

Life and Liberty for Women

abortion safe and legal

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Defending A Woman's Right to Have an Abortion Through the Second Trimester of Pregnancy

Life and Liberty for Women is not afraid or ashamed to speak of and defend a woman's right to have an abortion through the second trimester of pregnancy

Life and Liberty for Women is not ashamed of legal abortion as defined by Roe vs. Wade. That means that we fully support a woman's right to decide to terminate her pregnancy in the second trimester, even in late second trimester, before viability, because, when all is said and done, she is convinced that she cannot parent a child at this time in her life; she simply can't offer her child the quality of life she believes her child deserves.

We fully support a woman's right to decide to terminate her pregnancy in the second trimester, even in late second trimester, before viability, because she has determined that she can't give birth and give up her child for adoption. That conclusion would certainly reflect how she herself would feel about carrying her baby for 9 months and then giving away her baby, but such a decision against adoption would also reflect her feelings about the uncertainty she feels about the quality of life her child would have if adopted out. Women are aware that their child might or might not end up with a loving family to raise them. Additionally, they are aware that even with the most loving family, a child may grow into adulthood with serious self-esteem issues arising out of "being unwanted and given away." Women considering adoption think very seriously about those two consequences just as they think very seriously about the consequences to themselves and the potential life they carry that carrying to term and parenting would present or having an abortion would present.

Those of us who work daily to protect and defend Roe vs. Wade, understand that

some late second trimester abortions are a result of an unhealthy fetus and/or unhealthy woman but we are also very much aware of the reasons why some women, and in particular poor women and young teenage girls, find themselves making this decision in the second trimester, even into late second trimester and we must articulate that to the public without shame and with all forthrightness.

Here it is important to articulate the several reasons why a woman who wishes to terminate her pregnancy might wait so long.

In 1987 a study, the Alan Guttmacher Institute found that 71% of women did not recognize that they were pregnant or had misjudged gestational age. 48% had difficulty arranging for an abortion, particularly raising the money for an abortion. 33% were afraid to tell their parents or partner, and 24% said they were having great difficulty deciding to have an abortion. These women were also more likely to be having personal health problems, fetal health problems, or to have suffered rape or incest.

It is important to understand the reasons why and under what circumstances abortions occur in the second trimester. There are four possibilities.

First, you can have a healthy woman and a healthy fetus. **Life and Liberty for Women** stands tall and proud for the right of any woman to decide to terminate her pregnancy, prior to viability, for any reason she deems is right for her life and the potential life she is responsible for.

Second, it is between 14 and 18 weeks before amniocentesis can begin to detect some serious and/or life threatening fetal anomalies. Consequently, it may be mid to late second trimester before an unhealthy fetus may be discovered. In this case there would be a healthy woman and an unhealthy fetus. A woman, in consultation with her physician, family, and clergy, must be the one who makes the decision about continuing the pregnancy or terminating it, not some politician or antiabortion religious fanatic.

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Third, a woman who has a health issue, such as a heart condition, cancer, high blood pressure, diabetes, etc., that may or may not have been apparent at the onset of pregnancy, but can complicate a pregnancy, especially as the pregnancy progresses, is also a very real possibility. Such a case may see a healthy fetus and an unhealthy woman or if the fetus is found to be unhealthy as well as an unhealthy fetus and an unhealthy woman can be a reality. Again, it is essential that a woman, her physician, family, and clergy make a decision as to whether an abortion is best for her and the potential life she is responsible for and further, what procedure will best protect her health, future fertility, and life. Only those individuals know the facts and only they can call upon their own conscience and religious and moral value system to make such a heart wrenching decision.

It is not at all surprising that the antiabortion movement will not speak these truths and realities when they discuss second trimester abortions. Clouding these truths with emotional manipulation and lies better serves their agenda. What is surprising to me, is that the abortion rights movement gets so tangled up in their "rectangular message box" and fear of alienating moderate voters and financial supporters that they fail to make the critical distinctions and delineations between the numbers and the reasons for second and third trimester abortions which in turn has further confused the public and led to state and federal legislative losses and ballot box losses. Later on I take a more in depth look at the abortion rights movement's failure, the consequences and the solution.

Next, it's important to discuss for a moment the numbers of abortions that occur in the second trimester. In January of 2000 the Centers for Disease Control and Prevention, (CDC) reported the latest statistics gathered on abortions performed in the United States. In 1997, the CDC said that 1,184,758 abortions were performed, the lowest level in two decades. Additionally, approximately 88% were performed during the first 12 weeks of pregnancy. In actual numbers that would mean that 1,042,587 were performed in the first 3 months of pregnancy or in the

first trimester. That leaves approximately 14,217 that were performed after the first trimester.

The Alan Guttmacher Institute indicates that only 1% of abortions are performed at 21 weeks plus. That would mean that in 1997, in real numbers, approximately 11,484 abortions were performed at 21 weeks plus. In 1997 the Guttmacher Institute said that approximately four one-hundredths of one percent (0.4%) of abortions are performed in the third trimester or after viability. In real numbers that would be approximately 474 abortions were performed in the third trimester out of over 1 million abortions overall in 1997. That means that depending on the total number of abortions in a given year, where the high has been near 1.6 million, anywhere between 400-700 abortions a year out of one million plus occurs in the 7,8, or 9th month or after viability.

Further, these statistics would indicate that in real numbers the number of abortions occurring in late second trimester, starting at 21 weeks and ending at the end of 24 weeks, would be approximately, 11,010 out of over 1 million abortions in 1997. Remember: that 11,010 accounts for abortions not only for women who unfortunately have waited and made their decision to terminate their pregnancy late in the second trimester, but also in that number are abortions of women who have health issues themselves that have complicated the pregnancy and given cause for the termination of the pregnancy to protect her health or life. Also in that number are women who have terminated their pregnancy after amniocentesis and other tests have indicated the presence of serious fetal defects and anomalies.

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Further, keep in mind that the medical community believes that viability generally occurs between 25-28 weeks. While there have been fetuses of less weeks that have survived, the number of variables and factors that effects every pregnancy differently, makes predicting exactly when any particular fetus will be viable most unpredictable. Fetuses born 23-26 weeks may or may not survive and may have some physical and mental deficiencies that range from mild to more severe. The fact is that there is a threshold at which the human body is capable of surviving outside of the womb and further surviving with minimal physical and mental difficulties. A fetus born below that threshold is in the gray unpredictable area where some will live with minimal difficulties, others will survive with major difficulties while others will not survive at all. Simply, it is a fact of life that we must deal with.

In a recent Newsweek special issue in an article titled "New Hope for Premies," a 23-week female preemie was described thusly, "She fluttered on the very edge of viability. Her skin was paper-thin and tore open easily. Fetal fuzz, called lanugo covered her shoulders and back. Her ears, still developing cartilage, ran seamlessly into her jaw line. Her eyelids were fused together. While some things were amazingly complete – her fingernails, the life lines across her palms – her heart, lungs, and brain were not up to the task of keeping her alive."

The article goes on, "about 11% of all US babies were born premature. About one half of the tiniest still die. Babies who leave the womb too soon have multiple weaknesses, including brains and eyes that are subject to hemorrhaging, and heart and lungs too immature to maintain circulation. These can kill them in their incubators or may result in such life long problems as blindness, deafness and cerebral palsy."

While technological advances have given some extreme preemies a better opportunity than ever to survive and offered some limited ability to mitigate the physical and mental consequences to such premature birth, the article reminds us that, "While more and more premature babies are

surviving, many don't leave the NICU unscathed. A recent study of 811 extremely premature babies (all delivered between 20 and 25 weeks) found that half had some disability at 30 months and one quarter were considered severely disabled."

The article also reminds us that, "at some hospitals," meaning many hospitals may be ill equipped to save preemies or mitigate the consequences of premature birth, "a child born at 24 weeks has a 1 in 4 chance of surviving without neurological impairments." I emphasize at some hospitals, because if you are a poor woman, without insurance, or in a rural area with little access to better hospitals with the most modern equipment available, guess what, your preemie has little to no chance of surviving let alone surviving without life long physical and or mental consequences.

Experts and researchers who deal daily with preemies so understand the threshold I was just speaking of, the threshold that the human body must reach to just survive outside of the womb and further to survive outside of the womb with minimal to no lasting physical or mental defects that, says the article, "As researchers learn more about the causes of premature birth , hopes for preventing it are improving." Even though researchers also work to find better ways to help save preemies and mitigate the lasting consequences of such a premature birth for those who do survive, they realize the real solution, because of that inescapable threshold, is to prevent the fetus from exiting the womb before it has so developed as to be actually and really viable. That is a very significant fact to recognize as we discuss late second trimester abortions.

Next: It's a fact that we can impact and lower the number of second trimester abortions. We can do that very simply by providing cumbersome free access to abortion services for poor women and teenage girls and increase educational efforts.

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With regard to minor girls access to safe and legal abortion services, The 2001 National NARAL (National Abortion and Reproductive Rights Action League) book, "Who Decides? A State-by-State Review of Abortion and Reproductive Rights," which tracks yearly the status of reproductive health care issues, found the following to be the case as of December 31, 2000:

- "42 states have laws that require a minor to obtain the consent or to notify an adult, typically a parent, prior to an abortion. 32 of these laws are currently enforced.
- Of the 32 states that currently enforce notice or consent laws, only Utah does not have a judicial or other by-pass provision allowing a minor to secure a court order in lieu of notifying her parents.
- 8 states permit a minor to notify specified adults other than her parents, under certain circumstances. Also known as a trusted adult clause.
- Delaware, Maryland, and West Virginia permit a minor to obtain an abortion without parental consent or notice in certain circumstances if a physician or health professional waives the requirement.
- In addition, 11 states allow a minor to obtain an abortion without parental consent or notice if she declares she is a victim of abuse, neglect, rape, or incest."

We need to repeal all parental notice/consent laws that have proven to force teens to seek abortion services in other states and further increase the likelihood that they will not obtain an abortion until they are in the second trimester.

For example, in Minnesota, the proportion of second-trimester abortions among minors terminating their pregnancies increased by 18% following the enactment of a parental notification law. In Missouri since its parental consent law went into effect in 1985, the proportion of second trimester abortions among teens increased from 19% in 1985 to 23% in 1988. These findings were noted by Patricia Donovan in "Our Daughters'

Decisions: The Conflict in State Law on Abortion and Other Issues," 1992.

A 1986 ACLU report about Minnesota's parental consent law, found that when minor girls utilized the judicial by-pass provision contained in that law, a provision which is contained in most all of the parental notice/consent laws on the books, that not only did the courts approve most by-pass requests, but the court proceedings were responsible for delaying their abortions by more than one week, and sometimes up to three weeks.

We know that many teenage girls are often unaware of their pregnancies until late in the first trimester and some even into the first of the second trimester. Combine that reality with the looming hoops of parental notice/consent laws and the usual fear, panic and indecision that envelops an unintended pregnancy and one begins to see the impact on reducing the number of second trimester abortions repealing parental notice and consent laws would alone have.

Next, by offering Medicaid funding to poor women for elective abortions under the guidelines of Roe vs. Wade, we can prevent women delaying an abortion decision into the second, even late second trimester, because they lack the financial means to pay for an abortion. The Supreme Court decided Roe vs. Wade in 1973. By 1976 the "Hyde Amendment" was passed (and is still in force) by Congress that denied federal Medicaid funds to poor women to pay for an abortion, except in the case of rape, incest, or life of the woman. Soon many state legislatures took up the same question and voted to deny poor women state Medicaid funds to pay for an abortion or voters, when asked to decide that question, said no, as with my own state of Colorado.

Life and Liberty for Women

abortion safe and legal

today - tomorrow - forever

Again, the 2001 National NARAL (National Abortion and Reproductive Rights Action League) book, "Who Decides? A State-by-State Review of Abortion and Reproductive Rights," which tracks yearly the status of reproductive health care issues, notes that through December of 2000 the following:

- "18 states fund abortion for women in their state medical assistance programs in all or most circumstances (AK, AZ, CA, CT, HI, IN, MD, MA, MN, MT, NJ, NM, NY, OR, TX, VT, WA, WV).

- 26 states including the District of Columbia, exclude abortion from their state medical assistance programs except in cases of life endangerment, rape, or incest. (AL, AR, CO, DE, DC, FL, GA, KS, KY, LA, ME, MI, MO, NE, NV, NH, NC, ND, OH, OK, PA, RI, SC, TN, UT, WY).

- 16 states require that the rape or incest be reported to a law enforcement or social service agency in at least some circumstances in order for the woman to receive public funds for an abortion (DE, ID, IN, IA, LA, MA, MD, MT, OH, OK, PA, SC, UT, VA, WI, WY). 7 of these make no exception for a woman judged by her physician as unable to comply with the reporting requirement (IN, IA, MD, MA, VA, WI, WY). Arizona requires a minor under 18 or an incapacitated adult to obtain the written consent of a parent or guardian and documentation that the crime of rape or incest was reported to the proper authorities in order to receive public funds for an abortion. Mississippi and South Dakota exclude abortion from their state medical assistance programs except when the woman's life is endangered. These state policies violate federal law prohibiting participating states from excluding abortion from the Medicaid program in cases of rape or incest as well as life endangerment."

Why should you be able to exercise your constitutional right to safe and legal abortion services if you have money but be denied that right if you are poor? In any given moment of any given day, our tax dollars more often than not are paying for "things" we do not "morally support." Military spending into the billions and billions comes

to mind. So do thousand dollar toilet seats or wrenches. We can be "morally" opposed to zillions of things and our tax dollar still has an obligation to pay up for the betterment of our society. Abortion for poor women and teenage girls is no different. Refusing to cover abortion services with Medicaid dollars doesn't make a moral statement - nor do they stop every poor woman from having an abortion - some finally raise the money - except now they are seeking an abortion into the second trimester - Duh!!!

We can also lower the number of second trimester abortions by increasing educational efforts. We can provide education to young girls and women about their bodies and the importance to their health of recognizing the signs of pregnancy early on and making the decision to have an abortion within the first trimester.

Finally, the abortion rights movement must stop being afraid to publicly express unequivocal support for that part of Roe vs. Wade, that allows women to make a decision to terminate an unintended pregnancy, for any reason, prior to viability, even into the late second trimester.

Several months ago, I was tuned in to FOX News Talk Show "Hannity and Colms." Hannity, the right wing extremist, was questioning a spokeswoman from a one of the more prominent abortion rights organizations about the so-called "partial birth abortion" ban that the Supreme Court struck down in the summer of 2000.

First, this spokeswoman didn't even try to make clear to the audience, the delineation between our sides definition of late term (third trimester) and the antiabortion sides definition (second trimester forward). Making that delineation clear - every time one speaks about "late term" abortions - is crucial in being honest about what is going on in this debate and crucial to the defense of Roe vs. Wade.

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Second, and most disturbing, when Hannity played the testimony of a nurse who had testified before Congress during the hearings on the so-called partial birth abortion ban, testimony that was very emotional about this so-called procedure and its use in a 21-22 week pregnancy, prior to viability, and then turned for a comment to this spokeswoman, it was sad. She was nearly speechless and proceeded to go back to the "message box" chattering about the Supreme Court's decision. Hannity just rolled his eyes, cut her off and that was that. She had just been made to look like a fool and she looked and sounded like she was embarrassed and ashamed. It was all too clear that she did not want to address - forthrightly - elective late second trimester abortions.

That kind of response from the abortion rights movement is now commonplace. When asked about the number and reasons for "late term" abortions, abortion rights spokespersons go to their "message box" and declare them to be for health and life reasons only. That is misleading and most destructive to our cause.

It's misleading because without making the delineation between the number of and reasons for "late term" second trimester abortions and "late term" as in third trimester abortions very clear - every time - we are literally lying for the sake of a "message box" designed to fit into 60-second sound bites.

The number and reasons for "late term" second trimester abortions, which are still prior to viability - is very different from the number and the reasons for a "late term" as in third trimester, post-viable abortion.

Remember - "Late term" second trimester, pre-viable abortions are performed:

- Because a woman is exercising her right under the guidelines of Roe vs. Wade and that means the woman is healthy and so is the fetus.
- Because a woman is unhealthy though her fetus may be healthy.
- Because a fetus is unhealthy though the woman may be healthy.
- Because both the woman and fetus are unhealthy.

So, not all abortions performed in "late term" as applied to the second trimester or that is applied to both second and third trimester abortions, as antiabortion extremists insist on doing, precisely to confuse the issue, is for only health reasons.

Anti-abortion extremists are aware of the movement's failure to delineate and they lick their chops at the prospect of confusing the issue in the public's mind. We only have ourselves to blame for that. It's that failure and our fear of forthrightly defending the guidelines in Roe vs. Wade that gives women the right to terminate a pregnancy up to the point - not of birth - but of viability, that has allowed the battle to be waged by antiabortion extremists and lost by abortion rights advocates over so-called partial birth abortion bans, "late term" bans, even the mandatory counseling and 24 hour waiting laws.

Also, remember that the number and reasons for "late term" as applied to third trimester, post-viable abortions, makes it very clear that those abortions occur only to protect the health and life of the woman. Period.

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These arguments - this explanation and delineation of the term "late term" makes perfect sense to the public once they hear it.

So does the fact-of-the-matter that women who find second trimester abortions offensive may choose not have one. [Life and Liberty for Women](#) would support a woman who felt that way and made that decision for herself. We would also uphold Roe, proudly so, and support a woman who decided to terminate her pregnancy, for reasons that have nothing to do with health or life concerns, even if that decision came late in the late second trimester, but still before viability. It is that simple.

Knowing we have the power to effect a decrease in the number of second trimester abortions without infringing on Roe vs. Wade's guidelines makes this a no-brainer to understand and a no-brainer to publicly and proudly support. Current abortion rights organizations would serve their cause and constituency best if they would lose the fear and leave their "message box" long enough to set the record straight, keep it straight, and properly educate their whole constituency about second trimester abortions and their proper role in the right of women to make their own reproductive decisions. This about face by abortion rights organizations would also send antiabortion extremists scrambling to explain and defend their lies and deceptive strategy, something they aren't able to do.

I have made these arguments about second trimester abortions in public debate with antiabortion extremists and in newspaper op-ed pieces for nearly four years. Not surprising, antiabortion extremists have very little to say or find themselves nailed to the wall when they attempt to defend their position in light of these arguments - precisely because they know their hands are not clean here and that they tell lies - lots of them - to confuse the public, elicit an emotional response from the public about "babies" that has nothing to do with the truth and the reality of second and third trimester abortions.

When you challenge the antiabortion mantra of "abortion up to the moment of birth" with the facts about the numbers and reasons for second-pre-viable abortions and third trimester post-viable abortions, disallowing them to put the two trimesters together under the umbrella of "late term," they are ill equipped to answer those truths. Oh they still chant the mantra of "killing human beings - killing or murdering babies," but that has proven to be an inadequate response or defense to the challenge I have mounted to their "late term" umbrella strategy which by their successes and our losses has proven to serve their cause and agenda well.

But that is about to change - not just in Colorado - but nationwide.

[Life and Liberty for Women](#) will not run from second trimester abortions, even late second trimester abortions. We don't have a "message box." We'll tell you the truth - we'll explain the intricacies and delineate the numbers and reasons for you - over and over and over if need be, till you understand.

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