

Life issue – two Americas

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January 30, 2023



For the immediate future, the life issue – as in life of preborn children – is dividing America into two different countries. This is especially relevant because at least two States seek to codify a near-absolute legality for ending a pregnancy. As Sanctity of Life Month draws to a close, pro-life activists know that they have a very wide “mission field.”

Different protections for – or contempt of – preborn life

NBC News has the best [interactive map](#) showing the status of abortion law in the fifty States and the District of Columbia. They update their map regularly; they last updated it two weeks ago.

Readers should not let that map fool them. If any State allows abortion up to twenty weeks, NBC considers abortion legal in that State. But few States allow pregnancy ending on demand, up to birth, without any restriction. Those States are Alaska, Colorado (except for minors), New Jersey (except minors), New Mexico, Oregon, and Vermont. (The District of Columbia similarly imposes no restrictions at all.)

Indiana, North Dakota, Ohio, Utah and Wyoming have bans or restrictions now under judicial review. Arizona, Florida, Georgia, and South Carolina have six- to twenty-week restrictions. Alabama, Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin ban the procedure outright. Of those, Tennessee has the tightest restriction. The law of Tennessee makes it a felony ever to take the life of a preborn child. A doctor who does so to save the mother’s life must prepare to offer that as a defense at trial. All other States might ban the procedure after twenty weeks or at “fetal viability” or some such threshold.

Bear this in mind when considering the latest abortion law proposals in two States.

Minnesota and New York

New York's Assembly passed on second reading a measure to amend New York's constitution to recognize a "right" to abortion. Everything that is a matter of law in New York today, would be a part of New York's constitution. That measure could in theory go before the voters as soon as next fall. But New York legislators want it to go before voters in 2024 – in time for the Presidential election. Hillary Clinton and Joe Biden both carried New York – and no one has questioned the validity of either "carrying."

Minnesota proposes to go further, though as a matter of law only, not of its Constitution. The "Protect Reproductive Options" or PRO Act would remove every existing restriction on ending a pregnancy. Minnesota now has a fetal viability standard; under the PRO Act, that goes.

CNAV Contributor Bradlee Dean, a resident of Minnesota, insists that the PRO Act does not have majority support of Minnesotans. The measure passed by a narrow margin – 69 to 65. Dean further suggested that no State has a majority who would support as far-reaching a bill as the PRO Act. He might want to reconsider that, considering the anything-goes regimes now in place in at least four States. (Laws applicable in the District of Columbia are acts of Congress, per Article I, Section 8, Clause 17a. "The Congress shall have power ... to exercise exclusive legislation, in all cases whatsoever, over [the Capital] District.")

Geographical distribution

Concerning geography, Alaska and Hawaii are, of course, accessible to other States only by sea or air. (Technically Alaska is accessible overland, but it requires driving along the roads of a foreign country, i.e. Canada.)

The NBC map defines five contiguous areas where ending a preborn life is "legal." These are the West Coast, the Northeast and Mid-Atlantic States, an "extended" Midwest, and the States of Montana and Michigan. In contrast, three contiguous regions have laws that protect preborn life to some degree (subject to lawsuits in five States). The State of Wisconsin, oddly enough, makes one region. ("Legal" States surround it on all sides.) Most of the former Confederate South, with six States added and two subtracted, makes one region. The remaining region surrounds Montana and divides the West Coast from the Middle "Legal" region.

Virginia will consider a fifteen-week ban in this year's General Assembly session. Mississippi went further than the Gestational Age Act that provoked the *Dobbs v. Jackson Women's* case. Their laws protect life from conception, with the classic three exceptions.

Acting Governor Kathy Hochul (D-N.Y.) makes much of protecting providers who end pregnancies of out-of-State patients. But the only such women who would come to New York for that kind of “sanctuary” would likely fly in. Minnesota, with banning or restrictive States on its borders, presents a different case.

New life moving forward

Very likely we have a radical change in the Supreme Court from 1973 to the present because those who would have voted for the most radical anti-life Presidents in recent years (Gore in 2000, Kerry in 2004, and Hillary Clinton in 2016) were never born. Barack Obama was the exception, but he changed the Court hardly at all. Trump, of course, made the last changes, and flipped the Court by two votes.

But one thing might be lacking in American society that could flip everything back in another generation. The rhetoric of anti-life (“pro-choice”) politicians shows a serious lack of love. Those who vote for such people suffer a similar lack. And *only* someone with a lack of love could contemplate ending a pregnancy – and with it a preborn life.

Today, conservatives are having most of the children in the United States. But part of having children, is loving them. Another part is for parents to love and respect one another. Those who receive love, especially at an early age, will give it back. That’s the most important social reform anyone can propose. And it could save America from splitting into two.