



# KNIGHTS FOR LIFE

IN SERVICE TO THE ORDER

*In defense of our unborn brothers and sisters*

Committed to Education Communication and Catholic Civic Responsibility



12 weeks old

## A BRIEF SURVEY OF US ABORTION LAW BEFORE THE 1973 DECISION

By Brian Young (excerpts) <http://www.ewtn.com/library/PROLIFE/LIFBFROE.TXT>

**Abortion Statutes of the 19th & 20th Centuries** (excerpts) <http://www.missourilife.org/law/preroe.htm>

According to Sir William Blackstone, the renowned 18th century English jurist, under common law, the abortion of a 'quickened' fetus was a 'very heinous misdemeanor.' At that time the penalty for misdemeanors could be severe; loss of a limb, confiscation of property or life in prison.

'Quickening' - when a pregnant woman first feels her child move - generally in the fourth month.

**The abandonment of the "quickening" requirement coincided with the 19th century discovery of how conception takes place.**

During the first decades of the 1800's, scientists began to understand the cellular basis of life and for the first time were able to observe the process of fertilization. It became clear that abortion kills a living human being, no matter what the stage of the child's development. **The resulting scientific knowledge about the process of conception and development led to efforts to enact stronger bans on abortion.** Beginning in 1859, the American Medical Association (AMA) called for strong anti-abortion laws and vigorous enforcement of them.

In view of the claim by twentieth century abortionists that physicians did this only to protect their own profession or solely to protect women's health, it is useful to quote the doctors themselves on why they wanted action by the states:

"...the frightful extent of this crime is found in the grave defects of our laws, ... **as regards the independent and actual existence of the child before birth, as a living being.**

"... the Committee would advise that this body...publicly express its abhorrence of the unnatural and now rapidly increasing **crime of abortion; that it avow its true nature, as no simple offence against public morality and decency, no mere misdemeanor, no attempt upon the life of the mother, but the wanton and murderous destruction of her child.** . " The AMA adopted the recommendation described above and sponsored initiatives in all states.

By 1910, every state except Kentucky had passed an anti-abortion law (and Kentucky's courts had declared abortion at any stage of gestation to be illegal).

By 1967, not much had changed. In 49 states, abortion was a felony; in New Jersey, it was a high misdemeanor. In 1967, though, state abortion laws began to change, but only after years of organized campaigns by pro-abortion forces.

In June 1967, the AMA voted to change that body's long-standing opposition to abortion. With a new resolution, the AMA now condoned abortion for the life or health of the mother, for a baby's 'incapacitating' physical deformity or mental deficiency, or for cases of rape or incest.

The pro-abortion onslaught was beginning to face opposition, though, as pro-life forces organized. In 1972, the New York legislature voted to repeal the state's liberal abortion law, but Governor Nelson Rockefeller vetoed the repeal. Ballot questions in Michigan and North Dakota in 1972 attempted to decriminalize abortion; the measures were defeated by majorities of 63% and 78%, respectively.

Just as pro-lifers were beginning to turn the tide, the Supreme Court handed down Roe v Wade in January 1973. With one judicial stroke, over 200 years of legal protection for the unborn was rendered null and void. For the first time in American history, abortion was the "law of the land".