortion.

As each person is created in the image of God, the sanctity and dignity of life are of paramount concern to Christians. Abortion is therefore, deeply serious; yet, to permit pregnancy to continue, when life, health and the dignity of life are therefore endangered, is equally serious. Under these conditions, a moral choice is therefore necessitated.

When conditions demand a choice, the choice between interruption of pregnancy and affirmation of the life being formed within her, rests, under God with the pregnant woman.¹⁵

The Board of Directors of the Iowa Council of Churches is the elected governing body of that group. It consists of

two representatives of each of the thirteen Protestant denominations participating in the Council of Churches. In addition to this concern for the sanctity of human life, the Iowa Council of Churches has also been deeply concerned about the importance of counseling in cases where a pregnant woman must make some kind of choice. It is their position that the present abortion law restricts the ability of a minister to counsel his parishoners since he is restricted from advising a woman to obtain an abortion which the state considers illegal. After this policy was adopted, the Council distributed copies of its position to all of the member churches.¹⁶

Senator Ely states that early in the 1967 legislative session, he realized that nothing would happen on the abortion bill unless the Iowa Medical Society's House of Delegates took a stand favoring his bill.¹⁷ In April of 1968, the House of Delegates did take a position on abortion reform. According to Mr. J. Kent Jerome, lobbyist for the IMS, this stand was precipitated by the legislative action taken in 1967 and by a position taken by the American Medical Association favoring abortion reform in 1967.¹⁸

When the House of Delegates met in April, they adopted the position that abortions should be legal when there was documented evidence that continuing the pregnancy would threaten either the physical or mental health of the mother.

It would favor legalization of abortion if there were good evidence that the child would be born with physical or mental deficiencies or if the pregnancy resulted from rape or incest. (These are the Model Penal Code guidelines.) On a panel at the House of Delegates meeting, Dr. R. Elgin Orcult of San Francisco stated that "A decision against abortion carries as much responsibility for the doctor as a decision to perform an abortion." He went on to say that by declining to perform an abortion, the doctor was in effect saying that the baby would be normal. The physician said that doctors should work to bring the law up to date so that no law would prevent a licensed physician from performing an abortion in an accredited hospital.¹⁹

Also, in 1968, the Methodist Church joined those favoring abortion reform on the grounds that a child needed to be loved and wanted. They said that abortion was justified if there were a possibility that the child would be deformed on the grounds that the birth of such a child should be under the condition of free choice.²⁰

Then on February 7, 1969, the Social Services Committee of the Iowa Senate introduced a bill to reform abortion restrictions. This bill followed the Model Penal Code guidelines. Numerous amendments were offered to the bill.

On February 21, 1969, the Senate went into a Committee of the Whole to consider the measure. Each side was given

twenty minutes for formal statements followed by a question and answer period at which time each senator could ask no more than three questions. The bill failed to pass on a 24-36 vote. Senator Neu then moved to reconsider the bill and table the reconsideration motion, but this failed. The bill was then reconsidered on February 26, 1969, but again it failed to pass.²¹

It is generally believed by the newspapers and legislators that a speech favoring reform by Dr. Valbracht, pastor of St. John's Lutheran Church in Des Moines, turned many against the bill. In his speech, Dr. Valbracht railed against Catholics opposing the bill and told a story of a woman in labor in a Catholic hospital who was denied the proper aid. His speech served to alienate many legislators because of this kind of attack. Senator Walsh said that the cause of the opponents was helped by Dr. Valbracht. The Des Moines Tribune said that during the attack by Dr. Valbracht, "some leaders in the movement (for reform) shuddered."²²

In 1969, there were various reasons within the legislature itself why no abortion reform bill was passed. First of all, Senator Conklin and others felt that the bill was inadequate. (Mail ran very high against the reform bill).²³ Also, in the Senate, Senator Neu felt that Senator Kosek, Chairman of the Social Services Committee and manager of the bill, was (inept at handling the bill). He could not answer

the questions put to him about it, so the opposing senators turned to him to ask all of their questions instead of to Senator Doderer--also concerned with abortion reform--who was more skillful in her defense of an abortion reform bill.²⁴

By 1969, interest groups had taken their positions and public opinion had been formed for and against abortion reform. The Iowa Medical Society had taken a stand for the therapeutic bill, but they were somewhat limited in their support of the bill since the House of Delegates and the whole Society were split with about seventy per cent for reform and thirty per cent against it. They supplied speakers for both sides of the issue. They could not take too aggressive a position because of the threat of losing some of their members who opposed reform.²⁵

The Iowa Catholic Conference) was active in 1969 against abortion reform. They lined up key legislators) against the bill and (supplied persons) to testify against it. Mr. Vern Feldman, lobbyist for the Iowa Catholic Conference, made the accusation that the proponents of abortion reform had not allowed the opponents a chance to speak on the bill. The Iowa Catholic Conference takes the position that instead of abortion reform legislation,) we need to get at the heart of the problem) by spending more time and money on social welfare reforms.²⁶

The Iowa Council of Churches made its 1968 position on

abortion known and served more of a resource function rather than actually lobbying for the bill. They generally face the same problem as the Iowa Medical Society in representing their members.²⁷ In 1969, the American Association of University Women supported the therapeutic bill.²⁸

In 1969, the bills offered were still of a strict therapeutic nature. Interest groups were forming on the issue, but they were neither as numerous nor as involved as they were in 1970 and later. The issue, one of the most volatile of the legislative session, was to grow and involve more people in 1970. It was also to change with the reform bills becoming much more liberal.

X Senator W. Charlene Conklin of Waterloo introduced in 1970 Senate File 1052 (repealing Iowa's abortion law) with the only stipulations on abortion being that the abortion be performed by a licensed physician. Senator Conklin said of her introduction of the 1970 bill:

On the morning of January 13, 1970, a legislative proposal lay in my desk in the Senate Chamber.... The bill...repealed Chapter 701, Code 1966. Many, many hours of research, study, investigation, survey, questioning, consultation, thought, debate, and certainly, prayer had preceded the drafting of the few lines.

I had long been convinced that the present Iowa law is not in the public interest. Furthermore, surveys constantly show that the majority of Iowans agree.

I was equally as certain that the proposal defeated the previous year was not to the public welfare....

The basic error in the bill debated was the fact that here the General Assembly was making legal decisions about matters which should be medical, moral, and religious decisions. It was wrong for us, as legislators, to decide when it was all right to terminate a pregnancy. No law of a general nature could satisfactorily be drawn for situations which call for very individual decision-making.²⁹

Senator Conklin went on to say that she did not feel the bill could be debated because abortion reform had been debated and defeated in the first session of the 63rd General Assembly, but by bringing the bill up she hoped to acquaint the people and the legislature with the issue and a more liberal approach to it.³⁰

The bill was assigned to the Social Services Committee on January 14, 1970.³¹

The Social Services Committee did hold hearings, but (it never came out on the floor of the Senate for debate). At the hearings (Dr. Albert Noris), a psychiatrist from the University of Iowa, testified that there was less chance for a disturbed woman to have psychological problems if she had an abortion than if she had the child. Then (Dr. John Kelley, an orthopedic surgeon and Chairman of the Iowa Medical Society's Commission on Legislation, testified that in addition to the position of the House of Delegates on abortion reform, the Iowa Medical Society's subcommittees on Maternal and Child Health and Psychiatry strongly recommended abortion reform. Mrs. Vivian Lawyer for the Iowa

(Civil Liberties Union) testified that abortion was certainly not murder and that the present law was unconstitutional. The Reverend Mr. Dick Smith, Associate Regional Minister for Mid-American Baptist Churches, stated that abortion is not for everyone but should be available to those who feel they need it. Mrs. Margaret McCollum, President of the Iowa Division of the AAUW, stated that if a child was unwanted, this would be reflected in the child after it was born. She also made a point of the fact that there are and will continue to be violations of the abortion law. If a pregnant woman decides she must have an abortion, she will, no matter what the law says, and she should be able to have a medically safe abortion. Mr. Ralph Tapscott testified against abortion reform citing examples of large families during the depression which had managed to get along. The point was made by another opposition witness that legalized abortion would inevitably lead to the killing of those who are defective in our society.³²

During the hearings, Senator Gene Glenn asked a doctor to medically tell when life began. Dr. G. D. Aured of Clinton said, "Generally speaking, by law we don't fill out a birth certificate or death certificate before 20 weeks" after conception. The doctor then said it was very hard to define when life actually began. Mrs. Bery, a registered nurse and mother of twelve said that abortion was the

"slaughter of innocent babies." Dr. Sidney Sands, a Des Moines psychiatrist, said that the decision was not one to be made by the state. Rabbi Jay B. Goldberg of Des Moines said abortion could "solve many problems of thousands of unwanted children, of women having medically unsafe abortions, and of women and families denied the freedom of determining how many children they want and are able to provide for and love." Dr. Conrad Wurtz, state director of services for mentally retarded children, said that about one third of the population of state schools for mentally retarded children were suffering from afflictions which had occurred before birth. If these problems could be prevented, state taxes could be reduced. Dr. Hans Zellweger of the University of Iowa Department of Pediatrics said legal abortion could cut the tragedy of mongoloid children.³³

The bill did get out of committee but only for a very short time. (On April 8, 1970, toward the end of the session, it was re-referred to committee).³⁴ As mentioned before, there was a real reluctance to debate the bill since it had been debated in the previous session. Also, (1970 was an election year), and, according to Mr. Lawrence Scalise, former Attorney General of Iowa and lobbyist for the Iowa Right to Life Committee, many of the legislators did not wish to have to run on their votes on an abortion reform bill. Mr. Scalise said it was the strategy of the opponents

to keep the bill in committee as long as possible since the later it got out, the less chance a controversial bill had of being adopted. The Right to Life group concentrated most of its efforts on the Social Services Committee so that the bill would not get out of committee. Mr. Scalise said that Senator Sullivan was a great ally in this strategy.³⁵

The Iowa Medical Society had changed its position to a more liberal one from 1969 to 1970. They had again followed the lead of the American Medical Association in liberalizing their position. They, in 1970, had only four qualifications for an abortion reform bill. It must be performed by a licensed doctor in a licensed hospital. (No doctor could be forced) to perform an abortion. And, if a doctor did not perform an abortion, (he could not be held responsible for the birth of a deformed child.) The Iowa Medical Society still had an internal split of about 70-30, so again they could not take too active a part in the struggle. Also, they continued as before to help both opponents and proponents get doctors to testify when necessary.³⁶

The Iowa Council of Churches and the Iowa Catholic Conference played roles like those they had played in 1969. The Council of Churches informed its member churches of their stand and told legislators what that stand was. The Iowa Catholic Conference, in addition to informing its priests of their stand, also organized people in their

parishes to write to their legislators opposing the reform legislation.³⁷

The American Association of University Women again lobbied for a therapeutic bill. The lobbyists for AAUW, however, felt that their stand was not strong enough in support of liberal reform. Mrs. Ann Schodde, Mrs. Barbara Madden, and other members of AAUW, formed the Iowa Association for Medical Control of Abortion. They formed in time to become involved in distributing information to prespective members and to legislators. Because of the late period in the fight when they were formed, their main tasks for 1970 were making themselves known to the legislators and recruiting members. The AAUW, after the end of the legislative session, then revised its own position to a more liberal one, but the Iowa Association for Medical Control of Abortion continued to operate as a separate group.³⁸

(From 1967 to 1970, three major abortion reform bills were introduced into the Iowa legislature and none of them passed.) Over the years more groups became involved and changed their requests from a rather limited therapeutic bill to the 1970 Conklin bill which only required that the abortion be performed by a licensed physician in a licensed hospital. (As the issue changed, the number and type of groups also changed.) The bills failed to pass for a variety of reasons. (The proper leadership was not offered in either

house initially. In 1967, the passage of such a bill would have been virtually impossible due to a lack of involvement and public and legislative interest. In 1970, the bill was successfully killed in committee, and the chances for any passage of it were hindered by the fact that it had been brought up in the previous session of the same General Assembly. Also, in 1970, no legislators really wanted to run on the issue of abortion reform legislation. Any major change in an area that has such strong moral implications must take time so that the people can be oriented to the change. While this re-orientation is going on among the proponents of change, the opponents also have a chance to build alternate programs of opposition and work for the defeat of the bill. Also, for a reform to be passed in this kind of issue, it must have the support of those most involved. In this case it would need the support of the Iowa Medical Society and the major religious groups. The Iowa Medical Society and the Iowa Council of Churches supported the reform measures but not with aggressive actions. The other major religious interest, the Iowa Catholic Conference, did offer aggressive leadership in the opposition to the bill. This kind of action on the part of the interest groups most involved can hardly help but be related to the failure of the bills to pass.

It is impossible to give any single reason why all

legislators or even one legislator at different periods in the struggle voted the way he did. The bills failed due to circumstances within the legislature itself, because of the views and action--or inaction--of involved interest groups, because the public was not ready to work actively for a change or was violently opposed to it, and because the legislator was influenced by his own feelings of morality on such a bill.) Attempts to change Iowa's existing abortion law did not stop with the 1970 legislative session, and many of the same forces would later affect Iowa's attempts to reform its century-old abortion law.)

Notes for Chapter III

¹Robert Hall, "Abortion Laws: A Call for Reform," De Paul Law Review, XVIII (Summer 1969). Available as Reprint F18 from the Association for the Study of Abortion, Inc., p. 1.

²Ibid.

³State Senator W. Charlene Conklin, "Under the Gold Dome," Evansdale Enterprise (June 18, 1970), p. 2.

⁴Iowa Code Annotated, LIV, Section 701.1, 1966, p. 492.

⁵Ibid., pp. 493-495.

⁶Letter from John Ely, former State Senator, Cedar Rapids, January 20, 1971.

⁷Ibid.

⁸Ibid.

⁹"Rights Group Tells Stand on Abortion," Des Moines Register, May 3, 1967.

¹⁰John Magarriel, "Priest: Abortion Is Legal Killing of Innocent," Des Moines Register, May 2, 1967.

¹¹Interview with J. Kent Jerome, Iowa Medical Society, State Capitol Building, Des Moines, January 13, 1971.

¹²Interview with Vern Feldman, Iowa Catholic Conference, 918 Insurance Exchange Building, Des Moines, January 13, 1971.

¹³Drake Mabry, "Liberalized Abortion Plan Loses," Des Moines Tribune, May 11, 1967.

¹⁴Interview with Arthur Neu, State Senator from Carroll, State Capitol Building, Des Moines, February 16, 1971.

- ¹⁵Iowa Council of Churches, Statement on Abortion, Adopted by the Board of Directors, September 30, 1968.
- ¹⁶Interview with Harold Butz, Iowa Council of Churches, 315 5th Street, Des Moines, February 8, 1971.
- ¹⁷Letter from John Ely, former State Senator, Cedar Rapids, January 20, 1971.
- ¹⁸Interview with J. Kent Jerome, Iowa Medical Society, State Capitol Building, Des Moines, January 13, 1971.
- ¹⁹Stephen Seplow, "Expert Call to Relax Law on Abortions: Iowa Medical Unit Votes Wednesday," Des Moines Register April 30, 1968.
- ²⁰Allan Huschar, "Methodist Unit Waters Down Official Statement on Abortion," Des Moines Register, June 8, 1968.
- ²¹Iowa General Assembly, Senate, 63rd General Assembly, 1st sess., 1969, Journal, pp. 323, 330, 336, 338, 341-344, 348, 351, and 381-382.
- ²²Drake Mabry, "Ties Abortion Bill Defeat to Remarks Made by Valbracht," Des Moines Tribune, February 22, 1969.
- ²³Interview with Charlene Conklin, State Senator from Waterloo, State Capitol Building, Des Moines, January 25, 1971.
- ²⁴Interview with Arthur Neu, State Senator from Carroll, State Capitol Building, Des Moines, February 16, 1971.
- ²⁵Interview with J. Kent Jerome, Iowa Medical Society, State Capitol Building, Des Moines, January 13, 1971.
- ²⁶Interview with Vern Feldman, Iowa Catholic Conference, 918 Insurance Exchange Building, Des Moines, January 13, 1971.
- ²⁷Interview with Harold Butz, Iowa Council of Churches, 317 5th Street, Des Moines, February 8, 1971.

²⁸Interview with Mrs. Ann Schodde, American Association of University Women and Iowa Association for Medical Control of Abortion, 1427 Germania Drive, Des Moines, January 18, 1971.

²⁹State Senator W. Charlene Conklin, "Under the Gold Dome," Evansdale Enterprise, Summer 1970.

³⁰Ibid.

³¹Iowa, General Assembly, Senate, 63rd General Assembly, 2nd sess., 1970, Journal, pp. 78 and 1166.

³²Iowa, General Assembly, Senate, tape recording of the debate on SF 1052, April 2, 1970.

³³Jerry Szumski, "Abortion Bill Draws Crowd," Des Moines Register, April 3, 1970, pp. 1 and 8.

³⁴Iowa, General Assembly, Senate, 63rd General Assembly, 2nd sess., 1970, Journal, p. 1303.

³⁵Interview with Lawrence Scalise, Iowa Right to Life Committee and Iowa Catholic Conference, Fleming Building, Des Moines, February 16, 1971.

³⁶Interview with J. Kent Jerome, Iowa Medical Society, State Capitol Building, Des Moines, January 13, 1971.

³⁷Interview with Harold Butz, Iowa Council of Churches, 317 5th Street, Des Moines, February 8, 1971, and Interview with Vern Feldman, Iowa Catholic Conference, 918 Insurance Exchange Building, Des Moines, January 13, 1971.

³⁸Interview with Mrs. Ann Schodde, American Association of University Women and Iowa Association for Medical Control of Abortion, 1427 Germania Drive, Des Moines, January 18, 1971.

IV. POLITICAL ACTIVITY ON ABORTION REFORM
IN THE 1970 ELECTION

After reform attempts failed during the 1970 legislative session, those concerned with abortion reform turned their attentions to the general election campaign of that year. The two major parties and the American Independent Party in Iowa had planks in their platforms on abortion reform. The issue was such that the parties had to take stands on it and make it a part of their platforms. This was the (first time) abortion reform planks were included in the platforms of the two major parties. The parties had different ways of reaching their stands as well as varying degrees of involvement in abortion reform. (Interest groups were also involved in the election on the abortion issue. They began their campaigns by trying to influence the positions of the parties) as well as by trying to influence voter candidate preferences after the parties and individual candidates had taken their stands.) There was also significant activity between the election and the opening of the legislature on abortion reform.

The Republican Party Platform had probably the most liberal position of the three parties on abortion reform. Under Article XIV of the platform which deals with Health and Welfare, section 14.6 reads:

The decision to terminate a pregnancy is a matter of conscience and health, not of law. Laws are appropriate in this area only to assure proper safeguards for such procedures. We recommend Iowa's laws be revised to acknowledge these facts.¹

This statement was drawn up by the thirty member Republican Party Platform Committee after it had held nine hearings in different regions of the state. The platform was adopted by a voice vote at the Republican Party Convention. Mr. Maurice Barringer, Platform Committee Chairman, estimated that about ten per cent of those present at the convention dissented on this platform plank. The plank was considered in 1970 in response to action taken in the 1970 legislative session and because of a general feeling that the people of Iowa wanted some liberalization in the Iowa abortion law. According to Mr. Barringer, Senator Charlene Conklin of Waterloo was instrumental in drafting the plank of the platform. At the nine hearings, a majority of the testimony favored abortion reform. And, someone from a group favoring reform appeared at each of the nine hearings. At the platform writing stage, the opposition to reform did not take an active part.²

The Des Moines Register, reporting the action taken by the Republican Party, strongly endorsed editorially a liberalized abortion law. According to the Register, the Party rejected the assertion that the abortion issue would cause the downfall of the Party and hamper individual members in

their bids for election.³

The 1970 Democratic Platform took a stand for liberalized abortion laws, but it gave each candidate an "out" if he did not agree with the position of the party on abortion reform. Under the section on Human Rights and Resources in the Iowa Democratic Party Platform was the following statement:

We encourage the passage of legislation to enable women and their licensed physicians to make and act on decisions in keeping with their consciences regarding continuation or termination of pregnancies, but recognize that the highly personal and non-partisan nature of such legislation will not permit universal acceptance.⁴

Each of the congressional districts in Iowa had a platform committee which sent its proposals to the state platform committee. When the platform was submitted to the Convention, a minority report was submitted which called for the plank on abortion reform to be stricken, but that motion failed by a 977-1416 margin.⁵

The platform of the American Independent Party in Iowa took a position quite different from the stands of the two major parties. Their platform says:

Abortion--Believing that only God has the power to determine whether an infant shall live or die, we are opposed to legalizing abortion.⁶

According to Robert Dilley, American Independent Party candidate for governor in 1970, his party reached its platform position in a very democratic fashion. It did not

hold hearings or district committee meetings, but rather, voted on its platform in open convention with all members having an equal opportunity to express their opinions on each issue. He said that there is seldom any disagreement within the party, and its decision on the abortion plank was unanimous.⁷

Just as few of the legislators really wanted to become involved in the issue of abortion reform late in the 1970 legislative session, they did not especially want to make abortion reform the major issue in the 1970 election campaign. The fact that the major party platforms were similar in their stands on the issue helped minimize its impact during the election. Concerned interest groups did take a very active part in the election.

Interest group activity began at the platform level. The Iowa Association for Medical Control of Abortion, the group formed in 1970 which became the foremost group working for abortion reform in the state, had persons testify at each of the nine hearings held by the Republican Party. This group had different people at each of the hearings. According to Mr. Baringer, the opposition produced no testimony at these hearings.⁸ Persons from both sides of the issue testified at the Democratic Platform hearings.⁹ Due to the procedure for writing a platform used by the Iowa American Independent Party, there was no chance for any

interest groups to testify before them.¹⁰

After the platforms of all parties were approved, groups on both sides of the issue became active in the election. The Iowa Catholic Conference of Bishops declared Sunday, October 25, 1970, as Right to Life Sunday and issued a Pastoral Letter* concerning "Right to Life." The Pastoral Letter was to be read to the people in all parishes and copies of it were made for distribution to the people. According to Vern Feldman, Executive Director of the Iowa Catholic Conference, this is somewhat unusual since most often pastoral letters are just issued to the priests to be read to parishoners and are not for general distribution.¹¹

In their letter, the Bishops affirmed their concern for the "quality of human life in Iowa" as well as "the very right to life." They said:

We wish to make it clear that the Catholic Church remains constant in its teaching: The taking of the life of an unborn infant is a violation of the fifth commandment 'Thou shall not kill.' Our position remains firmly in favor of the inalienable right to life of the unborn and developing child. This right to life deserves the continual protection of our state laws.

They commended those of all faiths participating in Right to Life Committees throughout the state. Their concern is

* A copy of the Pastoral Letter is in the Appendix.

for the "unique life" that comes into being from the moment of conception.¹²

In addition to the pastoral letter, the Bishops included statements on the issue of abortion, and sections dealing with the questions: "Is Abortion the Answer?" "When Does Life Really Begin?" "How Does the Law Regard the Unborn Child?" "Should Not Abortion Be Allowed for Such Things as Rape, Deformed Children, or the Mother's Mental or Physical Health?" "Are Catholics the Only Ones Against Abortion?" and "Aren't There a Million Illegal Abortions a Year in the U.S. Resulting in Thousands of Deaths?" In addition to this discussion of the issue, they had a section entitled "What Can I Do?" In this section, the Bishops urge their parishoners to become involved in preventing abortion reform.¹³ This activity was aimed at involving the people in the issue during the 1970 election campaign.

An article in the Des Moines Register dated October 16, 1970, shows the involvement of the Catholic Church in gaining support for their position on abortion reform. It says that the:

Catholic women in the Archdiocese of Dubuque have been 'very specially' charged by the Most Rev. James J. Byrne, archbishop of Dubuque, with the responsibility of 'involvement in the anti-abortion fight' which is now shaping up in Iowa.

The Dubuque Archdiocesan Council of Catholic Women will spearhead the action to coordinate the efforts of all groups and individuals to work for defeat of the proposed liberalized abortion law.

The first step is the forming of a 'Task Force' consisting of three women from each parish. They will attend meetings and will serve 'in their parish as a two-way channel for information and alerts to action.'¹⁴

It is difficult to assess the impact and involvement of the Church itself in the 1970 election. There are reports that other letters were read and comments made from pulpits on the abortion issue. The race for lieutenant governor between incumbant Lieutenant Governor Roger Jepsen and State Senator Minette Doderer was one in which the abortion issue may have played some part since Senator Doderer had introduced an abortion reform bill in 1970, and Lieutenant Governor Jepsen's statements on abortion were somewhat more ambiguous on the issue. In some parishes the Sunday before the election, a letter supposedly signed by Senator Doderer, but in which her name was even misspelled, was read from the pulpit. In the letter there is a paragraph stating: "I have been most active in the support of the repeal of the abortion law and expect to work hard this year to push it through. My opponent is known to look unfavorably at this issue." Mr. Jepsen did not look "unfavorably" on the issue, and it is doubtful that Mrs. Doderer wrote the letter. Mr. Clif Larson, Iowa State Democratic Party Chairman, felt that

the letter did have an ill effect on Mrs. Doderer's chances where it was read.¹⁵ But it is very difficult to determine what actually happened and if this letter in fact caused persons to vote against Senator Doderer who otherwise would have voted for her.

The Right to Life groups in Iowa were very active in the 1970 election. These groups, while they do have members of many faiths, are very closely tied to the Roman Catholic Church. For example, the Des Moines Right to Life group began with a \$2000 loan from Bishop Dingman of Des Moines. Also, it uses the structure of the Roman Church and its facilities and personnel to operate. In the 1970 campaign, it polled every candidate on the abortion issue. It then compiled the results of the poll and legislators' past performance and sent out lists indicating who was most favorable to their position to the parishes and other Right to Life Committees. The Des Moines Right to Life Committee also actively campaigned for those who favored its position. In the parishes, it set up calling committees to activate people to vote for the preferred candidates. In an interview, Mr. Joe Joyce, the lobbyist and acting president of the Des Moines Right to Life Committee, indicated that his group was primarily a Catholic organization and used the organizational resources of the Church extensively.¹⁶

Mr. Robert Dilley of the American Independent Party

said that he felt that if he had had strong support from the Roman Catholic Church in Iowa, the results of the election would have been much more favorable to him. He cited one example of a priest in Ida Grove who announced from the pulpit that all of his parishoners should vote for only those candidates opposed to abortion reform. He was the only candidate for governor opposed to reform, and in Ida Grove he received around two hundred votes whereas in other towns of the same size he polled only thirty to fifty votes. Dilley attributed the larger number of votes to the support of the Church.¹⁷ Again it is difficult to assess the role of the Roman Church accurately, but this is Mr. Dilley's opinion.

The groups favoring abortion reform put more emphasis on the party platform stage of abortion reform than on campaigning. The Iowans for Medical Control did hold a workshop for its members throughout the state in September of 1970 to distribute information on their proposals. (They told candidates of their stands and did try to see who would be most favorable to their position and then distributed this information to those on their mailing list.) During the election, they provided speakers for various meetings to give their views.¹⁸

The Iowa Division of the American Association of University Woman was also active in the 1970 election. In a

memo sent to their legislative chairmen (each of the fifty AAUW chapters in Iowa has a legislative chairman) the legislative chairman for the Iowa Division explained abortion laws and reform attempts. The discussion included the discriminatory nature of Iowa's abortion law. Concerning the election she said:

the candidates for the state legislature are running for office now and now is the time they must be contacted and questioned as to their position on abortion...and make their positions known to your branch membership! The wide-spread support throughout the state suggests a mandate to the new General Assembly of the Iowa Legislature. If our legislators ignore it, we cannot only blame them but ourselves as well unless we pressure the candidates now and the winner later throughout the legislative session.

The memo asked for the results to be reported by October first.¹⁹

(Very few of those persons involved in abortion reform on either side felt that the abortion planks in the party platforms were really a major issue across the state) and they felt that these positions had little or no effect on the final vote on abortion reform.) Mr. Lawrence Scalise, lobbyist for the Iowa Right to Life Committee and the Iowa Catholic Conference, said that the proponents of abortion reform relied too heavily on the platform process of the parties and placed too much emphasis on platforms as influencing voters and elected legislators.²⁰

Immediately after the election, both sides in the issue began consolidating their strength and began to prepare for the legislative session by compiling statistics on the legislators' views and by contacting their members and the legislators themselves. They knew the issue would come up fairly early in the session because the leaders did not want to save this emotionally charged issue until late in the session when there would not be time to debate the issue and wanted to be ready for it. They also engaged in campaigns to educate the public on the abortion issue. They instigated early letter-writing campaigns. Between the election and the opening of the session, groups on both sides were approaching the issue through contacting rank and file lawmakers and the leadership in both the House and Senate.

Members of the Iowa Association for Medical Control of Abortion were probably the most visibly active during this period. On November 20, 1970, the group sent a letter to each legislator explaining its organization and goals. A pamphlet published by the National Association for Repeal of Abortion Laws, was enclosed. The letter was a very simple first contact with newly elected legislators.²¹

In its November newsletter, the Iowa Association for Medical Control of Abortion included a list of all legislators and their home addresses so that members would

contact them before they left for Des Moines. The newsletter suggested that when contacting a legislator, the person should "Take people from your community with you especially those who may have added influence. Remind your legislators that abortion law repeal was encouraged by both party platforms."²² Then, in the January 1971 newsletter, members were encouraged to write to their legislators and told the kind of information that would be most effective such as reminding them that Governor Ray, the Iowa Medical Society, and both parties favored such a law. Again a list of legislators was included.²³

Also prior to the 1971 legislative session, the Iowa Council of Churches and the Iowa Association for Medical Control of Abortion joined together in sending a mailing of about 2600 to members of the Council of Churches.²⁴ This mailing included a letter to the pastors from Harold Butz, Associate Secretary of the Iowa Council of Churches, in which he reiterated the stand the Iowa Council took in 1968 on abortion reform (which can be found in Chapter III of this thesis.) It also included a statement of the Iowa Association for Medical Control of Abortion on their purposes, a list of all the groups in Iowa supporting abortion reform, and a statement proposed by the Iowa Council of Churches in cooperation with the IAMCA on what the church and church members could do on abortion reform. The group

also called for support of abortion reform legislation by sending to the IAMCA names of people who might want information on the organization, encouraging individuals and groups who favor legislation to write their legislators, reporting stands taken by the various denominations on abortion reform. They also made extensive reference to a paper by Robert Webber, Executive Director of Planned Parenthood in Iowa, explaining why abortion should be legalized.²⁵

Then on January 26, 1971, the President of the Iowa Division of the American Association of University Women sent a letter to all legislators. The letter included a copy of the book Who Shall Live? Man's Control Over Birth and Death which was prepared by the American Friends Service Committee and discussed in Chapter Two of this work. The books were given by an anonymous donor. The letter included the paragraph:

We are sending this book because the American Association of University Women, Iowa Division, is concerned with helping people live an adequate, full life. We believe people should be born with the chance of receiving love, food, medicine, housing, and education. We believe people should be born when parents have the financial, physical and emotional ability to meet the needs of the child.²⁶

Nowhere along the way did the Iowa Association for Medical Control of Abortion use professional lobbyists. The opposition did. This accounts in part for the different tactics of the two groups. Because of the nature

of the groups, it was easier to obtain information from those favoring reform because their spokesmen were engaged in all phases of the group's operation and had a broader spectrum of information to give, whereas the lobbyists of the opponents were concerned primarily with their own activities in the legislature. Both groups were very active in gathering support within and without the legislature from the election stage until the opening of the General Assembly.

Interest groups played differing roles in the electoral process. The nature of involvement and those involved in abortion reform by the beginning of the 1971 legislative session had changed from 1967 when abortion legislation was first introduced in Iowa. The major parties even included consideration of the abortion issue in their platforms. The Iowa Council of Churches, Iowa Medical Society, and Iowa Nurses Society--in 1971--all were favoring abortion reform. But the real load was being carried by the AAUW and especially by the Iowa Association for Medical Control of Abortion which was not even formed until 1970. The opposition was led by the Iowa Catholic Conference and Right to Life Committees. By the time the session was to convene, the battle lines had been drawn. The 1971 legislative session began then with the issue of abortion reform having evolved from a 1967 therapeutic bill in which very few people were

really interested to a very liberal bill and a major legislative battle anticipated with a great deal of public concern and group activity on the issue. The issue was not to come up in a quiet vacuum but in the turbulent atmosphere created by groups actively involved. It was an issue that had generated public support and involvement more than any issue the legislature had considered in recent years.

Notes for Chapter IV

¹Iowa, 1970 Republican State Platform, Adopted at the State Convention, July 25, 1970, Des Moines, p. 20.

²Interview with Maurice Baringer, Chairman of the Iowa State Republican Party Platform Committee in 1970, State Capitol Building, Des Moines, March 15, 1971.

³Jerry Szumski, "GOP Endorses Liberal Iowa Abortion Law," Des Moines Register (July 26, 1970), p. 11.

⁴Iowa, 1970 Proposed Democratic State Platform, May 16, 1970, Des Moines, p. 19.

⁵Letter from Clif Larson, State Democratic Party Chairman, to Mrs. Ray Van Kekeux, May, 1970.

⁶Iowa, 1970 American Independent Party, State Platform, Des Moines, p. 7.

⁷Interview with Robert Dilley, American Independent Party Candidate for Governor in 1970, Des Moines, March 19, 1971.

⁸Interview with Maurice Baringer, Chairman of the Iowa State Republican Party Platform Committee in 1970, State Capitol Building, Des Moines, March 15, 1971, and Interview with Ann Schodde, American Association of University Women and the Iowa Association for Medical Control of Abortion, 1427 Germania, Des Moines, January 18, 1971.

⁹Interview with Ann Schodde, American Association of University Women and the Iowa Association for Medical Control of Abortion, 1427 Germania, Des Moines, January 18, 1971.

¹⁰Interview with Robert Dilley, American Independent Party Candidate for Governor in 1970, Des Moines, March 19, 1971.

¹¹Interview with Vern Feldman, Iowa Catholic Conference, 918 Insurance Exchange Building, Des Moines, January 13, 1971.

¹²Pastoral Letter from the Iowa Catholic Conference of Bishops to the Catholic Community of Iowa on "Right to Life," October 25, 1970.

¹³Ibid.

¹⁴"Ready the Fight in Dubuque," Des Moines Register (October 16, 1970).

¹⁵Interview with Clif Larson, Chairman of the Iowa State Democratic Party, Shops Building, Des Moines, December 15, 1970.

¹⁶Interview with Joseph Joyce, Des Moines Right to Life Committee, 400 Insurance Exchange Building, Des Moines, February 5, 1971.

¹⁷Interview with Robert Dilley, American Independent Party Candidate for Governor in 1970, Des Moines, March 19, 1971.

¹⁸Interview with Ann Schodde, American Association of University Women and the Iowa Association for Medical Control of Abortion, 1427 Germania, Des Moines, January 18, 1971.

¹⁹American Association of University Women, Memo to Legislative Chairmen from the Division Legislative Program Committee, Subject: Abortion Reform, September 4, 1970.

²⁰Interview with Lawrence Scalise, Iowa Right to Life Committee and Iowa Catholic Conference, Fleming Building, Des Moines, February 16, 1971.

²¹Letter from Iowa Association for Medical Control of Abortion to All Legislators, November 20, 1970.

²²Iowa Association for Medical Control of Abortion, Newsletter, November 1970.

²³Iowa Association for Medical Control of Abortion, Newsletter, January 1971.

²⁴Interview with Mrs. Margaret Raush, Iowa Association for Medical Control of Abortion, 1429 30th Street, Des Moines, February 12, 1971.

²⁵Iowa Council of Churches in cooperation with the Iowa Association for Medical Control of Abortion, Fact Sheet, January 12, 1971.

²⁶Letter from Mrs. R. C. Davison, President of the Iowa Division of the American Association of University Women, sent to Each Iowa Legislator, January 26, 1971.

V. ABORTION REFORM IN THE 1971 LEGISLATIVE SESSION

It was understood by all concerned in abortion reform that at the beginning of the 1971 legislative session Senator W. Charlene Conklin would introduce a bill to liberalize Iowa's abortion law. When the legislature convened, pressures had already been exerted on many legislators in regard to abortion reform legislation. Lobbyists on both sides of the issue contacted legislators from the very beginning of the session. Senator Conklin subsequently introduced Senate File 114 on January 28, 1971. An identical companion bill--House File 134--was introduced in the lower chamber the following day by Representatives Moffitt, Hill, Radl, Willits, Alt, Miller, Pelton, Campbell, and Pierson. The Conklin bill provided criminal penalties for those performing illegal abortions. Under this proposal, no hospital or person was required to participate in the termination of a pregnancy and refusal to participate could not "form the basis for a claim for damages or for disciplinary or other recriminatory action." Advertising where a pregnancy could be terminated was prohibited and a twenty week limit was included in the bill. Also, under the Conklin bill, a woman could no longer legally abort herself.¹

Senator Conklin would have preferred the bill not to have included the twenty-week limit, but, according to the Iowa State Daily, she added it to get the bill passed."

Senator Conklin expected the bill to pass in Iowa in 1971 and added the time limit because of widely published reports of live births in New York in cases where abortions had been performed.² Senator Conklin was not the only one who expected the bill to pass. Most of those working for abortion reform, the leadership in the General Assembly, and the governor also expected it to pass.

It was decided by the leadership in the legislature that the bill would come up in the House of Representatives first since in 1967, 1969, and 1970, it had come up in the Senate and never reached the House. Also, the bills in both Houses were assigned to the Judiciary Committee because it was felt, especially in the Senate, that the Judiciary Committee would be more favorable to the proposal. Lieutenant Governor Roger Jepsen said that he had promised the abortion reform bill would be debated during the session, and, if it had been assigned to the Social Services Committee, which had successfully bottled it up before, it would not get out of committee to be debated.³

The day before Mrs. Conklin's bill was introduced into the Senate, Senator John Walsh of Dubuque announced he was going to introduce an amendment to the Iowa Constitution which would "ban liberalization of Iowa's abortion laws." The amendment would be designed to protect life from conception so that an unborn child would have constitutional

protection of life.⁴ It is difficult to assess the impact of Walsh's proposed amendment on the abortion reform bill when it finally did come up in the House. At this writing, Senator Walsh has not yet introduced the proposed amendment because he does not feel it says yet exactly what he wishes it to say. He said that he felt discussion of his proposed amendment resulted in the bill being brought up earlier in the session at a time when the opposition to abortion reform was at a peak. Thus, his proposal aided the opponents in defeating the reform bill since, had it come up a little later, the opposition would have waned somewhat.⁵

On the other hand, most legislators do not really like having to deal with the abortion issue. Some resented the long time--three years--that such an amendment would take and favored reform of the statutory law to speed the process up.⁶ So, on the whole, the Walsh amendment may have lost the opponents of abortion reform a few votes, but it helped them in the long run by forcing the issue to come up when the atmosphere was most favorable to them.

Senator Walsh's proposal was criticized in an editorial in the Des Moines Register because of its implications for the protection of life in all stages. Not only would there be a problem if it were absolutely necessary to choose between the life of the mother and child, but his amendment would also have implications in police actions taken by the

state.⁷

The interest groups involved in abortion reform legislation intensified the efforts they had begun prior to the opening of the session after the Sixty-Fourth Assembly began.

The groups with lobbyists registered to lobby on the abortion reform bill were the American Association of University Women (AAUW), the Des Moines Right to Life Committee, the Iowa Right to Life Committee, the Iowa Catholic Conference, the Iowa Association for Medical Control of Abortion (IAMCA), the Iowa Nurses Association (INA), and the Iowa Medical Society.) The Iowa Council of Churches, which had been registered in 1970 and had taken a stand in 1971, was not registered. The members and lobbyists of these groups worked extremely hard trying to impart their opinions to the legislators,) trying to gain favorable publicity, and trying to influence the public) which in turn was to influence the decision makers.) To study these groups and the impact of the inputs they fed into the system, it would be easiest to look at each group individually.

Due to the nature of the organization and its members in relation to the issue, the Iowa Medical Society was in a position to have a great impact on the issue. The group's influence on abortion reform was, however, limited by its internal organization. The IMS was on record in favor of abortion reform and the groups did make its position known,

but the Society did not aggressively pursue abortion reform. According to Representative Theodore Ellsworth, leader of the opposition in the House, the IMS did a poor job on abortion reform.⁸ Mrs. Barbara Madden, lobbyist for the Iowa Association for Medical Control of Abortion, stated that abortion reform just was not one of the Iowa Medical Society's top priorities, so it did not expend the effort on reform that it used on other issues.⁹

The Iowa Nurses Association, the other major group of the medical profession, passed a statement calling for abortion reform at its 1970 House of Delegates Convention. Because of the changes in medical procedures since the passage of Iowa's abortion law, the Iowa Nurses Association resolved to:

actively support legislation that would allow each patient, her own conscience, and her licensed physician to decide if an abortion should be performed and that would also provide for the rights of the members of the health profession and of an institution to choose not to participate in the performance of abortions.¹⁰

The position statement goes on to say that the concern of the Iowa Nurses Association is for the "provision of competent nursing care" while recognizing that any individual nurse must act in accord with her own conscience. It continues:

The Iowa Nurses Association supports the right of the nurse to participate or to refuse to

participate in abortions whether directly or indirectly. The licensed nurse must be free to exercise this right without being subjected to ridicule, harassment, coercion, termination, or other forms of discipline.¹¹

Mr. Gary Fink, one of the registered lobbyists for the Iowa Nurses Association, said that the House of Delegates was not unanimous in its statement on abortion reform. The INA has a large number of nuns as members along with others who objected. He felt that he was limited in what he could do because of time and money. The INA could not afford to launch a big letter-writing campaign in support of abortion reform. Some members had threatened to withdraw from the Association if this part of the policy statement were adopted, but no one had. Mr. Fink's activities mainly included talking with legislators about their stands on reform. After an initial canvas, he felt that most had made up their minds on the abortion issue before the session and had made commitments on the issue during their campaigns, so any mass attempts would, he felt, be useless. He then spent most of his time with members of the sub-committees and committees involved. He would like to have been able to do more but again felt limited in resources for this issue since some other issues were of a higher priority to the INA.¹²

Due to overlapping memberships, the activities of the American Association of University Women and the Iowa

Association for Medical Control of Abortion can be considered together. Their activities in the pre-legislative period have already been examined. When lobbying, the AAUW utilizes its fifty local legislative chairmen. The group has one lobbyist who coordinates the activities of all of its nine lobbyists to insure a unified approach to the issues in which they are concerned. The AAUW operates on the principle that the best way to influence a legislator is through his constituency. On the abortion issue, legislative chairmen were urged to contact their legislators every time they came home from Des Moines, they also had groups of constituents come to Des Moines to contact their legislators personally. In addition to this constituent contact, the AAUW lobbyists contacted the legislators and gave them information on their goals.¹³

The members of the Iowa Association for Medical Control of Abortion were also contacting the legislators and trying to get public support for their position. Just before the abortion bill was to be debated, those favoring abortion reform had the problem of live births being reported in abortions in New York. They wanted the bill to have a twenty week limit and nothing less. Due to the problems in New York, they felt it necessary to defend their position favoring twenty weeks and prepared for each legislator a sheet entitled "Why 20 Weeks?" The sheet emphasized the

arguments that the fetus was not viable--able to live-- until the sixth month and that women may not know they are pregnant in time to have an abortion by 12 weeks--the proposed new time limit. A 12-week limit would not give the woman adequate time to receive counsel from her minister. Also, mongolism and other defects can be detected only in the 14th to 16th weeks and not before. A "12-week law would cause lying and deceit in both women and doctors." An abortion is more dangerous after 12 weeks, thus the woman going to an illegal abortionist after this time is in greater danger. The IAMCA sheet also argued that a law with a 12-week limit is discriminatory since the rich can still go out of the state for abortions after the 12-week limit in Iowa, but the poor cannot.¹⁴ It was hoped that these arguments would keep legislators from being scared away from the 20-week limit.

Most legislators interviewed during the 1971 session were well aware of the activities of the IAMCA and felt it had waged a good campaign and worked very hard. At the beginning of the session, the lobbyists and legislators wishing change were very sure they were going to win in the struggle for abortion reform in Iowa, but as the time came nearer, their prospects seemed less hopeful. Lobbyists and legislators alike feel that part of the reason they lost was their over-confidence. At no point in the session did

the IAMCA use paid lobbyists. According to Mrs. Madden, they never would use paid lobbyists. Mrs. Madden, a registered nurse, also said the group would not engage in some of the tactics used by the opposition such as busing in handicapped children and wearing nurses uniforms while lobbying. The IAMCA is generally proud of the campaign it waged. The IAMCA did receive a certain kind of aid from Planned Parenthood of Iowa which allowed it to use Planned Parenthood's duplicating equipment for its materials.¹⁵

The Des Moines and Iowa Right to Life Committees and the Iowa Catholic Conference offered a unified front of opposition to the reform of Iowa's abortion law. The three organizations worked very closely together. To begin with, they frequently met the criticism of trying to legislate morals for others or of forcing their own moral beliefs on the rest of the public. They countered this accusation by admitting that to a certain extent it was true. Vern Feldman of the Iowa Catholic Conference said that they saw the issue as protecting innocent human life. First of all they feel the law should not only not be liberalized but should be made more restrictive. The life of the child should not be taken even to save that of the mother. Also, he defended the charge of imposing morality on others by saying that if a citizen saw a five year old child about to be hit with a brick, he would be expected to help the child who in that

case is defenseless. It is no different than protecting the life of the helpless fetus.¹⁶

According to Lawrence Scalise, lobbyist for the Iowa Right to Life Committee and the Iowa Catholic Conference, many of our laws are actually legislation of morality and unless society does have legislation on moral issues, there would be anarchy.¹⁷ Senator John Walsh also said that they were dealing with a moral issue but that much legislation does have moral implications. He gave the example of a \$100 fine in Iowa for crushing a robbin's egg. This to him is a moral judgment.¹⁸

The opposition to abortion reform was making an appeal to the public for support at the same time when they were activating those in sympathy with them to contact their legislators. On February 1, 1971, the Des Moines Right to Life Committee sponsored an Abortion Symposium in Ames.¹⁹ According to the Iowa State Daily, those participating in the Abortion Symposium called themselves "Concerned Citizens of Ames." The Daily quoted a spokesman for the group as saying: "We really hope that there will be controversial exchange between panel members and the audience. Both sides have to be heard."²⁰ The members of the panel were Robert Mickle of the Ames Chamber of Commerce who acted as moderator, Art Simmons, assistant pastor of Memorial Lutheran Church, Donald Starr, a Des Moines attorney, Father Hamilton,

a member of the Sociology Department of Loras College, Mardelle May, a nurse in Des Moines, and Dr. David W. Powers, a member of the University of Wisconsin Pathology Department. The audience was composed mainly of two groups--students and parishoners of Ames' Catholic Churches. Also State Senator Rudy Van Drie was in attendance. Each of the panel members made a presentation and then there was a question and answer period. Dr. Powers stressed the need to protect human life and said that he felt abortion reform would eventually lead to euthanasia. He offered better contraception as an alternative. Father Hamilton stressed the relationship of abortion to infanticide and euthanasia and what he described as the very real possibility of a society not unlike that pictured by Huxley. Mr. Starr said that, as a lawyer, he was speaking on behalf of the unborn child since they are indeed persons unable to speak for themselves. He pointed out the legal rights of the unborn to collect damages. Mrs. May told of working with handicapped children whom she felt, if they had been given the choice, would rather have lived than been aborted. She said that all persons should be entitled to their own beliefs on abortion. Abortion, to her, is something alien to the function of a hospital. Women can choose whether or not to become pregnant, but once they are pregnant, they cannot destroy the fetus. The Reverent Mr. Simmons opposed abortion reform on the grounds

of the harm done to the mother who is a part of a society that does not accept abortion.²¹

The panel presented only one side of the issue with the intent of influencing those in the audience to contact their own legislators opposing abortion reform. There were petitions available for those in attendance to sign. Because of the unbalanced positions of the panel and the basic division in the audience, there was a great deal of hostility during the question and answer period which seemed to only re-confirm the opinions of all who attended.

The Catholic clergy were also actively involved in opposition to abortion reform. On February 3, 1971, the Catholic Ministry of Ames took a full-page ad in the Iowa State Daily entitled "Statement of the Catholic Ministry of Ames on the Right to Life." This statement, signed by twelve priests and nuns in Ames, says that these persons feel they must take a public stand on so important an issue. "We believe also that embryonic and fetal existence is life, and that this life is human."²² The ad was placed just enough before the debate in the House to allow interested people enough time to contact their representatives opposing abortion reform.

Those opposing abortion reform, in addition to stimulating public opinion against abortion and instigating mass letter writing campaigns of their sympathizers, were carrying

on a very effective lobbying campaign in the legislature. The professional lobbyists representing the Iowa and Des Moines Right to Life Committees and the Iowa Catholic Conference, had a great deal of experience lobbying in the legislature. Senator Walsh said that Mr. Lawrence Scalise, a former Iowa Attorney General, was especially an asset since he was known as a liberal in Iowa and had numerous contacts in the legislature.²³

Joe Joyce, lobbyist for the Des Moines Right to Life Committee, felt that the job of the opposition was made much easier by the splits in the proponents of abortion reform. For example, some wanted a strict therapeutic bill while others wanted abortion on demand. The Right to Life Committee was willing to accept no compromises on the bill, even to include rape or incest. They had carefully polled the legislators and were working on those in key committee positions and those unsure of their own positions.²⁴

Lawrence Scalise, lobbyist for the Iowa Catholic Conference and the Iowa Right to Life Committee, approached legislators by refuting all of the arguments put forth by the proponents. He personally contacted many legislators whom he felt others would not contact and who were usually left out by lobbyists. He based his arguments on four basic points. First, he refuted the need for abortion reform in Iowa in order to help control the population. Population in

Iowa is not growing but tapering off. His second argument was based on the legal status of the fetus which does have certain property rights. Third, Mr. Scalise based his argument on medical considerations. He contended that life began and unique characteristics existed at the initial union of the sperm and the egg. Finally, he defended his actions on the moral grounds that were mentioned above. Besides talking with the legislators, he gave them material to verify all of his arguments.²⁵

Legislators in both houses were receiving large amounts of mail on the issue. Throughout the session there had been a great deal of mail on the abortion issue. When on February 3, 1971, the bill was reported out of the House Judiciary Committee and scheduled for debate on February 11, 1971, a significant increase in abortion mail was reported by most legislators. An article in the Des Moines Tribune February 8, 1971, reported that letters were running 100 to 1 against reform. There were over 2,000 letters a day coming to the legislature. According to the article, this deluge of mail was expected to have an effect on the outcome of the debate on the bill. Many of the letters were very emotional.²⁶ Representative Delmont Moffitt, floor supervisor of the bill, reported that one of his colleagues received 1,200 letters against abortion to 2 for it. That number exceeds the number of letters expected for an entire

session.²⁷

The bill that was reported out of the House Judiciary Committee on a 9-4 vote had added a residency requirement of sixty days. This was added by Representative Elizabeth Shaw who said if the states around Iowa had liberal abortion laws, a residency requirement would not be necessary, but if Iowa was the only state in the area with a liberal law, it could become an abortion mill.²⁸ The bill had a 20 week limit with the stipulation that the abortion must be performed in a hospital only after the twelfth week. As in the original Conklin bill, no hospital or person could be forced to aid in performing an abortion, and advertising would not be allowed.²⁹

After the bill was reported out of committee, there was talk of an attempt by a small group of Democrats to prevent the bill from even being debated. The legislative leaders wanted the bill debated as did most of those on both sides of the controversy. The bill was not expected to pass the day before the vote. The Des Moines Tribune quoted Representative Moffitt as saying even if it did not pass: "This is going to come up every year until we get something reasonable." Representative Ellsworth predicted that the opposition would win by a 55 per cent majority.³⁰

Prior to the floor debate, the opposition had very tightly arranged its strategy. Representative Theodore

Ellsworth, the opponent's floor leader, and Mr. Scalise worked very closely beforehand. Representative Ellsworth had those in opposition as his guests at the Des Moines Club a couple of times before the debate to be sure that everyone knew what to do and that they did not lose votes because someone got up and made an emotional appeal. Representative Ellsworth feels he was chosen to manage the opposition because he is a Republican Protestant representing a district that is 85 per cent Catholic and highly Democratic. In an interview, he indicated that he was able to swing some votes from those not really interested because they liked him, knew he came from a hard district, and wanted to help him and see him come back to the General Assembly. Before the debate began, the opposition knew exactly where they stood with their own people and who would do what. Representative Ellsworth stated that he and Mr. Scalise, who was in the lounge, communicated continually throughout the day. Ellsworth kept constant contact with his own people on the floor. Their plan was to defeat all amendments and just vote on the bill as it was. They especially wished to defeat Representative Lipsky's amendments because they knew she would vote with them if her amendments were defeated. Ellsworth felt that there were probably forty hard core votes on each side of the issue with approximately twenty votes up for grabs.³¹

The debate on the floor of the House began around 10:00 on February 11, 1971. Representative Delmont Moffitt of Mystic, the major House sponsor, lead the floor fight for H.F.134. Moffitt, who was not in the legislature last session, decided to run for the legislature in 1970 because he felt so strongly that the law should be reformed and the person representing his district did not. Moffitt strongly feels (that once a woman has gone through the terrible agony of deciding to have an abortion--an agony no one not in that situation can imagine--she will get an abortion and deserves to have it with dignity and in safety).³²

Representative Moffitt made the opening statement in the debate. In his speech, he brought out (the population problems we are facing and pointed out that abortion is the most widespread form of birth control practiced. He indicated that (thirty-five Iowa women seek an abortion each day and (that religion was not really the only consideration since women of all faiths seek abortions). Acknowledging that better methods of contraception were needed, he observed:

I would like to make it plain that we do not want more abortions. We hope to greatly reduce the total by education and family planning....If complete elimination of abortion could be eventually achieved, I'd be very pleased. Our present law does not work toward achieving this end. Rather it establishes and perpetuates illegal abortion. Not only is such abortion expensive, it is generally unsafe, and not oriented toward preventing

a recurrence of unwanted pregnancy. Rather than being interested in the welfare of the patient, the sole interest is the fee. In addition it creates serious barriers to reasonable medical procedures in many cases such as rape, disease, deformity, illness. We need to remove these barriers we have placed between the family and their doctor.

He then told of all those groups favoring the bill.³³

After Moffitt's initial speech, Representative Pelton offered the committee amendment to the original Conklin bill which was explained earlier. Then Representative Johnston of Johnson County offered an amendment to the committee amendment. Representative Johnston's amendment distinguished between unjustifiable and justifiable abortion. Abortion would be justifiable if it were done by a licensed physician under the conditions of risk to the physical or mental health of the mother, if the pregnancy had not continued beyond the sixteenth week; if the child would be born with physical or mental defects and the pregnancy had not continued beyond the twentieth week; if the pregnancy was the result of rape, or incest and had not continued beyond the sixteenth week; if the pregnant female were under the age of eighteen years and the pregnancy had not continued beyond the twentieth week; or if there was "reasonable belief" that the pregnancy would endanger the life of the woman. Johnston's amendment also provided for the establishment of a committee of physicians to determine if the

abortion was to be performed unless there were an immediate emergency. This amendment lost 12 to 87.³⁴

Representative Johnston, a Catholic, said during the debate that he offered his amendment because he felt it would be a compromise for him to vote for the bill as it was. He could not compromise his conscience in that way. He specified what he meant by mental health was that the woman had to be dangerous to herself or others. The reason for allowing abortion up to twenty weeks for girls under 18 was that he felt a girl should complete her own childhood before bearing children. He felt that both the mother and the fetus had rights that must be considered and balanced. As a legislative body, it was the legislature's responsibility to set criteria under which abortions could be performed. He could live with his own amendments.³⁵

Representative Johnston in an interview later said that he felt his sweeping amendment was better than the Judiciary Committee Bill and that it was the best legislation he had ever drafted. He felt some change in the present law was warranted. After his amendment lost and the bill had been defeated, he said several of his colleagues, who had voted against the bill, said they could have supported his amendment because of their own concern for law and order which would have been covered in his rape and incest clause.³⁶

Representative Camp of Clinton County then offered an

amendment to the Judiciary Committee amendment requiring the permission of a woman's husband or guardian. This amendment was adopted. Representative Christenson of Union County offered an amendment which would change the time limit from 20 to 12 weeks. His amendment was adopted by a non-record roll call vote of 48-46.³⁷ Much debate centered on this particular amendment. Representative Moffitt contended that many abnormalities in the fetus could not be detected by the 12th week. Mongolism, he contended, cannot be detected until the 14th week. Representative Norpel of Jackson County stated that mongolism was no reason for abortion. He is the father of a mongoloid child and feels that these children have the right to live. Representative Hill of Polk County argued that the 12 week limit was compassionate and answered objections that the Judiciary Committee amendment went too far. Representative Egenes of Story County said that even though some contended that imperfect children teach love to their parents, the parents need the opportunity to decide whether or not to have a defective child, and she urged that the 20-week limit be kept.³⁸

Then Representative Joan Lipsky of Linn County offered an amendment from the floor. She divided her amendment into four sections. The first section of her amendment, which was adopted, said that no person should receive any compensation for referrals in abortion cases. Her attempts to change

residency requirement from 60 days to 12 weeks failed 20 to 72. Also, she proposed a committee of doctors to hear each case, but that failed. Finally, she proposed that "the State Department of Health shall, upon request, make birth control information available without expense to any citizen of the state." This amendment failed 48 to 49.³⁹

Immediately before noon Representative Moffitt offered an amendment to the Judiciary Committee amendment which provided that an abortion could not be performed after the first 12 weeks from the commencement of the pregnancy, unless it be performed to save the life or to preserve the health of the pregnant woman and because of medical evidence of fetal deformity or abnormality. This amendment passed 59-40.⁴⁰

This amendment to the Judiciary Committee amendment was considered crucial by both sides. Those favoring abortion reform were very upset by the dropping of the time limit, but they saw this as a way of winning their fight. And, those opposed were distressed by the fact that this amendment passed since they felt the bill had a better chance of passing with a 12-week limit. Representative Ellsworth said that he felt the opposition lost ten of the twenty marginal votes with the passage of the 12-week limit. This meant that in the afternoon they would really have to work to keep their majority on the bill. They could afford to lose no votes.⁴¹

During the noon recess, according to Ellsworth, the opposition to the bill was very discouraged, and the sponsors felt they could win because of the switch to 12 weeks. When he returned from lunch, he realized that opponents still held a ten vote margin and the strategy was to make sure nothing happened to those ten votes because of a speech that was too emotional. "The opposition learned later that several representatives had voted for the 12-week limitation as insurance." (In the afternoon the opposition planned to stress the difficulty of determining the age of the fetus as well as how long the mother had lived in the state.)⁴²

After the noon recess, the debate continued. Three minor amendments were presented, debated, and defeated. Then the House voted on the adoption of the committee amendment as amended. This amendment was accepted by a 51 to 42 vote.⁴³ The bill that was to be finally voted on then contained a 12-week limitation, a 60 day residency requirement, the prohibition of advertising for performing abortions, the non-allowance of charging fees for referral, and the need for the permission of the husband in addition to the provisions of the original bill requiring that the abortion be performed by a licensed physician in a licensed hospital, and that neither the doctor nor the hospital could be held liable if they chose not to perform an abortion.

The debate in the afternoon lasted for just over two

hours. Twelve persons spoke in opposition to the bill and ten defending it. Mrs. Miller of Marshall County spoke first in favor of the bill. She contended that (the present law was out dated and discriminatory against the poor.) A (woman should have the right to determine the use of her own body and a right to act in accord with her own beliefs on abortion.) She also pointed out that (both parties in their platforms had called for abortion reform.) Mr. McElroy of Fremont County and then Mr. Hill of Polk County spoke supporting the bill. Mr. Hill called it responsive legislation. He also pointed out that (the parties had supported reform.) He said that since (the Iowa poll showed that 70 per cent of the people favored reform,) the legislators had an opportunity to represent the people. Representative Mendenhall of Allamakee County then spoke against the bill. He spoke of (the need to protect human life and pointed out that in 1970 they had adopted for Iowa the slogan "Iowa, a place to grow.") He said that if the abortion reform bill passed, that would have to be changed to "Iowa, a place to kill." Representative Kinley of Polk County also spoke against reform by saying that (he would prefer this generation be remembered as a generation that loved children rather than as one that put a limit on them.) (At this point there was applause in the galleries and the Speaker warned that no further outbursts would be allowed.)⁴⁴

Representatives Mollett of Pottawattamie, Blouin of Dubuque, McCormick of Deleware, and Taylor of Dubuque all opposed abortion reform on the grounds of defending the helpless and protecting human life. Representative Johnston called the bill a hodgepodge. He called (the vote on abortion the most important vote to be taken by the legislature). He said, however, that he would support the reform bill because law was only valid when it was supported by the people, and the abortion law was not being supported. Each woman should decide whether or not to have an abortion according to her own conscience.)⁴⁵

Then Representative June Franklin of Polk County spoke. Mrs. Franklin is a Catholic, a Black, and represents the inner-city of Des Moines. In her speech she took an extremely different approach from most of those involved in the debate. In her speech she said:

For the past several weeks and months, I have been very busy reading, researching, and contemplating the question before us today.

During all this time I have tried to remain cool, calm, and level-headed; I have also tried to keep an open mind on the subject.

I have listened to all the arguments for and against this measure, and I have come to some conclusions.

Both sides are sincere in their beliefs, but their arguments for the most part are phony and hypocritical and I would like to extend on this for a moment.

Those against legalized abortion say human life is most precious and in the good old American tradition we must protect life. Human life has never been a top priority in this country--we have never valued life or the quality of life. Property has always been top priority ever since the Indian was killed and his land was stolen. An entire race of people was enslaved, 6,000 Black people were lynched, and one-fifth of our population is slowly starving to death, while we spend billions to send two men to a dead planet to play golf.

Those both for and against argue we need education, yet they storm this building by the thousands, against sex education.

Those who are for legalized abortion say a woman should have control of her body to do with as she pleases, that the decision should be between her and her doctor. But when a young man says he also would like to have control of his body and does not desire to take it to Viet Nam to rot in a ditch someplace, when he says he does not want to kill or be killed, he is considered an outcast, a traitor, and has three choices--either go and take his chances of being killed, go to Canada or go to jail.

Proponents for this bill have argued that this bill is for the blacks and for the poor who want abortion and can't afford one. This is the phoniest and most preposterous argument of all. Because I represent the inner-city where the majority of the Blacks and poor live, and I challenge anyone here to show me a waiting line of either Blacks or poor whites who are wanting an abortion. They do feel, and there is a fear among them that this bill is meant for them. They feel this is the first step down the road to forced sterilization, euthanasia, and genocide. They fear, and I tend to agree with them, that there are a few social workers who, in their zest and zeal to keep cost down, are just sick enough to force poor Blacks and whites to have abortions.

I am ashamed to say, but I also have a fear that there may be those among us here, who feel that this bill would cut down our welfare rolls.

The elderly fear this bill because they feel they may be the next target, in future legislation--the Blacks fear this bill and relate it to genocide and the first step down the road to fascism. I have always fought for everyone to have equal rights, and to be able to have a share in the good things of life.

I am against forcing young men to kill and be killed to satisfy the sick sadistic egos of a few--I have fought to feed the hungry, and save the young and elderly from poverty and neglect. I have also fought to protect those who are defenseless.

I feel we must re-direct our priorities and make human life, instead of our greed for property, the number one priority in this state and this nation. And I would say to the people on both sides of this question--stop being hypocritical--your hypocrisy is destroying the very threads of our civilization.

"No man is an island unto himself,
I am involved in mankind.
Ask not for whom the bell tolls.
It tolls for me, and it tolls for thee."

For all of the reasons set out above I cannot in good conscience support this bill.⁴⁶

Mrs. Franklin said that she really liked neither side in the debate. She feared an element of coercion could become present in liberalized abortion for her constituents. She feels that instead of liberalizing the abortion law, Iowa should become more concerned with distributing con-
traceptive information.⁴⁷

Representative Elizabeth Shaw of Scott County, who was instrumental in adding the 60-day residency clause in the

Judiciary Committee, stated that if the legislators abdicated their responsibility in this issue, the courts would be forced to make the decision. She did not see the issue as a moral issue but as a legal issue. (Abortion is already allowed in Iowa under the 1858 act, the question then is whether it shall be permitted in more cases.) Mr. Norpel of Jackson County then spoke against the bill restating that (he had a mongoloid child and felt that abortion would be a step to mercy killing.) Representative Willits of Polk County then said that the matter should no longer be decided on "inadequate dogma." (The taking of life is undesirable, but sometimes it is necessary.) (He argued that legislators cannot make that kind of decision.) Representative Scott of Cerro Gordo County then made a rather lengthy speech in opposition to abortion reform. He was (concerned with the uniqueness of each human life.) He then made the analogy that Nancy Hanks, Abraham Lincoln's mother, was possibly illegitimate) and had they had a liberal abortion law then she might never have been born, and then Abraham Lincoln would not have been born. Representative Ellsworth then concluded for the opposition by (stating that life begins at conception.) He also said that Iowa was a moral state and should not lead in abortion reform.) He said that reform would be a "medical blood bath."⁴⁸

Representative Ellsworth later indicated in an interview

that he felt that the fact that Iowa is considered to be highly moral is a reason the reform bill failed. He did not feel that Iowa should be a leader in trying to reform its abortion law. He did say that he felt the circumstances might be different in two years, and his position on abortion could change by then. There is a great deal of support for abortion reform among the young of all faiths.⁴⁹

Representative Pelton of Clinton County then spoke for abortion reform. He felt that (the law should be passed since it left the decision up to the conscience of the woman, and no one would be forced to submit to an abortion or even to perform one.) Representative Logemann of Cerro-Gordo County then stated that he had been open-minded before the debate and had decided to vote for HF 134. Then Mr. Moffitt made his closing remarks and asked that the vote be taken.⁵⁰ The bill failed on a 45 to 55 roll call vote. Then Representative Freeman of Buena Vista County moved that the vote by which HF 134 failed be reconsidered and that the motion to reconsider the bill be tabled. On a non-record roll call, the motion passed 59 to 37.⁵¹ This means that abortion reform cannot be reconsidered during this General Assembly unless there is a 2/3 vote to take the tabling motion off the table.

According to Representative Ellsworth, the move to table the bill was not part of the strategy of the opposition,

but he was glad it happened. He had promised the leadership that he would not move to table it. He felt that the tabling motion had as great an approval as it did because the legislators were sick of the issue and did not want it to come up again during the 64th Assembly.⁵²

There were certain pressures being exerted on the legislators during the day. Representative Ellsworth told of (Senators coming over to talk to Representatives) on the abortion bill and of the (Governor calling his (Ellsworth's) people to his office to talk with them during the debate to get them to change their votes.)⁵³

After the debate was over and the vote taken, the Speaker of the House, Representative Harbor, commended both sides for their handling of the debate since it was such an emotional issue. He said:

As long as I have been a member of this House and Senate, I have never experienced such an orderly debate on such a controversial and emotional issue such as the one we have been working on today. I am very proud of you and commend you on the decorum that you, the members of the House, have demonstrated. As Speaker of the House I compliment you, and I sincerely hope that the public shares my feelings.⁵⁴

The abortion reform bill failed for a variety of reasons. To begin with, (the bill came up when the opposition was at a peak.) In a couple of weeks, the proponents probably would have been in a much more favorable position than they were. (The threat of the Walsh amendment) helped hurry the

issue. Representatives Moffitt and Ellsworth, Senator Walsh, and Mrs. Madden all agree on this point.

Lieutenant Governor Jepsen contends that Iowa was just not ready for such a liberal bill. He had tried to tell those seeking reform that (this was not the time for so liberal a bill). Representative Johnston agreed that the (bill was too liberal for Iowa in 1971). This had been one Representative Ellsworth's floor debate points when he said that Iowa had been a moral state and should not take the lead in abortion reform.

(Reports of live births in New York) also probably hurt the case of those seeking abortion reform. These stories brought the problem of aborting a fetus about which people have little understanding to the problem of a child being aborted which could actually survive outside the womb of the mother. Mrs. Madden, Representative Ellsworth, and Lieutenant Governor Jepsen cited the live births as being particularly important in aiding the opponents.

Those favoring abortion reform also were probably a little (over-confident) at the beginning of the session. Since public opinion was so strong for reform and both parties had included it in their platforms, they really did not foresee the dangers in time. At first they felt it would pass easily. This is part of the reason more time would have been beneficial to them.

(The opposition was very highly organized.) Mr. Scalise and Representative Ellsworth knew exactly what their plan of action was. Also, through the Catholic Church and the Right to Life Committees they put forth great amounts of time and work to defeat the bill. Also, their lobbyists were professionals and highly skilled. Ellsworth says of their organization: "We were better organized in the House on defense than they were on offense."⁵⁵ The opposition also had more money to spend on this issue. The major organization seeking reform--the IAMCA--spent a total of \$2200 on their campaign.⁵⁶ The Des Moines Right to Life Committee alone spent \$2000 just to pay their lobbyist.⁵⁷ The proponents of abortion reform contend that the opponents spent around \$50,000. This is hard to verify since the money comes from such a variety of sources.

Both Mr. Fink of the Iowa Nurses Association and Representative Moffitt indicated that they felt many (legislators had committed themselves before the session during the election.) This they had done in response to pressure exerted on them during the election. Pressure was also exerted through letters and contact with constituents.

It is difficult to determine if the individual legislator was following his own conscience or the views of his constituents. Mr. Scalise said that he felt most of them would follow the wishes of their constituents. Lieutenant

Governor Jepsen had just the opposite view feeling that around 99 per cent would follow the dictates of their own conscience.) Most of the legislators interviewed indicated that they were actually voting their own conscience on an issue such as abortion reform. Representative Ellsworth said that he supported the opposition not only because his constituency was 85 per cent Catholic but because he honestly believed the law should not be reformed. He did say that possibly in two years he would change his position. Mr. Joyce expressed the idea--also held by several legislators--that if a man represented a constituency opposed to abortion reform, his need to represent his constituency was greater than if his constituents favored reform. The idea behind this is that constituents against reform feel so strongly that they will not forget this one vote by the next election and will not accept from their representative that he was voting his own conscience. However, those for reform will be more lenient with a representative who opposes reform for reasons of his conscience. Thus, each legislator had to somehow balance his constituency with his own conscience. In the process, the opponents had the advantage.

When discussing the matter of conscience, it can be helpful to look at the religious backgrounds of the legislators in relation to their voting. It would seem that the stronger the stand of the legislator's church on the issue

and the more the church made that position known, the more likely he would be to vote in accord with the church. There are (twenty-three representatives belonging to the United Methodist Church.) The church has taken a stand favoring abortion reform. The United Methodist Church really lacks any method of making its decisions known to its people and leaves much room for disagreement with most of its decisions. Eleven--48%--of these representatives voted for reform and twelve--52%--against it. (See Table 1.) (Twenty-two representatives are members of the Catholic Church.) The Catholic Church's position is strongly against abortion reform, as noted previously, and it makes its decisions known to members. Five--23%--voted for reform and seventeen--77%--voted against it. There was a fifty-fifty split among the Lutheran representatives.) The (Lutheran Church is split on the abortion issue with the Missouri and Wisconsin Synods opposing reform and the LCA and ALC favoring it.) The Presbyterian Church, with a position like that of the United Methodist Church, has (eleven representatives) as members. Six--55%--voted for reform and five--45%--voted against reform. The five members of the Baptist Church split two--40%--and three--60%. They are divided internally between the Southern Baptists and American Baptists. The Congregational Church, traditionally liberal, had 100 per cent of its five representatives voting for reform.) It is difficult to make

Table 1. Religious affiliations of legislators in relation to their vote on HF 134^a

Voting for HF 134		Voting against HF 134	
United Methodist			
Rex	Harbor	Mendenhall	Cochran
Schwieger	McElroy	Scott	Welden
Alt	Campbell	Patton	Wycoff
Hamilton	Strothman	Sargisson	Wells
Schmeiser	Middleswart	Nielson	Pellett
Millen		Siglin	Dunton
11 or 48%		12 or 52%	
Roman Catholic			
Kelley		Kennedy	Blouin
Curtis		Knoblauch	Taylor
Small		Mayberry	Norpel
Johnston		Ewell	Schroeder
Bray		Husak	Franklin
		McCormick	Anania
		Kinley	Gluba
		Monroe	Dougherty
		Schwartz	
5 or 23%		17 or 77%	
Lutheran			
Logemann	Hansen	Bergman	Freeman
Kehe	Jesse	Kruse	Wirtz
Egenes	Drake	Priebe	Andersen
Camp	Knoke	Fischer	Varley
8 or 50%		8 or 50%	
Presbyterian			
Menefee	Kreamer	Stokes	Winkelman
Hill	Pelton	Edelen	Fisher
Holden	Pierson	Roorda	
6 or 55%		5 or 45%	
Baptist			
Skinner		Grassley	Mollett
Strand		Nystrom	
2 or 40%		3 or 60%	

^aThe information for this table was taken from the House Journal for February 11, 1971, and from the "Religious Affiliations of the Iowa Legislature."

Table 1 (Continued)

Voting for HF 134		Voting against HF 134	
Congregational			
Trowbridge Waugh Clark 5 or 100%	Miller Shaw		
United Church of Christ			
Willits 1 or 33%		Stromer 2 or 67%	Tieden
Episcopalian			
Lawson 2 or 50%	Stanley	Ellsworth 2 or 50%	Rodgers
Disciples of Christ			
Christensen 2 or 100%	Moffitt		
First Reformed			
Den Herder 1 or 100%			
Jewish			
		Lipsky 1 or 100%	
No Religion Listed			
Uban Goode 3 or 42%	Radl	Doyle Larson 4 or 58%	Sorg Bennett

any statements about the churches having fewer representatives in the House. (The United Church of Christ has three members as representatives with one voting for reform and two against.) (The four members of the Episcopalian Church split on a fifty-fifty basis.) (Both members of the Christian Church voted for reform.) (Representative Den Herder of the First Reform Church voted against it as did Mrs. Lipsky who is a member of the Jewish faith.) (Seven representatives listed no religious preference.) (Three of the seven--43%--voted for reform and four--57%--opposed reform.⁵⁸)

Of the larger denominations with stands on abortion, the Catholic Church had the greatest voting unity with 77 per cent voting against abortion reform. This is due in large part to the heirarchical nature of the church with its ability to inform its members of the decisions it reaches on moral matters. Its position was known by nearly everyone.

In addition to the above factors, Representative Ellsworth pointed out that (there are a lot of old people in the House who voted against reform). (Actually the average age of those opposing reform is .08 of a year less than those favoring reform. Age does not seem to be too significant. See Table 2.) He also stated that he felt the matter was not one to be decided in the realm of politics. When asked who then should make the decision, after

Table 2. Party, age, occupation, and religious affiliation of legislators in relation to their vote on HF 134^a

Name	Party	Age	Occupation	Religion
Those Voting FOR HF 134				
Alt	R	54	Savings and Loan Executive	Methodist
Bray	D	23	Law Student	Catholic
Camp	R	55	Agric., Business	Lutheran
Campbell	R	60	Farmer	Methodist
Christensen	R	38	Farmer	Disciples of Christ
Clark	R	24	Insurance	Congregational
Curtis	R	56	Accountant	Catholic
Drake	R	43	Farmer	Lutheran
Egenes	R	40	Housewife	Lutheran
Goode	R	72	Retired	None
Hamilton	R	61	District Ins. Mgr.	Methodist
Hansen	R	39	Insurance Executive	Lutheran
Hill	R	39	Lawyer	Presbyterian
Holden	R	56	Real Estate	Presbyterian
Jesse	D	33	Lawyer	Lutheran
Johnston	D	32	Lawyer, Accountant	Catholic
Kehe	R	60	Engineer, Construction	Lutheran
Kelly	R	27	Lawyer	Catholic
Knoke	R	40	Lawyer	Lutheran
Kreamer	R	29	Attorney	Presbyterian
Lawson	R	47	Printing Firm Owner	Episcopalian
Logemann	R	33	Farmer	Lutheran
McElroy	R	53	Housewife	Methodist
Menefee	R	63	Farmer	Presbyterian
Middleswart	D	58	Agriculture	Methodist
Millen	R	50	Pres. Gravel Co.	Methodist
Miller	R	65	Housewife	Congregational
Moffitt	R	59	Farmer and Farm Mgr.	Disciples of Christ
Pelton	R	30	Attorney	Presbyterian
Pierson	R	66	Farmer	Presbyterian
Radl	D	59	Manufacturer	None
Rex	R	48	Farmer	Methodist
Schmeiser	D	49	Farmer	Methodist

^aThe information for Table 2 was taken from the House Journal for February 11, 1971, the "Religious Affiliations of the Iowa Legislature for 1971," and the Legislative Directory, 64th General Assembly.

Table 2 (Continued)

Name	Party	Age	Occupation	Religion
Schwieger	R	29	Lawyer	Methodist
Shaw	R	47	Housewife and Lawyer	Congregational
Skinner	D	34	Attorney	Baptist
Small	D	36	Business Ex. and Educator	Catholic
Stanley	R	46	Ex. Industrial Supplies	Episcopalian
Strand	R	60	Retired	Baptist
Strothman	R	69	Farmer	Methodist
Trowbridge	R	67	Farmer, Real Estate	Congregational
Uban	D	49	Oil Distributor	None
Waugh	R	60	Farmer	Congregational
Willits	D	24	Banker	United Church of Christ
Harbor	R	50	Grain Elevator Owner	Methodist

Those Voting AGAINST HF 134

Anania	D	49	Barber Shop Owner	Catholic
Andersen	R	59	Realtor	Lutheran
Bennett	D	34	Business Rep. for Union	None
Bergman	R	59	Farmer	Lutheran
Blouin	D	25	Teacher	Catholic
Cochran	D	42	Farmer	Methodist
Den Herder	R	62	Realtor	First Reformed
Dougherty	D	60	Farmer	Catholic
Doyle	D	45	Laywer	None
Dunton	D	55	Farmer, Business	Methodist
Edelen	R	62	Business Mgr.	Presbyterian
Ellsworth	R	52	Insurance	Episcopalian
Ewell	D	33	Teacher	Catholic
Fischer, H.O.	R	53	Insurance, Real Estate	Lutheran
Fisher, C.R.	R	63	Farmer	Presbyterian
Franklin	D	40	Administrative Asst.	Catholic
Freeman	R	31	Insurance Salesman	Lutheran
Gluba	D	28	College Admissions Counselor	Catholic
Grassley	R	37	Farmer	Baptist
Husak	D	40	Farmer	Catholic
Kennedy	D	31	Lawyer	Catholic

Table 2 (Continued)

Name	Party	Age	Occupation	Religion
Kinley	D	33	Self-Employed	Catholic
Knoblauch	D	48	Chamber of Commerce Mgr.	Catholic
Kruse	D	66	Farmer, Insurance	Lutheran
Larson	D	34	Grocer	None
Lipsky	R	51	Housewife	Jewish
Mayberry	D	54	Poultry Processor	Catholic
McCormick	D	60	Furniture Store Owner	Catholic
Mendenhal	R	66	Retired	Methodist
Mollett	R	32	Pres. Janitorial Service	Baptist
Monroe	D	32	Pharmacist	Catholic
Nielsen	R	68	Farmer	Methodist
Norpel	D	52	Insurance	Catholic
Nystrom	R	37	Auto Dealer	Baptist
Patton	D	65	Farmer	Methodist
Pellett	R	53	Farmer	Methodist
Priebe	D	52	Farmer	Lutheran
Rodgers	D	43	Grocer, Farmer	Episcopalian
Roorda	R	42	Farmer	Presbyterian
Sargisson	D	63	Housewife	Methodist
Schroeder	R	37	Farmer	Catholic
Schwartz	D	42	Insurance	Catholic
Scott	D	40	Farmer, Real Estate	Methodist
Siglin	R	60	Farmer	Methodist
Sorg	R	60	Pharmacist	None
Stokes	R	70	Farmer	Presbyterian
Stromer	R	40	Farmer	United Church of Christ
Taylor	R	34	Maintenance, Construction	Catholic
Tieden	D	48	Farmer	United Church of Christ
Varley	R	35	Farmer	Lutheran
Welden	R	62	Construction	Methodist
Wells	D	42	Food Company Employee	Methodist
Winkelman	R	37	Farm, Business	Presbyterian
Wirtz	R	27	Insurance, Real Estate	Lutheran
Wyckoff	D	45	Farmer	Methodist

Table 2 (Continued)

Summary			
Those Voting FOR HF 134		Those Voting AGAINST HF 134	
Democrats	10 or 25%	Democrats	29 or 74%
Republicans	35 or 58%	Republicans	26 or 42%
Average Age	47.37 years	Average Age	47.29 years
Occupation ^b		Occupation ^b	
Lawyer	11	Lawyer	2
Agriculture	14	Agriculture	22
Real Estate	1	Real Estate	2
Insurance	3	Insurance	6
Banking	2	Banking	0
Housewife	3	Housewife	2
Retired	2	Retired	1
Engineer	1	Engineer	0
Self-Employed	5	Self-Employed	6
Executive	3	Executive	9
Professional	0	Professional	5

^bProbably the most significant aspect of occupations is the predominance of lawyers voting for reform. The opponents received a larger number of votes from farmers and executives and professional persons.

hesitating for some time, he said he thought the matter should be decided by the courts. When further questioned as to how the courts would decide with no guidelines from the legislature, he said it was unfortunate that the political process had to enter into the matter at all.⁵⁹ (The proponents of change would certainly agree that the matter should be taken

out of the political arena.)

Even though the bill was defeated, no one considers the matter of abortion reform in Iowa settled. It is expected to come up again and again. Also, persons on both sides expect court involvement in the not too distant future. So that the issue would not die this session, Senator James Potgeter introduced a therapeutic bill calling for abortion reform. He feels that this bill is different enough to merit debate even though HF 134 was tabled. He said that the only way his bill can get anywhere is for the proponents of abortion reform to get behind it. The reformers such as the Iowa Medical Society and the Iowa Council of Churches might like his compromise bill, but the IAMCA would not. (According to Mrs. Madden, partial reform would be almost impossible to make more liberal later and would be worse than the bill we now have.⁶⁰) Potgeter feels a compromise is better than no reform. He searched the rules to find a way his bill could be debated even though HF 134 was tabled. Once his bill reached the floor, it could be amended.⁶¹

Although Senator Potgeter contends that there is a way around the rules so his bill can be debated, Lieutenant Governor Jepsen said it would not come up. The Senate simply does not have time to consider every defeated bill in a different form.⁶²

With the matter virtually dead for the 64th General

Assembly, the proponents of reform were considering a court case and began to plan their strategy for 1972 and 1973. According to Miss Louise Noun, an active member in the Iowa Civil Liberties Union, her group, although sympathetic to reform, is not looking for a test case right now but intends to wait for the United States Supreme Court decision in some pending cases. She said if the Court struck down laws in other states, there would be no need for Iowa to seek a case. If the other laws were upheld, however, then the ICLU would seek a case in Iowa. In the past they have had some difficulty finding a lawyer willing to handle an abortion test case.⁶³

Besides waiting for a decision from the courts, the Iowa Association for Medical Control of Abortion is planning to become very active in the 1972 election. It intends to look for candidates favorable to its position and work for them in the election. The IAMCA also plans to spend a great deal of time between now and then trying to gain public support.⁶⁴

(In 1971 the Iowa General Assembly did not pass an abortion reform bill.) This issue received much more attention in the legislature than most other issues. Interest groups were very active and the floor debate complete. The bill failed primarily due to the better organization and intensity of the opposition. When a legislator was forced to balance

his own conscience and his constituency, the opposition
was at an advantage. The issue still is not dead. Per-
sons on both sides feel that it is merely a matter of time
until the law is reformed either by the courts or by the
legislature.

Notes for Chapter V

¹Iowa, General Assembly, Senate, A Bill for an act relating to, and providing criminal penalties for, the illegal termination of a pregnancy, SF 114, 64th General Assembly, 1st sess., 1971.

²Wenger, Lorelee, Iowa State Daily (January 23, 1971), p. 1.

³Interview with Roger Jepsen, Lieutenant Governor of Iowa, State Capitol Building, Des Moines, March 15, 1971.

⁴"Anti-Abortion Amendment Introduced," Iowa State Daily (January 27, 1971), p. 2.

⁵Interview with John Walsh, State Senator from Dubuque, State Capitol Building, Des Moines, March 11, 1971.

⁶Interview with Harold Butz, Associate Secretary of the Iowa Council of Churches, Des Moines, February 8, 1971.

⁷Editorial, Des Moines Register (January 31, 1971).

⁸Interview with Theodore Ellsworth, State Representative from Dubuque, State Capitol Building, Des Moines, March 30, 1971.

⁹Interview with Mrs. Barbara Madden, Iowa Association for Medical Control of Abortion, 5900 Waterbury Road, Des Moines, March 18, 1971.

¹⁰Iowa Nurses Association, Statement on Therapeutic Abortion, adopted by the House of Delegates, 1970.

¹¹Ibid.

¹²Interview with Gary Fink, Iowa Nurses Association, 308 Shops Building, Des Moines, March 18, 1971.

¹³ Interview with Mrs. Ann Schodde, American Association of University Women and the Iowa Association for Medical Control of Abortion, 1427 Germania Drive, Des Moines, January 18, 1971.

¹⁴ Iowa Association for Medical Control of Abortion, "Why 20 Weeks?" Fact Sheet given to legislators, February 4, 1971.

¹⁵ Interview with Mrs. Barbara Madden, Iowa Association for Medical Control of Abortion, 5900 Waterbury Road, Des Moines, March 18, 1971.

¹⁶ Interview with Vern Feldman, Iowa Catholic Conference, 918 Insurance Exchange Building, Des Moines, January 13, 1971.

¹⁷ Interview with Lawrence Scalise, Iowa Right to Life Committee and Iowa Catholic Conference, Fleming Building, Des Moines, February 16, 1971.

¹⁸ Interview with John Walsh, State Senator from Dubuque, State Capitol Building, Des Moines, March 11, 1971.

¹⁹ Interview with Carmella O'Neal, Publicity Chairman of the Des Moines Right to Life Committee, Des Moines, January 16, 1971.

²⁰ Connie Groth, "Anti-Abortion Panel Set," Iowa State Daily (January 27, 1971), p. 3.

²¹ Symposium on Abortion, Welch Junior High School, Ames, February 1, 1971.

²² "Statement of the Catholic Ministry of Ames on the Right to Life," Iowa State Daily (February 3, 1971), p. 8.

²³ Interview with John Walsh, State Senator from Dubuque, State Capitol Building, Des Moines, March 11, 1971.

²⁴ Interview with Joseph Joyce, Des Moines Right to Life Committee, 400 Central National Bank Building, Des Moines, February 5, 1971.

²⁵ Interview with Lawrence Scalise, Iowa Right to Life Committee and Iowa Catholic Conference, Fleming Building, Des Moines, February 16, 1971.

²⁶ Arnold Garson, "A Flood of Mail on Abortion," Des Moines Tribune (February 8, 1971).

²⁷ Interview with Delmont Moffitt, State Representative from Mystic, State Capitol Building, Des Moines, March 11, 1971.

²⁸ Interview with Elizabeth Shaw, State Representative from Davenport, State Capitol Building, Des Moines, March 30, 1971.

²⁹ "Committee Passes Abortion Bill," Iowa State Daily (February 4, 1971), p. 3.

³⁰ Jack Coffman, "Iowa Legislature: Push for Abortion Debate in Face of Move to Table Issue," Des Moines Tribune (February 10, 1971), pp. 1 and 7.

³¹ Interview with Mr. Theodore Ellsworth, State Representative from Dubuque, State Capitol Building, Des Moines, March 30, 1971.

³² Interview with Delmont Moffitt, State Representative from Mystic, State Capitol Building, Des Moines, March 11, 1971.

³³ Iowa, General Assembly, House, Tape recording of the debate of HF 134, February 11, 1971.

³⁴ Iowa, General Assembly, House, HF 134 Amendments, 64th General Assembly, 1st sess., 1971, Journal, February 11, 1971, pp. 330-333.

³⁵ Iowa, General Assembly, House, Tape recording of the debate of HF 134, February 11, 1971.

³⁶ Interview with Joseph Johnston, State Representative from Iowa City, State Capitol Building, Des Moines, March 30, 1971.

³⁷Iowa, General Assembly, House, HF 134 Amendments, 64th General Assembly, 1st sess., 1971, Journal, February 11, 1971, p. 334.

³⁸Iowa, General Assembly, House, Tape recording of the debate of HF 134, February 11, 1971.

³⁹Iowa, General Assembly, House, HF 134 Amendments, 64th General Assembly, 1st sess., 1971, Journal, February 11, 1971, pp. 335-336.

⁴⁰Ibid., pp. 336-337.

⁴¹Interview with Theodore Ellsworth, State Representative from Dubuque, State Capitol Building, Des Moines, March 30, 1971.

⁴²David Cushing, "Tells How Abortion Bill Was Defeated," The Witness (February 18, 1971), p. 9.

⁴³Iowa, General Assembly, House, HF 134 Amendments, 64th General Assembly, 1st sess., 1971, Journal, February 11, 1971, p. 338.

⁴⁴Iowa, General Assembly, House, Tape recording of the debate on HF 134, February 11, 1971.

⁴⁵Ibid.

⁴⁶Speech of Representative June Franklin of HF 134, February 11, 1971.

⁴⁷Interview with June Franklin, State Representative from Des Moines, State Capitol Building, Des Moines, March 11, 1971.

⁴⁸Iowa, General Assembly, House, Tape recording of the debate of HF 134, February 11, 1971.

⁴⁹Interview with Theodore Ellsworth, State Representative from Dubuque, State Capitol Building, Des Moines, March 30, 1971.

⁵⁰Iowa, General Assembly, House, Tape recording of the debate of HF 134, February 11, 1971.

⁵¹Iowa, General Assembly, House, HF 134 Amendments, 64th General Assembly, 1st sess., 1971, Journal, February 11, 1971, p. 339.

~~52~~ ⁵²Interview with Theodore Ellsworth, State Representative from Dubuque, State Capitol Building, Des Moines, March 30, 1971.

⁵³Ibid.

⁵⁴Iowa, General Assembly, House, HF 134 Amendments, 64th General Assembly, 1st sess., 1971, Journal, February 11, 1971, p. 339.

⁵⁵David Cushing, "Tells How Abortion Bill Was Defeated," The Witness (February 18, 1971), p. 9.

⁵⁶Interview with Mrs. Barbara Madden, Iowa Association for Medical Control of Abortion, 5900 Waterbury Road, Des Moines, March 18, 1971.

⁵⁷Interview with Mr. Joseph Joyce, Des Moines Right to Life Committee, 400 Central National Bank Building, Des Moines, February 5, 1971.

⁵⁸Iowa Legislature, Religious Affiliations of Legislators in 1971, received from the Iowa Association for Medical Control of Abortion.

⁵⁹Interview with Mr. Theodore Ellsworth, State Representative from Dubuque, State Capitol Building, Des Moines, March 30, 1971.

⁶⁰Interview with Mrs. Barbara Madden, Iowa Association for Medical Control of Abortion, 5900 Waterbury Road, Des Moines, March 18, 1971.

⁶¹Interview with Mr. James Potgeter, State Senator from Steamboat Rock, State Capitol Building, Des Moines, March 11, 1971.

⁶²Interview with Roger Jepsen, Lieutenant Governor, State Capitol Building, Des Moines, March 15, 1971.

⁶³Interview with Miss Louise Noun, ICLU, 1164 Americana Court, Des Moines, March 16, 1971.

⁶⁴Interview with Mrs. Barbara Madden, Iowa Association for Medical Control of Abortion, 5900 Waterbury Road, Des Moines, March 18, 1971.

VI. CONCLUSION

The modern politics of abortion in Iowa has had a history spanning five years and four legislative sessions. Although reform proposals have become more liberal and more people have become involved, Iowa's 112-year old abortion law remains unchanged. Both the proponents and opponents of change are looking to future years and legislative sessions and planning their respective strategies with regard to abortion reform undertakings.

The environment in which reform was considered played a very important role in the defeat of Iowa's abortion reform attempts. The time was just not right for abortion reform even though according to polls about 70 per cent of the population favored reform. Iowa legislators simply were not willing to make Iowa, a traditionally moral state, a leader in abortion reform. Also, the salience of people's opinions was important. It seems that those opposing abortion felt more strongly about the need to fight reform than those favoring reform to fight for it. The legislators were deluged by mail from what appears to be the 30 per cent of Iowans favoring the status quo in abortion legislation. Each legislator had to balance his constituent demands with his own conscience. The groups involved were both highly active, but the opponents had more money and better organization. The opponents had the support of the Catholic Church

and its organizational resources which could be called upon at various stages to support its position. The Protestant Churches simply did not have this kind of communication with their members or response from them. The Protestant churches are split internally as well as in relationship to one another. Also, the other groups involved in reform were not as monolithic or united as was the opposition. Interest group factors strengthened the opposition and allowed it to get its way, contrary to what a majority of people seemed to prefer.

As stated in the fifth chapter, members of both sides feel that it is just a matter of time until Iowa's abortion law is reformed. In the future it would be helpful to see how the groups involved change their tactics and approaches, how public opinion changes, and how the decisions of the courts affect Iowa's abortion law.

It seems that even if the legal aspects of the issue are settled through reform, either by the legislature or the courts, the moral implications will linger long after legal reform has come. If abortion becomes a decision left to the pregnant woman, vast numbers of women will have to make the decision whether or not to have an abortion without significant legal restrictions or guidelines. The moral decision will have to be made in each individual case. In order for society to live with that kind of situation, it

will need educational programs to help women make the abortion decision that would be legally theirs.

The agony of the decision is present at all stages. The personal agonizing of the legislators has been great. It is a decision no judge can make lightly. And it is, and will continue to be, in the words of the book written by the Joseph P. Kennedy, Jr. Foundation, a "terrible choice." The opponents of abortion reform contend that the law must make this "terrible choice" through legislation. The proponents of reform contend that the woman alone should make the choice. Whatever way it is, both sides agree that the choice is indeed "terrible."

Abortion is a very real issue in our society. Women will continue to make the agonizing choice to have abortions with or without the sanction of the law. This is essentially a moral and medical decision, but it is a decision in which politics has played a part. The politician will continue to act within an environment formed by the moral issues of abortion. He must decide if abortion is to remain in the domain of politics in the future. The political decision-maker must weigh the inputs he receives, and then decide whether or not to reform abortion laws. The strength of the inputs and the environment of our system will determine the outcome of his decision.

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VIII. APPENDIX A

March 27, 1967
Passed on File

Senate File 645

By ELY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

An Act relating to abortion.

• *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Any person who willfully and unjustifiably
2 terminates the pregnancy of another otherwise than by a live
3 birth shall be guilty of a felony.

1 Sec. 2. Any person who, representing that it is his pur-
2 pose to perform an abortion, commits an act adapted to cause
3 abortion in a pregnant woman, shall be guilty of a felony,
4 and it shall be no defense that such person did not believe
5 the woman to be pregnant or that the woman was in fact not
6 pregnant.

1 Sec. 3. A person charged with abortion under section one
2 (1) of this Act or an attempt to commit that offense under
3 section two (2) of this Act may be convicted thereof upon
4 proof of conduct prohibited by the section under which charged.

1 Sec. 4. Except as permitted under this Act, any person who
2 induces or knowingly aids a woman to use instruments, drugs, or
3 violence upon herself for the purpose of terminating her own
4 pregnancy otherwise than by a live birth shall be guilty of a
5 felony.

1 Sec. 5. Any person who sells, offers to sell, possesses
2 with intent to sell, advertises, or displays for sale anything
3 specially designed to terminate a pregnancy, or held out as
4 useful for that purpose, shall be guilty of a misdemeanor and
5 upon conviction shall be fined not to exceed five hundred (500)

6 dollars or imprisoned in the county jail for a term of not more
7 than one (1) year, or by both such fine and imprisonment; except
8 that such conduct shall be lawful if:

9 1. The sale, offer, or display is to a physician, osteopathic
10 physician and surgeon, druggist, or to an intermediary in a chain
11 of distribution to physicians, osteopathic physicians and surgeons,
12 or druggists.

13 2. The sale is made upon prescription or order of a physician,
14 or osteopathic physician and surgeon.

15 3. The possession is with intent to sell as authorized in this
16 section.

17 4. The advertising is addressed to physicians, osteopathic
18 physicians and surgeons, and druggists and confined to trade or
19 professional channels not likely to reach the general public.

1 Sec. 6. A licensed physician or osteopathic physician and
2 surgeon shall be justified in terminating a pregnancy and may pro-
3 duce a miscarriage or abortion if he believes:

4 1. That there is substantial risk that continuance of the
5 pregnancy will gravely impair the physical or mental health of
6 the mother.

7 2. That the child will be born with grave physical or mental
8 defect.

9 3. That the pregnancy resulted from rape, incest, or other
10 felonious intercourse.

11 Abortions permitted under this Act shall be performed only in
12 a licensed hospital except in an emergency or when hospital fa-
13 cilities are unavailable.

1 Sec. 7. No abortion shall be performed unless three (3)
2 physicians or osteopathic physicians and surgeons, one (1) of
3 whom may be the person performing the abortion, shall have certi-
4 fied in writing the name of the woman for whom the abortion is
5 recommended and the circumstances they believe to justify the
6 abortion.

7 The certificate shall be submitted to the records and sta-
8 tistics division of the state department of health, and, if the
9 abortion is to be performed in a licensed hospital, the certificate

10 shall also be submitted to such hospital prior to the abortion.
11 Where the abortion is believed to follow felonious intercourse,
12 the certificate shall also be submitted to the county attorney
13 of the county in which the abortion is performed. Failure to
14 comply with any of the requirements of this section shall give
15 rise to a presumption that the abortion was unlawful.

1 Sec. 8. Nothing in this Act shall be deemed applicable to
2 the prescription, administration, or distribution of drugs or
3 other substances for avoiding pregnancy, whether by preventing
4 implantation of a fertilized ovum or by any other method that
5 operates before, at, or immediately after fertilization.

1 Sec. 9. Any person convicted of a felony under this Act shall
2 be fined not to exceed one thousand (1,000) dollars and be im-
3 prisoned in the penitentiary for a term not to exceed five (5)
4 years.

1 Sec. 10. Section seven hundred one point one (701.1), Code
2 1966, is hereby repealed.

February 7, 1969
Passed on File

By COMMITTEE ON SOCIAL SERVICES

Passed Senate, Date..... Passed House, Date

Vote: Ayes Nays Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to abortion.

2 *Be It Enacted by the General Assembly of the State of Iowa:*

3 Section 1. Except as permitted under section two (2) of
4 this Act, it is unlawful for any person:

5 1. Willfully to terminate or attempt to terminate the
6 pregnancy of a woman by any means other than by live birth; or

7 2. Representing that it is his purpose to terminate a
8 pregnancy otherwise than by live birth, to perform an act
9 adapted to cause such termination of pregnancy in a pregnant
10 woman and it shall be no defense that such person did not
11 believe the woman to be pregnant or that the woman in fact
12 was not pregnant; or

13 3. To induce or knowingly aid a woman to use instruments,
14 drugs or violence upon herself for the purpose of terminating
15 her own pregnancy otherwise than by live birth.

16 Sec. 2. A licensed physician and surgeon or osteopathic
17 physician and surgeon may lawfully terminate a pregnancy if:

18 1. He has documented medical evidence that:

19 a. Continuance of the pregnancy may threaten the life or
20 the mental or physical health of the woman; or

21 b. Continuance of the pregnancy may result in the birth of
22 an infant with incapacitating physical deformity or mental
23 deficiency; or

24 c. He reasonably believes that the pregnancy resulted from
25 rape or incest which was reported to the county attorney or

1 sheriff of the county in which the woman resides, or in which
2 such offense was committed; and

3 2. Two other physicians and surgeons or osteopathic
4 physicians and surgeons whom he has chosen because of their
5 recognized professional competence, both of whom in cases in-
6 volving mental health shall be actively engaged in the practice
7 of psychiatry, have examined the woman and have concurred in
8 writing; and

9 3. He has a request for the termination of the pregnancy
10 voluntarily signed by the woman; and if the woman is a minor
11 or has been adjudicated incompetent by any court of competent
12 jurisdiction then only after permission is given in writing
13 by her husband, if she is married, or by a parent, guardian,
14 or person standing in loco parentis to said minor or incompetent;
15 and

16 4. The procedure is performed in a hospital accredited by
17 the joint commission on accreditation of hospitals.

18 Sec. 3. No hospital shall be required to permit the termina-
19 tion of a pregnancy by abortion in its facilities. No person
20 shall be required to participate in any termination of preg-
21 nancy by abortion. The refusal of any such hospital or
22 person to permit or participate in an abortion shall not form
23 the basis for any claim for damages or for disciplinary or
24 other recriminatory action.

25 Sec. 4. Any person who violates section one (1) of this
26 Act shall be fined not to exceed one thousand dollars and be
27 imprisoned in the penitentiary for a term not to exceed five
28 years.

29 Sec. 5. Section seven hundred one point one (701.1), Code
30 1966, is hereby repealed.

EXPLANATION OF SENATE FILE 202

This bill repeals Chapter 701.1 (Iowa Code, 1966) which makes it a crime to attempt to produce an abortion of a woman "unless such miscarriage should be necessary to save her life". It enacts three criminal offenses, which might be summarized as (1) willful abortion, (2) attempt-

ed abortion, and (3) being an accessory to abortion.

The bill permits a licensed physician and surgeon, or osteopathic physician and surgeon, to perform a therapeutic abortion in an accredited hospital in cases where the procedure is voluntarily requested by the woman and two other physicians concur in writing that there is documented medical evidence that: (1) Continuance of the pregnancy may threaten the mental or physical health or life of the woman; or (2) the infant may be born with incapacitating physical deformity or mental deficiency; or (3) continuance of a pregnancy, resulting from reported statutory or forcible rape or incest, may constitute a threat to the mental or physical health of the woman.

The bill expressly provides that the refusal of any hospital, physician or person employed by a hospital, to participate in such procedure shall not form the basis for any disciplinary action or recrimination against the hospital, physician or person.

March 18, 1969
Passed on File

144

SENATE FILE 502

By DODERER (Radl)

Passed Senate, Date..... Passed House, Date

Vote: Ayes Nays Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to the termination of pregnancy.

2 *Be It Enacted by the General Assembly of the State of Iowa:*

3 Section 1. Section seven hundred one point one (701.1),

4 Code 1966, is hereby repealed and the following enacted in

5 lieu thereof:

6 "If any person willfully administers any drug or other sub-

7 stance to any woman, or uses any instrument or other means on

8 any woman with an intent to terminate the pregnancy of such

9 woman, he shall be imprisoned in the penitentiary not more

10 than fifteen years and fined not more than three thousand

11 dollars, except where a termination of pregnancy may be neces-

12 sary to preserve such woman's health and is performed by a

13 qualified physician duly licensed to practice medicine in this

14 state.

EXPLANATION OF SENATE FILE 502

This bill amends the present law concerning abortion by prohibiting the termination of pregnancy under any circumstances by persons who are not licensed physicians. It permits physicians to terminate pregnancy only when it is necessary to preserve the health of the woman. The maximum penalties for unlawful inducement of miscarriage have been tripled by this bill to allow imprisonment for up to fifteen years and a fine of up to three thousand dollars.

March 20, 1969
Social Services

145

HOUSE FILE 626

By RADL
(Doderer)

Passed House, Date Passed Senate, Date.....
Vote: Ayes Nays Vote: Ayes Nays
Approved

A BILL FOR

- 1 An Act relating to the termination of pregnancy.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section seven hundred one point one (701.1),
- 4 Code 1966, is hereby repealed and the following enacted in
- 5 lieu thereof:
- 6 "If any person willfully administers any drug or other sub-
- 7 stance to any woman, or uses any instrument or other means on
- 8 any woman with an intent to terminate the pregnancy of such
- 9 woman, he shall be imprisoned in the penitentiary not more
- 10 than fifteen years and fined not more than three thousand
- 11 dollars, except where a termination of pregnancy may be neces-
- 12 sary to preserve such woman's health and is performed by a
- 13 qualified physician duly licensed to practice medicine in this
- 14 state.

EXPLANATION OF HOUSE FILE 626

This bill amends the present law concerning abortion by prohibiting the termination of pregnancy under any circumstances by persons who are not licensed physicians. It permits physicians to terminate pregnancy only when it is necessary to preserve the health of the woman. The maximum penalties for unlawful inducement of miscarriage have been tripled by this bill to allow imprisonment for up to fifteen years and a fine of up to three thousand dollars.

March 28, 1969
Passed on File

146

SENATE FILE 584

By DODERER

Passed Senate, Date..... Passed House, Date.....

Vote: Ayes Nays Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to criminal abortion and increasing the penalties
2 therefor.

3 *Be It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. Section seven hundred one point one (701.1),
5 Code 1966, is hereby repealed and the following enacted in
6 lieu thereof:

7 "If any person willfully administers any drug or other sub-
8 stance to any woman, or uses any instrument or other means on
9 any woman with an intent to terminate the pregnancy of such
10 woman, he shall be imprisoned in the penitentiary not more
11 than fifteen years and fined not more than three thousand
12 dollars, except where such termination of pregnancy is per-
13 formed by a qualified physician duly licensed to practice
14 medicine in this state."

15 Sec. 2. Chapter seven hundred one (701), Code 1966, is
16 hereby amended by adding thereto the following new section:

17 "No hospital shall be required to permit the termination of
18 a pregnancy in its facilities. No person shall be required to
19 participate in any termination of pregnancy. The refusal of
20 any such hospital or person to permit or participate in the
21 termination of a pregnancy shall not form the basis for any
22 claim for damages or for disciplinary or other recriminatory
23 action."

EXPLANATION OF SENATE FILE 584

This bill amends the present law concerning abortion by prohibiting the termination of pregnancy under *any* circumstances by persons who are

not licensed physicians. It also relieves a hospital or person of liability for refusal to permit or participate in the termination of a pregnancy. The maximum penalties for unlawful termination of pregnancy have been tripled by this bill to allow imprisonment for up to fifteen years and a fine of up to three thousand dollars.

February 12, 1969
Judiciary

148

HOUSE FILE 281

By KLEIN, ROORDA, KNIGHT,
SKINNER, KLUEVER, RADL,
DARRINGTON and SCHROEDER

Passed House, Date Passed Senate, Date.....

Vote: Ayes Nays Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to abortion.

2 *Be It Enacted by the General Assembly of the State of Iowa:*

3 Section 1. Except as permitted under section two (2) or
4 section three (3) of this Act, it is unlawful for any person:

5 1. Willfully to terminate or attempt to terminate the
6 pregnancy of a woman by any means other than by live birth; or

7 2. Representing that it is his purpose to terminate a preg-
8 nancy otherwise than by live birth, to perform an act adapted
9 to cause such termination of pregnancy in a pregnant woman and
10 it shall be no defense that such person did not believe the
11 woman to be pregnant or that the woman in fact was not pregnant;

12 or

13 3. To induce or knowingly aid a woman to use instruments,
14 drugs, or violence upon herself for the purpose of terminating
15 her own pregnancy otherwise than by live birth.

16 Sec. 2. A licensed physician and surgeon or osteopathic
17 physician and surgeon may lawfully terminate a pregnancy if:

18 1. He has documented medical evidence that:

19 a. Continuance of the pregnancy may threaten the life or
20 the mental or physical health of the woman; or

21 b. Continuance of the pregnancy may result in the birth
22 of an infant with incapacitating physical deformity or mental
23 deficiency; or

24 c. He reasonably believes that the pregnancy resulted from
25 rape or incest which was reported to the county attorney or

1 sheriff of the county in which the woman resides, or in which
2 such alleged offense was committed; and

3 2. Two other physicians and surgeons or osteopathic phy-
4 sicians and surgeons, whom he has chosen because of their rec-
5 ognized professional competence, both of whom, in cases involv-
6 ing mental health, shall be actively engaged in the practice
7 of psychiatry, have examined the woman and have concurred in
8 writing; and

9 3. He has a request for the termination of the pregnancy
10 voluntarily signed by the woman and, if the woman is a minor,
11 then only after permission is given in writing by her husband,
12 if she is married, or by a parent, guardian, or person stand-
13 ing in loco parentis to said minor, provided, however, that if
14 the woman has been adjudicated incompetent by any court of com-
15 petent jurisdiction, he has a request in writing by her husband,
16 if she is married, or by any parent, guardian or person stand-
17 ing in loco parentis to such incompetent woman; and

18 4. The procedure is performed in a hospital accredited by
19 the joint commission on accreditation of hospitals, or hospital
20 accredited by the American osteopathic association and approved
21 by it for residency training.

22 Sec. 3. A licensed physician and surgeon, or an osteopathic
23 physician and surgeon, may lawfully terminate a pregnancy if an
24 emergency exists and such procedure is necessary to save the
25 life of the woman.

26 Sec. 4. No hospital shall be required to permit the termin-
27 ation of a pregnancy by abortion in its facilities. No person
28 shall be required to participate in any termination of preg-
29 nancy by abortion. The refusal of any such hospital or person
30 to permit or participate in an abortion shall not form the basis
31 for any claim for damages or for disciplinary or other recrim-
32 inatory action.

33 Sec. 5. Any person who violates section one (1) of this
34 Act shall be fined not to exceed one thousand dollars and be
35 imprisoned in the penitentiary for a term not to exceed five

- 1 years.
- 2 Sec. 6. Section seven hundred one point one (701.1), Code
- 3 1966, is hereby repealed.

EXPLANATION OF HOUSE FILE 261 .

This bill repeals section 701.1, Code 1966, which makes it a crime to attempt to produce an abortion of a woman "unless such miscarriage should be necessary to save her life". It enacts three criminal offenses, which might be summarized as (1) willful abortion, (2) attempted abortion, and (3) being an accessory to abortion.

The bill permits a licensed physician and surgeon, or osteopathic physician and surgeon, to perform a therapeutic abortion in an accredited hospital in cases where the procedure is voluntarily requested by the woman and two other physicians concur in writing that there is documented medical evidence that: (1) Continuance of the pregnancy may threaten the mental or physical health or life of the woman; or (2) the infant may be born with incapacitating physical deformity or mental deficiency; or (3) pregnancy resulting from reported statutory or forcible rape or incest.

The bill expressly provides that the refusal of any hospital, physician, or person employed by a hospital, to participate in such procedure shall not form the basis for any disciplinary action or recrimination against the hospital, physician, or person.

January 13, 1970
Passed on File

151

SENATE FILE 1052

By CONKLIN

Passed Senate, Date..... Passed House, Date

Vote: Ayes Nays Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to, and providing criminal penalties for the
2 illegal termination of pregnancy.

3 *Be It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. Section one hundred forty-seven point fifty-six
5 (147.56), subsection six (6), Code 1966, is hereby amended by
6 striking from line two (2) the words "a criminal abortion" and
7 inserting in lieu thereof the words "an illegal termination of
8 pregnancy".

9 Sec. 2. Section seven hundred one point one (701.1), Code
10 1966, is hereby repealed and the following enacted in lieu
11 thereof:

12 "Any person other than a qualified physician duly licensed
13 to practice medicine in this state, who willfully administers
14 any drug or other substance to any woman, or uses any instrument
15 or other means on any woman with an intent to terminate the
16 woman's pregnancy, is guilty of practicing medicine without a
17 license, and shall be punished by imprisonment in the peniten-
18 tiary for not more than fifteen years and a fine of not more
19 than three thousand dollars."

20 Sec. 3. Section seven hundred twenty-five point five
21 (725.5), Code 1966, is hereby amended by striking from line ten
22 (10) the word "abortion" and inserting in lieu thereof the
23 words "an illegal termination of pregnancy".

EXPLANATION

This bill provides that any person other than a qualified physician licensed to practice medicine, who acts with intent to terminate a pregnancy, is guilty of practicing medicine without a license and subject to severe penalties.

Code references to "abortion" are changed to "illegal termination of pregnancy".

FILED JAN 28 1971

SENATE FILE 114

By CONKLIN
(Moffitt, Hill, Radl, Willits,
Alt, Miller, Pelton, Campbell,
and Pierson)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to, and providing criminal penalties for, the
2 illegal termination of a pregnancy.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 114 H.F. _____

1 Section 1. For the purposes of this Act:

2 1. "Physician" means a person licensed to practice medicine
3 and surgery pursuant to chapter one hundred forty-eight (148)
4 of the Code, a person licensed to practice osteopathy pursuant
5 to chapter one hundred fifty (150) of the Code, or a person
6 licensed to practice osteopathic medicine and surgery pursuant
7 to chapter one hundred fifty A (150A) of the Code.

8 2. "Hospital" means a hospital licensed by the state de-
9 partment of health.

10 Sec. 2. Any person, other than a physician terminating
11 a pregnancy in a hospital, who willfully administers a drug
12 or other substance to a female person, or uses an instrument
13 or other means on a female person, with an intent to terminate
14 a pregnancy shall be guilty of a public offense. Any physi-
15 cian terminating the pregnancy of a female person after the
16 twentieth week of gestation shall be guilty of a public
17 offense.

18 Any person violating the provisions of this section shall
19 be punished by imprisonment in the penitentiary for not more
20 than fifteen years and a fine of not more than three thousand
21 dollars.

22 Sec. 3. Nothing in this Act shall require a hospital or
23 a person to participate in the termination of a pregnancy.
24 Refusal by a hospital or a person to participate in the
25 termination of a pregnancy shall not form the basis for a
26 claim for damages or for disciplinary or other recriminatory
27 action.

28 Sec. 4. Section one hundred forty-seven point fifty-six
29 (147.56), subsection six (6), Code 1971, is amended as follows:

30 6. Procurement or aiding or abetting in the procurement
31 of a ~~criminal-abortion~~ termination of pregnancy in violation
32 of sections one (1), two (2), and three (3) of this Act.

33 Sec. 5. Section seven hundred seventy-three point thirty-
34 eight (773.38), subsection five (5), Code 1971, is amended
35 as follows:

JAN 29 1971
Judiciary

HOUSE FILE 134

By MOFFITT, HILL, RADL, WILLITS,
ALT, MILLER, PELTON, CAMPBELL,
and PIERSON
(Conklin)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to, and providing criminal penalties for, the
2 illegal termination of a pregnancy.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. For the purposes of this Act:

2 1. "Physician" means a person licensed to practice medicine
3 and surgery pursuant to chapter one hundred forty-eight (148)
4 of the Code, a person licensed to practice osteopathy pursuant
5 to chapter one hundred fifty (150) of the Code, or a person
6 licensed to practice osteopathic medicine and surgery pursuant
7 to chapter one hundred fifty A (150A) of the Code.

8 2. "Hospital" means a hospital licensed by the state de-
9 partment of health.

10 Sec. 2. Any person, other than a physician terminating
11 a pregnancy in a hospital, who willfully administers a drug
12 or other substance to a female person, or uses an instrument
13 or other means on a female person, with an intent to terminate
14 a pregnancy shall be guilty of a public offense. Any physi-
15 cian terminating the pregnancy of a female person after the
16 twentieth week of gestation shall be guilty of a public
17 offense.

18 Any person violating the provisions of this section shall
19 be punished by imprisonment in the penitentiary for not more
20 than fifteen years and a fine of not more than three thousand
21 dollars.

22 Sec. 3. Nothing in this Act shall require a hospital or
23 a person to participate in the termination of a pregnancy.
24 Refusal by a hospital or a person to participate in the
25 termination of a pregnancy shall not form the basis for a
26 claim for damages or for disciplinary or other recriminatory
27 action.

28 Sec. 4. Section one hundred forty-seven point fifty-six
29 (147.56), subsection six (6), Code 1971, is amended as follows:

30 6. Procurement or aiding or abetting in the procurement
31 of a ~~criminal-abortion~~ termination of pregnancy in violation
32 of sections one (1), two (2), and three (3) of this Act.

33 Sec. 5. Section seven hundred seventy-three point thirty-
34 eight (773.38), subsection five (5), Code 1971, is amended
35 as follows:

SPONSOR'S COPY

SENATE FILE 334

By POTGETER

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to abortion and to provide a penalty.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Except as permitted in section two (2) of this
2 Act, it is unlawful for any person:

3 1. Willfully to terminate or attempt to terminate the
4 pregnancy of a woman by any means other than by live birth; or

5 2. Representing that it is his purpose to terminate a
6 pregnancy otherwise than by live birth, to perform an act
7 adapted to cause such termination of pregnancy in a pregnant
8 woman and it shall be no defense that such person did not
9 believe the woman to be pregnant or that the woman in fact
10 was not pregnant; or

11 3. To induce or knowingly aid a woman to use instruments,
12 drugs or violence upon herself for the purpose of terminating
13 her own pregnancy otherwise than by live birth.

14 Sec. 2. A licensed physician and surgeon or osteopathic
15 physician and surgeon may lawfully terminate a pregnancy if:

16 1. He has medical evidence that:

17 a. Continuance of the pregnancy may threaten the life or
18 the mental or physical health of the woman; or

19 b. Continuance of the pregnancy may result in the birth of
20 an infant with incapacitating physical deformity or mental
21 deficiency; or

22 c. He reasonably believes that the pregnancy resulted from
23 rape or incest which was reported to the county attorney or
24 sheriff of the county in which the woman resides, or in which
25 such offense was committed; and

26 2. He has a request for the termination of the pregnancy
27 voluntarily signed by the woman; and if the woman is a minor
28 or has been adjudicated incompetent by the district court then
29 only after permission is given in writing by her husband, if
30 she is married, or by a parent, guardian, or person standing
31 in loco parentis to the minor or incompetent; and

32 3. The procedure is performed in a hospital accredited by
33 the joint commission on accreditation of hospitals.

34 Sec. 3. A hospital shall not be required to permit the
35 termination of a pregnancy by abortion in its facilities. A

1 person shall not be required to participate in any termination
2 of pregnancy by abortion. The refusal of a hospital or person
3 to permit or participate in an abortion shall not form the
4 basis for any claim for damages or for disciplinary or other
5 recriminatory action.

6 Sec. 4. A person who violates section one (1) of this Act
7 shall be fined not to exceed one thousand dollars and be
8 imprisoned in the penitentiary for a term not to exceed five
9 years.

10 Sec. 5. Section seven hundred one point one (701.1), Code
11 1971, is repealed.

12 EXPLANATION

13 This bill repeals Chapter 701.1 (Iowa Code, 1971) which
14 makes it a crime to attempt to produce an abortion of a woman
15 "unless such miscarriage should be necessary to save her life".
16 It enacts three criminal offenses, which might be summarized
17 as (1) willful abortion, (2) attempted abortion, and (3) being
18 an accessory to abortion.

19 The bill permits a licensed physician and surgeon, or
20 osteopathic physician and surgeon, to perform a therapeutic
21 abortion in an accredited hospital in cases where the procedure
22 is voluntarily requested by the woman and there is medical
23 evidence that: (1) Continuance of the pregnancy may threaten
24 the mental or physical health or life of the woman; or (2)
25 the infant may be born with incapacitating physical deformity
26 or mental deficiency; or (3) continuance of a pregnancy, result-
27 ing from reported statutory or forcible rape or incest, may
28 constitute a threat to the mental or physical health of the
29 woman.

30 The bill expressly provides that the refusal of any hospital,
31 physician or person employed by a hospital, to participate in
32 such procedure shall not form the basis for any disciplinary
33 action or recrimination against the hospital, physician or
34 person.

35

LSB 28A

IX. APPENDIX B

CURRENT STATUS OF ABORTION LAWS - August 1, 1970

Statutes provide that abortions are permitted for the reasons indicated and under the conditions specified.

State	Year	Physician	Hospital	Life Health	Physical Health	Mental Health	Fetal Deformity	Forcible Rape (Age)	Statutory Rape (Age)	Incest	Time Limit (Weeks)	M.D. Approval	Residency
ALABAMA	1951			✓									
ALASKA	1970			✓									✓ 30 days
ARIZONA	1865			✓									
ARKANSAS	1969			✓			✓	✓		✓	✓ (20)	3C	✓ 4 mos.
CALIFORNIA	1967			✓			✓	✓	✓ (15)	✓	✓ (16) ³	2B ² 3B	
COLORADO	1860			✓			✓	✓	✓ (16)	✓	✓		
CONNECTICUT	1860			✓			✓	✓	✓	✓	✓ (20) ⁴	1C-RA	✓ 4 mos. ⁵
DELAWARE	1969			✓			✓	✓	✓	✓	✓		
DIST. OF COL.	1901			✓			✓	✓	✓	✓	✓	2C-3B	
FLORIDA	1868			✓			✓	✓	✓ (14)	✓	✓		
GEORGIA	1968			✓			✓	✓	✓	✓	✓		
HAWAII	1970			✓			✓	✓	✓	✓	✓		✓ 90 days ⁶
IDaho	1863			✓			✓	✓	✓	✓	✓		
ILLINOIS	1874			✓			✓	✓	✓	✓	✓		
INDIANA	1838			✓			✓	✓	✓	✓	✓		
IOWA	1843			✓			✓	✓	✓	✓	✓		
KANSAS	1863			✓			✓	✓	✓ (15)	✓	✓	3C	
KENTUCKY	1910			✓			✓	✓	✓	✓	✓	1C	
KY. 3 ⁷	1914			✓			✓	✓	✓	✓	✓		
MAINE	1840			✓			✓	✓	✓	✓	✓		
MARYLAND	1868			✓			✓	✓	✓	✓	✓ (26) ⁸	RA	
MASSACHUSETTS	1845			✓			✓	✓	✓	✓	✓		
MICHIGAN	1846			✓			✓	✓	✓	✓	✓		
MINNESOTA	1851			✓			✓	✓	✓	✓	✓		
MISSISSIPPI	1969			✓			✓	✓	✓ (10)	✓	✓	2C	
MISSOURI	1835			✓			✓	✓	✓	✓	✓		
MARYLAND	1864			✓			✓	✓	✓	✓	✓		
NEBRASKA	1873			✓			✓	✓	✓	✓	✓		
NEVADA	1861			✓			✓	✓	✓	✓	✓		
NEW HAMPSHIRE	1840			✓			✓	✓	✓	✓	✓		
NEW JERSEY	1849			✓			✓	✓	✓	✓	✓		
NEW MEXICO	1969			✓			✓	✓	✓ (16)	✓	✓	2B	
NEW YORK	1970			✓			✓	✓	✓	✓ (24) ¹³	✓		
N. CAROLINA	1967			✓			✓	✓	✓	✓	✓	3C	✓ 4 mos.
N. DAKOTA	1943			✓			✓	✓	✓	✓	✓		
OHIO	1841			✓			✓	✓	✓	✓	✓		
OKLAHOMA	1910			✓			✓	✓	✓	✓	✓		
OREGON	1969			✓			✓	✓	✓ (16)	✓	✓ (150 days) ¹⁴	1C	✓
PENNSYLVANIA ¹⁵	1860			✓			✓	✓	✓	✓	✓		
PUERTO RICO	1913			✓			✓	✓	✓	✓	✓		
RHODE ISLAND	1896			✓			✓	✓	✓	✓	✓		
S. CAROLINA	1970			✓			✓	✓	✓	✓	✓	3C	✓ 90 days
S. DAKOTA	1929			✓			✓	✓	✓	✓	✓		
TENNESSEE	1883			✓			✓	✓	✓	✓	✓		
TEXAS	1859			✓			✓	✓	✓	✓	✓		
UTAH	1876			✓			✓	✓	✓	✓	✓		
VERMONT	1867			✓			✓	✓	✓	✓	✓		
VIRGINIA	1970			✓			✓	✓	✓	✓	✓	Board	✓ 120 days ¹⁶
WASHINGTON	1854			✓			✓	✓	✓	✓	✓		
WEST VIRGINIA	1848			✓			✓	✓	✓	✓	✓		
WISCONSIN	1858			✓			✓	✓	✓	✓	✓		
WYOMING	1859			✓			✓	✓	✓	✓	✓		

C - Consultant; B - Therapeutic; Abortion Board; RA - Hospital Review Authority *Non-Viable Fetus

- 1 Abortion must be "performed in a hospital or other facility approved for the purpose by the Department of Health and Welfare or a hospital operated by the federal government or an agency of the federal government . . ." Abortion may not be performed unless "consent has been received from the parent or guardian of an unmarried woman less than 18 years of age . . ."
- 2 Two members abortion board required through the 12th week of pregnancy, three-member board thereafter.
- 3 The 150 days time limit applies to rape and incest only.
- 4 After 24 weeks a pregnancy may be terminated to preserve the woman's life or where the fetus is dead.
- 5 Residency requirement does not apply if the woman or her husband works in Delaware or if she has previously been a resident of Delaware physician or if her life is in danger.
- 6 Abortion must be done in a hospital "or other place as may be designated by law . . ."
- 7 Abortion must be done in a hospital "or other place as may be designated by law . . ."
- 8 After 24 weeks a pregnancy may be terminated to preserve maternal life or when the fetus is dead.

- 9 The statute prohibits "unlawful" abortion, or abortion which is "malicious" or performed "without lawful justification." Case law, however, sanctions abortion to preserve maternal life and protect maternal health. COMMONWEALTH V. WHEELER (1944).
- 10 Statute does not specify whether forcible or statutory rape (or either) is meant.
- 11 The statute forbids abortions done "maliciously or without lawful justification." Case laws provide that abortions are permitted at least to preserve the life of the woman, GLEITMAN V. COSGROVE (1967).
- 12 After 24 weeks pregnancy may be terminated only to preserve woman's life.
- 13 "In determining whether or not there is substantial risk [to her physical or mental health] account may be taken of the mother's total environment, actual or reasonably foreseeable."
- 14 The 150-day time limit does not apply in cases of danger to life.
- 15 "Unlawful" abortion is proscribed but not defined.
- 16 Residency may be proved by affidavit.
- 17 Case law sanctions abortion when performed in accordance with the standards of physicians in the community. STATE V. POWERS (1929).

Primary Source: Checklist of Abortion Laws in the United States. Association for the Study of Abortion, Inc., 1970.

Lader, Lawrence. "A National Guide to Legal Abortion." Ladies' Home Journal, July 1970.

Prepared by NATIONAL CENTER FOR FAMILY PLANNING SERVICES, HSMHA, HEW.

from Vern Helms

PASTORAL LETTER CONCERNING "RIGHT TO LIFE"¹⁶⁴

TO: THE CATHOLIC COMMUNITY OF IOWA
FROM: THE IOWA CATHOLIC CONFERENCE OF BISHOPS

October 25, 1970

The Catholic Bishops of Iowa find it necessary to address themselves as a group to the problem of the protection of human life.

With our fellow citizens we are concerned about the quality of human life in Iowa. However, at this time we are concerned about the very right to life. In recent months various campaigns have been launched that would deny the right to life to unborn infants.

We wish to make it clear that the Catholic Church remains constant in its teaching: The taking of the life of an unborn infant is a violation of the fifth commandment "Thou shall not kill". Our position remains firmly in favor of the inalienable right to life of the unborn and developing child. This right to life deserves the continued protection of our state laws.

We speak today as religious leaders, primarily to our Catholic community of faith and worship, but we sincerely ask also for a thoughtful consideration of our words by all citizens of our State. The question of abortion is a moral problem transcending denominational lines. We are heartened by the support of many leaders of other religious beliefs. We commend the efforts of all those who are actively concerned about "reverence for life" and, in particular, we wish to encourage and lend support to those who have formed Right to Life Committees.

We are saddened by those who accuse us of being insensitive to human problems. Certainly the Catholic people have demonstrated their concern for human needs. Among the many manifestations of this, we note, are hospitals, counseling services, adoption agencies, care for orphans and needy children, homes for the elderly, and programs for unwed mothers. These efforts have been sponsored by financial contributions, often at great personal sacrifice. Catholics must now assume their responsibility to involve themselves in the abortion issue. The resolution of this question will have a profound and long range effect on our society and our family life.

It is, indeed, the very issue of life which is at stake. Medical science provides convincing evidence that a unique life comes into existence at the moment of conception. That unique life, as distinct from its mother upon whom it depends for sustenance, protection and warmth, as it is distinct from its father, is truly human. Even in this earliest microscopic stage of human life, all the factors for ultimate development into a specific adult individual are already present. Only death can break the continuous stream of human life that has so humble and seemingly insignificant a beginning. How tragic if that death were deliberately caused by the very ones destined by nature and by nature's God to guarantee and to safeguard this life!

The unborn child's civil rights have been recognized by law. We recall, in particular, the case in which the mother was forced by the New Jersey Supreme court against her religious convictions to have a blood transfusion to maintain her baby's life. The right of inheritance of the unborn child, the right to medical and economic support, the right to recover damages for injury suffered in the womb have all been affirmed by the courts. In short, the law has cast itself in the role of safeguarding the rights of the unborn child.

How much more important it is that the law continue to protect the basic right to life itself -- the right upon which all others are based!

As religious leaders, we are involved daily with people in situations of distress. We recognize the complex difficulties facing so many men, women and families. Abortion fails to solve the underlying causes of these ills. It raises even deeper problems. We are haunted by the tragic consequences which will result from the easy acceptance of abortion. If we allow the taking of innocent human life at its beginnings, how can we logically protect that human life at a later time when that life becomes a burden to an individual or to society?

Law is an educator. If it allows the destruction of unwanted life, it unavoidably teaches that life is cheap.

We are willing and anxious to cooperate on positive programs to help erase the conditions that lead to the demand for abortion. There is a great need for a thorough education of all our citizens to assist them in marriage, family life and responsible sexual behavior. We also urge cooperative efforts in solving the many other social problems that beset our society.

Our prayer and our plea is that all men of good will in this state will join us in seeking these solutions, and will reject that most destructive recourse, the killing of innocent human life in the womb.

Most Rev. James J. Byrne, Archbishop of Dubuque
Most Rev. Joseph M. Mueller, Bishop of Sioux City
Most Rev. Gerald F. O'Keefe, Bishop of Davenport
Most Rev. Maurice J. Dingman, Bishop of Des Moines
Most Rev. Frank H. Greteman, Auxiliary Bishop of Sioux City
Most Rev. Francis Dunn, Auxiliary Bishop of Dubuque

WHAT IS THIS ISSUE OF ABORTION ALL ABOUT?

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Abortion is the termination of a pregnancy before the unborn child is able to survive outside its mother's body. Until very recently, every state in the United States had laws which prohibited abortion, although most states allowed the operation if the life of the mother were threatened by continued pregnancy.

In the past five years, a well-organized, well-financed campaign to "liberalize" these laws spread across the country. Within the past year, this drive has turned to a demand for repeal of all abortion laws, on the grounds that such laws are unconstitutional, that it is a woman's "civil right" to have an abortion for whatever reason – or no reason at all.

What is ironic about this campaign is that it comes at a moment in history when we are ever more mindful of the sacredness of human life: Protestors – young students, respected professional men, mothers pushing baby buggies – demand an end to the carnage of war. There is pressure to stop capital punishment, no matter what the crime. We insist that every citizen "has his day in court," that his rights be protected under the law, as guaranteed in the Declaration of Independence and the Constitution.

We plead for the life of a ransomed child. We are shocked and scandalized by murder in the streets, by the starvation of babies in Biafra. We even protest the "inhumane" methods by which experimental animals are killed.

Yet, the campaign is raging to allow the death of thousands of unborn children – innocent, voiceless, yet truly human – simply because the mother does not wish to bear the child, or will be burdened, embarrassed or inconvenienced by its birth.

Fifteen states have eased their laws to allow abortion for a variety of reasons: the mother's physical or mental health might be impaired; the pregnancy resulted from rape or incest; or the child might be born with a serious defect. Such laws were first based upon the "model penal code" drafted by the American Law Institute. Now the entire thrust is for abortion on demand.

The Iowa Supreme Court on September 2, 1970, by an 8-0 vote, upheld the constitutionality of the Iowa Criminal Abortion Statute. Earlier courts in California and the District of Columbia had held the abortion laws there to be unconstitutional.

Actually, the political arena is hardly the place to settle such an issue. It must be considered and debated in the public forum, as the questions raised by abortion will shape our future society:

What value shall we, and our children, place on human life? Shall our American tradition of protecting all human life be altered to exclude the unborn? What impact will easy abortion have on the stability of family life, on morals, on hospital facilities, on respect for human life in other forms – the old, the sick, the crippled, the retarded?

These are the questions which must be considered in this matter. We invite you to consider them with us, seeking as we do – the truth.

IS ABORTION THE ANSWER?

Should children be brought into the world and be subjected to growing up in the degrading conditions of a poverty family; a family with unstable parents; or a family in which the child is unwanted? Both the proponents and opponents of easy abortion would answer no. However, their suggested solutions differ greatly. The proponents propose to solve this dilemma by preventing the child having to be subjected to these conditions by terminating his life in the most anonymous stage; the fetal stage.

We must insist that the solution to the conditions of physical and emotional poverty and instability in families is to provide adequate income for all families and to avail to all adequate medical and social service rather than snuffing out innocent life. Solving the conditions which cause individual and family strife will not only provide a society in which the child is wanted, but also a society which is wanted by the child.

WHEN DOES HUMAN LIFE REALLY BEGIN?

"The birth of a human life really occurs at the moment the mother's egg is fertilized by one of the father's sperm cells."

– LIFE MAGAZINE: Series, "Drama of Life Before Birth," April, 1965

"It is now of unquestionable certainty that a human being comes into existence precisely at the moment when the sperm combines with the egg. How do we know this? From everything we know about genetics. When the sperm and egg nuclei unite, all of the characteristics, such as color of the eyes, hair, skin, that make a unique personality, are laid down determinatively."

– Herbert Ratner, M.D., REPORT, April, 1966

"From the moment a baby is conceived, it bears the indelible stamp of a separate, distinct personality, an individual different from all other individuals . . ."

"By the third month of pregnancy, he has developed from the first single cell of life into a perfectly-formed little creature about the size of his father's thumb."

– H.M.I. Liley, M.D., Fetologist, MODERN MOTHERHOOD, 1967

"An abortion requires an operation. It kills the life of a baby after it has begun. It is dangerous to your life and health. It may make you sterile so that when you want a child you cannot have it. Birth control merely postpones the beginning of life."

– Planned Parenthood Pamphlet, 1963 *not context*

HOW DOES THE LAW REGARD THE UNBORN CHILD?

"If abortion results in the death of an innocent human being . . . then abortion is neither a strictly private matter nor the sole concern of a particular religious sect."

– Robert M. Byrn, Professor at Law, Fordham University

“The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.”

– U.N. Declaration on Rights of the Child

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“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are life . . .”

– U.S. Declaration of Independence

The law has recognized the following rights of the unborn child:

A. Property rights and the right to inherit. *Doe v. Clarke*, 126 Eng Rep 617 (1795)

B. Rights in tort to sue for injury. *Prosser v. Torts*, Section 56

C. Fetal life has been preferred to the right of the parents as to free exercise of religion.

Board of Education v. Barnette, 319 U.S. 624 (1943)

SHOULD NOT ABORTIONS BE ALLOWED FOR SUCH THINGS AS RAPE, DEFORMED CHILDREN, OR THE MOTHER'S MENTAL OR PHYSICAL HEALTH?

“Anyone who performs a therapeutic abortion is either ignorant of modern medical methods of treating the complications of pregnancy or is unwilling to take time to use them.”

– R. J. Heffernan, M.D., Tufts University; Speaking to Congress of American College of Surgeons, 1951

“It is practically impossible . . . to predict when an abortion will not be more detrimental to the mental health than the carrying of the child to birth.”

– Theodore Litz, M.D., Yale University Psychiatrist

“Allowing abortion where there is **statutory rape** is to allow every unwed mother **under the specified age** to abort her unborn child. Despite the crucial fact that the mother consented to the act of intercourse – otherwise it would be forcible rape – she is freed from any responsibility for the life of the child.

“So far, we have seen, in broad outline, something of the legal aspects of rape. Statutory rape, as a justification for abortion, is equivalent to **voluntary** abortion for a large segment of the fertile female population, but its determination, at least at the pregnancy stage, is not difficult, whatever the moral and social problems may be. **Forcible** rape, on the other hand, in addition to similar moral and social problems, has serious fact-finding ones: the law is complicated; the evidence is elusive and contradictory; and the effects of a bad decision are devastating.

“When forcible rape is alleged, the basic illicitness of the act of intercourse is easy to prove: It is simply a question of whether or not the woman was married to the accused. The actual occurrence of intercourse, the participation by this defendant, and the lack of consent by the woman, however, are progressively more and more troublesome for the prosecution to prove.”

– David Granfield, **THE ABORTION DECISION**, 1969

“Would I be so heartless as to say that it has been worthwhile for my child to be born retarded? Certainly not, but I am saying that even though gravely retarded it has been worthwhile for her to have lived . . . I would not add the weight of choice to kill rather than to let live. A retarded child, a handicapped person, brings its own gift to life, even to the life of normal human beings.”

– Pearl Buck, Foreword, **THE TERRIBLE CHOICE, THE ABORTION DILEMMA**, April, 1968

ARE CATHOLICS THE ONLY ONES AGAINST ABORTION?

“. . . as a practicing protestant, I believe that a fetus is a life.”

– Leroy G. Augenstein, **COME, LET US PLAY GOD**, 1969

“Genetics teaches us that we were from the beginning what we essentially still are in every cell and in every . . . attribute. Thus . . . genetics seems to have provided an approximation, from the underside, to the religious belief that there is a soul animating and forming man's bodily being from the very beginning.”

– Dr. Paul Ramsey, Protestant Theologian, Professor of Religion, Princeton University

“Even if the fetus is the product of incest or rape, or an abnormality of any kind is foreseen, the right to life is still his.”

– New Jersey Orthodox Rabbinic Council; Testimony to N.J. Study Commission on Abortion, 1969

“Abortion is cheap as a final solution.

“And it is final. Let there be no mistake about that! Therapy and care are as costly as love. But life is priceless.

“If any authority on earth, church or state, has the right to permit abortion, except under those conditions now allowed, then there is no authority on earth that has the right to protect life.”

– Rev. Charles Carroll, Episcopal Diocese of California;

Protestant Chaplin, University of California Medical Center

“To say that anti-abortion interests are merely the concern on one sectarian group is to miss the universal moral issue at stake. No one can prove that the fetus is at any point less than a human life. Despite the most tragic circumstances under which conception may take place, the unborn child must be protected. The only possible exception to this is the rare instance where the continued pregnancy poses an imminent threat to the life of the mother.”

– Chaplin R. E. Oudheusden, (American Lutheran Church) St. Luke's Medical Center, Sioux City, Iowa

“To raise the question whether we are here concerned already with a human being or not is merely to confuse the issue. The simple fact is that God certainly intended to create a human being and that this nascent human being has been deliberately deprived of his life. And that is nothing but murder.”

– Lutheran Theologian Dietrich Bonhoeffer, Martyred by the Nazis

“Thou shalt not kill,”

– The Holy Bible, Exodus, 20:13

AREN'T THERE A MILLION ILLEGAL ABORTIONS A YEAR IN THE U.S. RESULTING IN THOUSANDS OF DEATHS?

No. There are no completely reliable figures available, but the million figure for illegal abortions is obviously inflated as is that of thousands for deaths resulting from illegal abortions. One advocate of abortion, Dr. Alan Guttmacher, now speaks glibly of "between 200,000 and 1,000,000 illegal abortions" — quite a credibility (or incredibility) gap. Responsible sources on both sides agree that there are probably no more than 500 deaths connected with illegal abortions, and it is by no means sure that the "illegality" caused the deaths. Remember, too, this sad statistic will not be lessened by the proposed changes, since experience shows that legalizing abortion does not result in decreasing the number of illegal abortions. (In Sweden and Denmark, there was a marked increase.) Some studies show that 85% of the women who seek abortions, are married, carrying their husband's child and want abortions for one simple reason: they don't want the inconvenience of another child.

WHAT CAN I DO?

1. Become Informed — Abortion is a highly complex issue. It involves medical, legal, social and moral questions. Study it in all its aspects so that your efforts and arguments are informed and accurate. Especially, we recommend the reading of:

- A. The Terrible Choice — The Abortion Dilemma (1968 Bantam Books, 271 Madison Avenue, New York, N.Y. 10016 — 95¢)
- B. Callahan, Abortion: Law, Choice and Morality (1970, Collier-MacMillan, 866 Third Avenue, New York, N.Y. 10022 — \$14.95)
- C. Granfield, The Abortion Decision, (1969 Doubleday — \$5.95)
- D. Child and Family Magazine — Winter, 1968, The Case Against Abortion (1968, Child and Family, Box 508, Oak Park, Illinois 60303 — \$1.00 or less for bulk orders)

2. Speak Out — In your personal and business life, use your knowledge and conviction to influence others. Most people have only limited and superficial information about this matter. As citizens, they should be better informed. Don't be afraid to tell them what you know.

3. Organize — Form a local Right to Life Committee and involve interested non-Catholics. Contact the Iowa Catholic Conference or your diocesan coordinator for help on forming your local Right to Life Committee. Right to Life Committees have been formed in Des Moines, Dubuque, Fort Dodge, and Newton. The local Right to Life Committees will be autonomous and non-sectarian. Their state-wide thrust will be coordinated by the Iowans Concerned for Life, Inc., a non-profit, non-sectarian organization made up of local Right to Life groups.

4. Write Letters — Write letters to your representatives in the State Legislature, to the governor and to other public officials — attorney general, commissioner of health, etc. — stating your opposition to changing or repealing the law. In Iowa, if you don't know an individual legislator's address, write to him at the State House, Des Moines, Iowa 50319. Write the Iowa Catholic Conference or your diocesan coordinator for guidance and information.

5. Contact Legislators — If possible, contact your representatives personally, by telephone or personal appointment. They are there to represent YOU. Ask them their position on abortion. Provide them with information and reading material. State your expectation that they will vote against abortion on demand.

6. Get Support — If you are unable to organize or locate a local Right to Life Committee, seek support from your own organizations — school, social, fraternal, professional, both religious and secular — urging them to take a stand against easy abortion laws. Ask them to sponsor a public forum on abortion. There are films available from the diocesan coordinators.

7. Communicate — Write letters to local newspapers, radio stations, television stations and programs, in rebuttal to or support of articles, letters, editorials and particular programs. As with political letters, this correspondence should be personal, sincere, well thought-out, unemotional (remember that reason and logic are on our side) and reasonably brief.

8. Women are the Key — Women ought to be in the forefront of the anti-abortion campaign. As nurturers or society as well as new life, their response to this issue will be crucial in determining which way it goes. Stay in contact with the Archdiocesan and Diocesan Councils of Catholic Women, who have done great work in the past.

WILL YOU JOIN US IN TRYING TO DO SOMETHING?

Further information and materials may be obtained from:

National Right-to-Life Committee
P.O. Box 9365
Washington, D.C. 20005
Iowans Concerned for Life, Inc.
P.O. Box 282
Des Moines, Iowa 50301
Iowa Catholic Conference
918 Insurance Exchange Building
Des Moines, Iowa 50309

Diocesan Coordinators:

Rev. Richard Funke, 1100 Bluff Street, Dubuque, Iowa 52001
Rev. James K. Lafferty, 1822 Jackson Street, Sioux City, Iowa 51102
Rev. Karl W. Holtkamp, St. Mary's Parish, Fairfield, Iowa 52556
Rev. Frank E. Bognanno, 2910 Grand Avenue, Des Moines, Iowa 50306

Extra Copies of this Brochure and Other Pamphlets Are Available from:

IOWA CATHOLIC CONFERENCE
918 Insurance Exchange Building, Des Moines, Iowa 50309