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FULL-TERM ABORTIONS AND PERHAPS BEYOND?

Stephen L. Bakke  February 5, 2019



I sit here in disappointed wonder and, paraphrasing a Bible verse, I'm asking: "What hath mankind wrought?"

Many wannabe pundits such as myself assumed that the shortening gestation period required for fetal viability would portend more abortion restrictions. I was wrong! First we heard reports about the Dysart, Iowa twins born at a record-challenging 22 weeks, and who continue to survive and progress. Then entering the scene was Governor Cuomo of New York gleefully announcing the new state law which loosens restrictions on full-term abortions.

For me the problematic part of the New York law is that it permits abortions up to the date of birth if "the abortion is necessary to protect the patient's life or health." Previously the requirement was that the mother's life had to be at risk. We are to conclude this would apply only in extreme situations, but there is no clarification of what is meant by "protecting the patient's health." The final decision is left up to the physicians "reasonable and good faith judgement."

Similar legislation in Virginia was defeated, but its Governor Northam clarified how full-term abortions work. He explained that the live baby would be delivered and "made comfortable" while deciding its fate. That baby's life or death would result from a "good-faith" decision after discussion between the doctor and mother. Northam's clarification called attention to the harsh reality that a live infant might be "terminated."

If the term "slippery-slope" ever applied, it applies here. What started as Roe's emphasis on viability and "first trimester" limits has evolved into support for partial-birth and third trimester abortions. And the New York legislation is a leap into the unknown territory of full-term abortions perhaps even beyond.

During Roe, fetal viability was 28 weeks, and now those Iowa twins are surviving and progressing after only 22 weeks. We are witnessing confusing contradictions in which it's illegal to kill unhatched bald eagles, but in some jurisdictions, it's OK to kill unborn humans, even at full-term and during delivery. And in New York, while it's been declared

unconstitutional to give lethal injections to convicted murderers, it's now OK to give lethal injections to full-term infants.

The dehumanization of unborn lives is facilitated by referring to potentially viable and aborted fetuses using terms like: "cluster of cells," "accidental biology," and "medical waste." And slowly, "sanctity of life" has eroded as a basic operating assumption. Even the claim that abortion rights are essential for reproductive health is being replaced by the concept that a woman simply has a right "not to mother."

Besides the U.S., only Canada, China, Netherlands, North Korea, Viet Nam, and Singapore allow elective abortion beyond 20 weeks. And it's actually humiliating that the U.S. is joining only China, North Korea, Viet Nam and Canada in the group of five countries allowing full-term abortions.

After contemplating the slippery slope we've been on, my sincere concern shouldn't be considered as a mere "sky-is-falling" moment. In the past, many have predicted these things happening, and their warnings were dismissed as mere scare tactics – they weren't. As of this writing, Democrats have blocked a U.S. Senate attempt to protect the life of born-alive infants. It seems that if anything deserves a "unanimous consent" vote this would be it.

I hope we can move closer to public, legislative, and judicial examinations of the "constitutional rights of the unborn." That's a huge subject and I mention it here only in the context of this quote from James Wilson, one of only six men to sign both the Declaration of Independence and the Constitution, and also a member of the first Supreme Court: "Of the Natural Rights of Individuals, in the contemplation of law, life begins when the infant is first able to stir in the womb. By the law, life is protected not only from immediate destruction, but from every degree of actual violence, and, in some cases, from every degree of danger." It's clear, and encouraging, that the Founders were thinking about fetal rights, even then.

I recommend spending some time imagining where this slippery slope might take us. I'll conclude with my introductory comment: "What hath mankind wrought?"