

The Tale of Two States

Michigan

As we all know, Michigan has fallen prey to the aggressive whims of a radical, pro-abortion governor, aided and abetted by extreme pro-abortion state lawmakers. During her tenure, Governor Whitmer has succeeded in getting our 1846 pro-life repealed. She was the state's most prominent cheerleader in promoting Proposal 3 that enshrined abortion rights in our state constitution. She pushed for passage of the Reproductive Health Act a few months ago that repealed several of our pro-life laws enacted during the previous decades.

Our pro-abortion legislators have some unfinished business. They want to pass legislation that would legalize physician-assisted suicide. They want to repeal our informed consent law that includes a 24-hour waiting period, and a woman's "right to know" about the possible health risks or consequences to abortion. Last, our elected lawmakers want to repeal our parental consent law. This final item may be the most difficult to pass since some 85 percent of Michigan residents support parental consent. In an election year, it's possible than even rabid, pro-abortion ideologues may think twice about introducing such an unpopular bill that may carry unintended political damage this November.

The most immediate concern is legislation that would legalize physician-assisted suicide. Of concern is the effect such a policy would have on marginalized groups who already have problems navigating healthcare inequalities. A 2023 Kaiser Family Foundation survey on racism, discrimination, and health found that people of color often experience discrimination when seeking medical care. With the cheaper assisted suicide "option" available, those facing existing healthcare disparities may be offered this option rather than the more expensive care.

Rising costs and cost-cutting pressure from insurance companies threatens access to quality health care and access to prescription medicine across the board. Inject a cheap, lethal option for those who already have higher costs, and the pressure to choose the more "economic" lethal option quickly threatens any achievement in expanding access to high quality healthcare.

Arizona

On April 9, the Arizona Supreme Court issued a monumental, far-reaching decision, ruling that the state law of 1864 (not enforceable for the 50 years *Roe* was the controlling case) would once again become law after a two-week procedural delay. The law was especially restrictive, prohibiting abortion throughout all stages of pregnancy except for the physical life of the women. It did not include exceptions for rape or incest.

After the US Supreme Court reversed *Roe v. Wade* and returned the issue of abortion to the individual states, many pro-life attorneys or legislators sought to enact new pro-life laws. In other states, pro-lifers attempted to restore previously-enacted anti-abortion laws from the past. Such was the case in Arizona. In 2023, a pro-life ob/gyn filed a lawsuit asking that the Arizona courts restore the constitutionality of the 1864 law. Oral argument was heard on *Planned Parenthood Arizona v. Mayes/Hazelrigg* in December. Attorneys with Alliance Defending Freedom represented pro-life Dr. Eric Hazelrigg.

The history of the state law: It was enacted in 1864 and revised slightly in 1901. It was codified as state law in 1913 after Arizona achieved statehood. It was codified again in 1928. In 1971, Planned Parenthood challenged the constitutionality of the law and a lower court upheld PP's challenge. However, an appellate court reversed that decision. Even though *Roe v. Wade* put a permanent hold on the law IT WAS NEVER REPEALED BY THE ARIZONA LEGISLATURE.

In this current case Planned Parenthood argued that the state's new 15-week abortion bill not only nullified the 1864 law but secured abortion rights in the state. However, the 4-2 court majority stated, "In context, [the 15-week law] was not a legislative attempt to preserve a right to abortion in Arizona; instead, it was a significant legislative restriction on elective abortion," p. 15 of opinion. Borrowing from the *Dobbs* decision, the majority concluded, "A policy matter of this gravity [abortion] must ultimately be resolved by our citizens through the legislature or the initiative process. Today, we decline to make this weighty policy decision because such judgments are reserved for our citizens. Instead,

we merely follow our limited constitutional role and duty to interpret the law as written,” p. 28.

A storm of protest exploded. President Biden charged that the ruling “is a result of the extreme agenda of Republican elected officials who are committed to ripping away women’s freedom.” Governor Katie Hobbs called the decision “absolutely devastating for Arizona women.” She also said that Arizonans “have the opportunity to vote to enshrine...abortion in our constitution this November.” Even some Republicans in the Arizona legislature seemed noncommittal. The Speaker and Senate President said that the decision was based “solely on the text of the law.” But they added that during a 60-day waiting period “we will be closely reviewing the [ruling], talking to members, and listening to our constituents to determine the best course of action for the legislature.” Donald Trump weighed in, saying that the court went too far. He believed that state legislators will take some action, presumably to add rape and incest exceptions to the law. Some GOP strategists fear that the development will hurt Republican chances in the fall election as more women will vote on this issue rather than on illegal immigration, food prices, inflation, fentanyl, and crime.



Oratory Winner Announced

On April 23, Kalamazoo Right to Life held its annual High School Oratory Contest. Christian Assembly of God Church on Lovers Lane hosted the event. Four students participated this year. Each gave six to seven minute speeches on topics ranging from abortion, to infanticide, and euthanasia. Third place was awarded to Natalie Shank. Second place winner was Grace Wolf. This year’s winner was **Xander Yoder**. While all three received certificates and cash awards, Xander will be able to compete in the Right to Life of Michigan’s State Oratory Contest later this spring. He will also be presenting his winning speech at the May 2 Focus on Life Dinner. Special thanks to our judges: Brian Kincaid, Marte Paquin, and Mona Ruse. Also, serving as sound room techs were Pastor Ted Mitchell of Christian Assembly and Andrea Rex. Thanks to all the students for well-written, thoughtful, and insightful speeches.



Left:

This year’s winner was Xander Yoder

Above:

Xander Yoder, Grace Wolf, and Natalie Shank

History, Science, and Law Guide Arizona Court's Decision

by Rob Karrer

While pro-lifers are celebrating the news that abortion is almost completely prohibited in Arizona, thanks to the April 9 decision by the state's Supreme Court, liberals, pro-abortion activists, and members of the far-left leaning legacy media are becoming predictably unhinged. The "death of democracy" had surfaced once again. Women will die in Arizona. This is the Apocalypse! I suppose these hysterical responses are expected. But, built into the Court's ruling is the fact that it is based on legal precedent, adherence to the Supreme Court's *Dobbs* decision, and on history.

The ruling has already been discussed on page 1. We can learn much more about Arizona's law of 1864 by studying the history of nineteenth-century anti-abortion laws in the United States. It's important to acknowledge that scholars, philosophers, and doctors knew very little about fetal development prior to the Civil War era. Scientific understanding, especially regarding the growth and development of the unborn child, was a mystery during antiquity and continued for centuries. Aristotle believed that males received their souls at 40 gestational days, while females did at 90 days. Equality was not an issue in 4th century BC Greece—even in the womb. Some ancient societies tolerated abortion, others banned the practice. Christianity always considered abortion a grave sin and a crime perpetrated against an innocent baby. European nations and dynastic empires retained Christianity's opposition of abortion and imposed criminal penalties for one convicted of performing an abortion. The problem was that until the mid-nineteenth century, the first legal proof that a woman was even pregnant was when she "quickened," and detected fetal movement. Prior to quickening, the law did not recognize that a woman was pregnant (despite physical changes) and if she aborted her baby with the help of a midwife or illegal abortionist (who used potions or herbal concoctions to induce labor) little was done in the form of punishment. [Note: surgical abortions prior to 1880 were very often fatal for the woman. Newer, "safer" instruments were introduced around 1880 and quickly put the herbal remedies out of business.]

In 1821, the Connecticut legislature enacted the nation's first anti-abortion law. New York's law came a few years later. Most states and some territories passed laws during the 1830-1850 period. Michigan's 1846 law fell into this early category, although it was far more restrictive than other states, outlawing abortion throughout all nine months of pregnancy. A major problem with these early anti-abortion laws (pre-1860) was that performing an abortion was considered a crime committed against the mother...not the intended victim: the baby. That all changed in 1857. The American Medical Association (AMA) had been observing that the number of illegal abortions had been increasing since the 1830s. Doctors also noted that many women were dealing with post-abortion complications. The AMA formed a committee to study the issue and recommend solutions to eradicate the practice. The committee's chairman was Harvard-educated Dr. Horatio Storer of Boston. His 1859 Report on Criminal Abortion was enthusiastically adopted by the AMA. The report recommended that the AMA launch a campaign to pressure state lawmakers to revise their existing anti-abortion laws to make them more restrictive or to enact new laws in territories seeking statehood. This became known as the Physicians Crusade Against Abortion.

Why the need to revise these anti-abortion laws? The changes were needed because doctors and scientists in the mid-nineteenth century had finally begun to learn much more about fetal development, the structure of the cell, and the female egg. They also concluded that the "quickening" benchmark was no longer medically correct. The laws revised between 1860 and 1880 reflected these new scientific discoveries. Abortions that were protected prior to quickening were now illegal at all stages of pregnancy—from conception. The focus of the Physicians Crusade was centered on the baby...the real victim of abortion. Science had proved that the baby was a human being from the moment of conception and laws revised during that 1860-1880 period reflected that evidence. Protection for the baby was foremost in the minds of state lawmakers as well, as the texts of revised laws indicated. Nearly every single state enacted strong pro-life laws during that period, outlawing abortion from conception. Even US territories (like Arizona) enacted very strong anti-abortion laws.

Pro-abortion zealots want to remind everyone that abortion is "health care." They demand that women have full reproductive rights. They demand that the Supreme Court be expanded so that President Biden can appoint more liberal justices to equalize or neutralize the influence of the current conservative majority. These pro-abortionists never want to talk about history, or about nineteenth-century laws, or about legal precedent. Oh, they'll talk about the antiquated century-old laws when women could not vote. How dare the Arizona Supreme Court take women back 160 years! But do they talk about DNA that babies have at fertilization? No. Do they talk about a beating heart at six weeks? No. Do they admit that an ultrasound shows a human being in the womb? No. They just want to talk about women's rights. They do not want to address the science of fetology, or of legal protections for the unborn, or of the cruel and barbaric methods of killing babies in the womb. No. Their minds are closed to these realities.

Thank God that the Arizona Supreme Court was willing to look at history, and science, and law to reach the right conclusion. It is true that there may be political consequences from this decision. Pro-abortion Arizonans may intensify their campaign to make abortion THE ONLY ISSUE IN 2024. They may succeed. The decisions by the court may backfire. But, regardless of future political damage, lives will be saved, perhaps thousands of babies will enjoy the blessings of life!

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