

# Helm's abortion amendment unenforceable

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The recent DTH article by Betsy Russell on abortion legislation and the editorial concerning the Moral Majority's effort to suppress information about sex and contraception were timely and well done. It is important that the public in general and this academic community in particular understand the impact of the efforts by religious fanatics to restrict our civil liberties.

North Carolina is especially unfortunate to have as its senior representative and chief sponsor of these insanities in the U.S. Senate, Jesse Helms, whose intellectual poverty is now inflicted on a national audience. That Helms provides an amusing caricature of the Southern demagogue for the rest of the nation cannot be comforting to thoughtful North Carolina voters.

However, he is now a power in the Senate and he must be taken seriously. He has offered again his annual Human Life Amendment to the Constitution, which would define a person as existing from the moment of conception. Worse, he has now submitted a new variation which has an excellent chance of passing the Senate and wreaking havoc on both the Constitution and the federal judiciary.

The latest legislative maneuver requires only a majority and is sponsored in the House by Henry Hyde of Illinois. The legislation would stipulate that the word "person" in the 14th Amendment is defined as "existing from the moment of conception" and requiring the "due process before the law." The second part of the legislation would prohibit lower Federal courts from ruling on any litigation involving abortion. It will effectively deny all women legal abortions and not must the poor, who have been the customary target of Hyde and Helms.

It is ironic that the inevitable consequence of denying fertility control to women who are poor will conspicuously enlarge the numbers and misery of a class of people for whom Helms has no understanding or compassion. This is especially true since he couples his crusade for reproductive profligacy with a plan for eliminating the Food Stamp program and school lunches for children. The fact that welfare costs will rise because of and despite his efforts will confound the progressive fascists who would rather eliminate the poor by giving them fertility control than by starvation of large numbers. Too messy.

The presumption that Congress has the collective competence to define the beginning of life for us is grotesquely absurd, but the prospect of a serious attempt should alarm every citizen. For the biologist, life began hundreds of millions of years ago and has continued in an unbroken sequence ever since. In abortion, the question becomes not when life begins, but who is best prepared to make the decision to transmit life to a new generation: the individual or the state?

As a physician specializing in abortion, I have helped women with this painful problem for the past seven years. I can unequivocally state that no one is better prepared to make that decision than the individual woman. In the name of "getting government off the backs of the people," the defenders of public virtue will have the state impose that decision by taking away this choice. What a monstrous lie they have sold!

The Human Life Amendment and Statute would define a person as existing from the moment of conception. When does conception occur? How soon after intercourse? Would the census taker bring a pregnancy test with him? Would that be an invasion of privacy? Will the

IRS require proof of a positive pregnancy test for the extra deduction? What if the claim is for twins?

How do you classify ectopic (tubal) pregnancy? Do you prosecute the doctor who removes it? What if a woman smokes or drinks and has a miscarriage? Will she be guilty of murder? Will the embryo get a passport? Will a fetus conceived in the United States in a non-citizen be an American citizen if born abroad? Will insurance companies give life insurance for the fetus? If it's a person, why not?

Will the intrauterine device, which can act as an abortifacient, be illegal under the new amendment? Will birth control pills be illegal, since they may be used post-conception to prevent pregnancy? What about the fact that any woman who is pregnant, intentionally or not, is at risk of death due to pregnancy? What about the fact that the woman who continues a pregnancy is 10 to 35 times more likely to die than the woman who has an early abortion under proper medical conditions? Is the death of a woman who has been denied a safe abortion a deprivation of her life and rights without due process?

If the Human Life legislation is passed, will everyone who is 64.3 years of age on the day it becomes law immediately become 65.0 years of age and therefore eligible for benefits from the bankrupt Social Security system?

The widespread availability of information and technology for performing abortions and providing contraception would make such legislation a laughingstock. It might occur, however, that one or more cantankerous, dissenting physicians who are notorious for performing abortions will openly challenge such a preposterous law and require the protectors of virtue to demonstrate the primacy of a six-week embryo over a disagreeable adult doctor.

Those who abhor abortion as a personal choice in pregnancy are entitled to their views and choices. This includes Senator Helms who, fortunately for all of us, will never himself face this dilemma. As a personal philosophy, it is not only tolerable; it may be sincere and profound. As public policy imposed on an unbelieving majority, however, it is psychotic, ridiculous, and totally unenforceable. We do not need more bad laws, but fewer and wiser. We do not need Helms and the Moral Majority to tell us how to live. Let them practice what they preach.

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