P.S. to the NEWS
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THE HYDE AMENDMENT DECISION

The Supreme Court decision upholding the Hyde Amendment which prohibits spending federal funds for abortions (except when the mother's life is in danger, etc.) was big news. It is interesting, however, that the majority of the news coverage was devoted to the dissenting opinions rather than to the opinion of the Court.

The Hyde Amendment, sponsored by Rep. Henry Hyde (R.-Il) in the House and Sen. Jesse Helms (R.-N.C.) in the Senate, was passed in 1976. Enforcement was enjoined by Federal Judge Dooling, who held that women have a constitutional right to have their abortions paid for the government. The Supreme Court reversed the Dooling decision on June 30 in Harris v. McRae.

The chief objections to the Supreme Court decision come from those who say they don't believe that the aborted baby is human life. Thus, the dissenting opinion by Justice Stevens called the aborted baby merely "potential human life."

If Justice Stevens and the other three dissenting Justices would look at the pictures and read the articles on "Embryology, Human" in the Encyclopaedia Britannica and on "Embryo" in the World Book Encyclopedia, they would see clearly that the unborn baby is actual, not "potential," human life.

Britannica shows numerous drawings and pictures of human embryos from conception to eight weeks. From six weeks on, these are clearly human beings. The article states that the heart starts beating at the end of the third week, the muscles respond to stimuli after the eighth week, and spontaneous movements begin at nine and a half weeks.

Because of his medically false assumption that the unborn baby is not actual human life but only "potential human life," Justice Stevens writes that "the harm inflicted upon women in the excluded class [meaning excluded from payment for their abortions] is grievous. It is tantamount to severe punishment."

Thus, Justice Stevens concludes that it is "severe punishment" to deny a woman tax funds to pay for killing her unborn baby, but presumably it is not "severe punishment" to kill the innocent unborn baby.

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Justice Stevens and the other pro-abortion Justices on our Supreme Court would do well to read the abortion decision handed down by West Germany's highest court after a liberalized abortion statute had been passed by the West German Parliament. A year after the 1973 Roe v. Wade decision in the United States, West Germany's supreme court held that "the termination of pregnancy is an act of killing" and must be prohibited and punished by law.

Doesn't the woman have the right to do what she wants with her own body? No, said the court, because the unborn child is not "part of the maternal organism," but is "a distinctive human being."

Isn't the unborn baby just a fetus and not entitled to life? "Unborn life," said the German court, "is a legal entity that is to be considered fundamentally equivalent to born life. This conclusion is self-evident for the period during which the unborn life would be capable of life outside the mother's womb.

"However, it is also justified for the earlier period, beginning approximately 14 days after conception ... It is the altogether overwhelming persuasion of medical, anthropological, and theological science that the whole subsequent development presents no further distinction of comparable significance."

Perhaps the 1974 German court respect for human life was sharpened by the memory of those unhappy years of the 1930s and 1940s when "inconvenient" lives were terminated in the gas chambers. It is horrifying to think that, in the United States, more than a million "inconvenient" baby lives are snuffed out each year. Despite the splendid German court decision, the German birth rate is now 20 percent below replacement.

Congress and state legislatures have done their legislative best to resist the U.S. Supreme Court's usurpation of policy-making authority on the abortion issue. But law after law has been struck down by the federal courts since the 1973 Roe decision. In Planned Parenthood v. Danforth, the Court even held that an unmarried minor girl can get an abortion without her parents' consent.

The new decision upholding the Hyde Amendment may indicate that the Supreme Court is responding to the public demand that something be done to stop the the killing of millions of unborn babies.

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