



Oops!

Photo by Mary Ann Ginnerty

Pushing the floor down? No, these pupils of St. Mary's School, Auburn, are demonstrating their motor coordination skills. The children in kindergarten through grade four recently proved their abilities in tumbling, marching, ball routines and dancing.

**Life, Liberty and Law**



**Nancy Murphy**

Fourth in a Series

The case for the defense seems strong.

The use of the word 'baby' was forbidden. The word 'fetus' was to be used in court. And Judge James P. McGuire was eventually to charge that a man cannot be found guilty of manslaughter unless he has killed a person, not a fetus. Defense attorney William P. Homans Jr. stressed in his opening remarks, "We will prove that no baby boy ever existed in that womb!"

The defense witnesses were men of impressive medical credentials. Dr. R. Gordon Douglas, co-author of **Operative Obstetrics** (Douglas and Stromme) testified that the abortion itself was "sound medical practice" performed in accordance with a technique described in his text. Dr. Jack A. Pritchard co-author of another medical text (**Williams on Obstetrics** by Pritchard and Hellman) testified that in his medical opinion the fetus was dead prior to the surgery.

Both doctors testified that the death of a fetus is an integral part of any abortion at any time.

The three to five minutes time lag during which Dr. Edelin allegedly held the fetus inside the uterus with his hand, after separating the cord from the uterine wall, was described as a period in which he experienced difficulty grasping the head (one source reported it to be the 'fetal legs.')

Dr. Edelin testified that he had not placed his whole hand inside the uterus, but had inserted two fingers only.

Two pathologists, Dr. Kurt Benirschke (University of California at San Diego) and Dr. Arthur Hertig (Professor Emeritus Harvard University) testified after viewing the fetal lung tissue that "the fetus never breathed outside the uterus." (emphasis added.) Dr. Hertig testified that no baby is viable until placed in the mother's arms outside the hospital. Premature babies in incubators "all are non-viable" in Dr. Hertig's medical opinion. (Flanagan would return to that remark in cross-examination.)

Finally, Dr. Allen Barnes, vice president of the Rockefeller

Foundation, swore that if a fetus were to be forcibly held inside the uterus for three to five minutes after separation, "nothing would happen to the fetus, absolutely nothing. The fetus would be okay."

The case for the defense seemed strong. But

Suffolk County Medical Examiner, Dr. George Curtis introduced the photo which showed the fetus to be a baby. And his previously reported testimony that "some inhalation and exhalation had taken place" (supported by Pittsburgh pathologist John Ward M.D.) indicated the fetal respiratory action took place when the fetus was (held) inside the uterus, with no opportunity to breathe outside the uterus.

The pertinent passages from **Operative Obstetrics** were shown to describe a hysterotomy technique advised for the termination of a 16 week pregnancy (4 months) at which time the fetus measures 10.7 cm. - 11.6 cm. crown to rump; 15.5 cm. - 18.0 cm. crown to heel; and weighs 86 to 108 grams. The baby aborted by Dr. Edelin measured 21.0 cm. crown to rump (more than 8"); 33.5 cm. crown to heel (more than 13"); and weighed 600 to 700 grams, indicating a 24-27 1/2 week gestation (6 to 7 months). . . a baby too large to be grasped and aborted by two fingers . . . a baby large enough to have reached the point of viability.

Dr. Pritchard's 'dead fetus' theory was based solely on the reports of the bloody taps. He had examined neither the baby nor the mother. (Bloody taps are not proof of fetal death. If they were, all amniocentesis diagnostic procedures would come under serious question because of the dangers to the baby.) Dr. Pritchard was alone in his theory. Not one witness from either side supported him.

Medical student Steve Teich (surgical assistant to Dr. Edelin during the abortion, and a witness for the defense) weakened Edelin's "two-finger" testimony while on the stand under cross-examination. Describing how Dr. Edelin separated the placenta, Teich repeatedly moved his whole hand in a downward thrust with a sweeping wrist motion over the constant interruptions from the defense attorney who tried earnestly to suggest to Teich that he indicate two fingers only.

By actual measurements, Dr. Edelin's fingers are, at 10.0 cm., too short to have reached upward from the point of incision to separate the anterior placenta (18 cm. length, and 11.5 cm. diameter).

Major flaws began to appear in the defense presentation. More were destined to surface before the case was given to the jury.

And the prosecution began to reflect its strength.

**TO ROME WITH Father Hohman**



SEE PAGE 2

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