

Guns and Abortion

By Jan Collins

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Southerners love their guns, and they are more likely to own firearms than folks living in other regions of the United States, according to a 2013 Gallup poll. Moreover, men are three times likelier than women to own guns.

Imagine, then, what would happen if the courts started regulating guns dealers to the point of extinction – even though the right to bear arms is duly protected by the Second Amendment of the U.S. Constitution. The howls of outrage – particularly from men – would be deafening.

The practice of abortion during the first trimester of pregnancy is also legal and constitutional, and has been since 1973 when the case of *Roe v. Wade* was decided by the U.S. Supreme Court. Yet, more and more state legislatures, particularly in the South, are trying to regulate the practice of abortion (in the name of women's health and safety) out of existence.

What's going on here? In a word, these states are attempting an end run around that constitutional right, a right that the high court reaffirmed in 1992.

Alabama, for example, recently passed the Women's Health and Safety Act, which would have required doctors who performed abortions to have admitting privileges at a nearby hospital, a requirement that the American Medical Association and the American College of Obstetricians and Gynecologists say is medically unnecessary. The law would have shut down three of Alabama's five remaining abortion clinics.

Similar laws were passed in Texas, Louisiana, Mississippi and seven other states. But judges have begun striking down all or parts of those laws, saying they place an undue burden on women attempting to obtain a legal abortion.

It's unclear how all of this will play out in the long term. Abortion, write authors James Risen and Judy L. Thomas, will continue to be "the most volatile, most divisive, and most irreconcilable debate" in America since slavery.

This is because Americans have a deep ambivalence about abortion. A majority believes that abortion should be legal during the first trimester, but a majority opposes second- and third-trimester ones.

Many Americans believe that abortion is murder. Yet nearly 7 in 10 Americans don't want to overturn *Roe v. Wade*, and they believe the decision to have an abortion should be a personal choice.

Still, argues veteran court watcher Linda Greenhouse, having a choice means nothing if one can't exercise that choice because of obstacles deliberately thrown in the way.

Greenhouse was agreeing with an opinion handed down last month by a federal district judge in Alabama, Myron H. Thompson. His ruling declared unconstitutional Alabama's Women's Health and Safety Act, described above. In his ruling, Judge Thompson paired gun rights and abortion rights in a way that both Greenhouse and I found fascinating.

"Just suppose," wrote Greenhouse, "that the justices were to recognize an individual right to keep a gun at home for self-defense. (As of course the Supreme Court did, six years ago, in the Second Amendment case, *District of Columbia v. Heller*.) Then suppose that sellers of firearms and ammunition were regulated by the state to such an extent that there were only two vendors left. 'The defenders of this law would be called upon to do a heck of a lot of explaining,' Judge Thompson wrote, adding, 'and rightly so in the face of an effect so severe.'"

"At its core," the judge explained, "each protected right is held by the individual. However, neither right can be fully exercised without the assistance of someone else. The right to abortion cannot be exercised without a medical professional, and the right to keep and bear arms means little if there is no one from whom to acquire the handgun or ammunition."

By pairing gun rights and abortion rights, said Greenhouse, "Judge Thompson was not just indulging in shock value. He was making a profound point: that a right – any right – without the infrastructure and the social conditions that enable its exercise is no right at all."

Remember that women in the United States didn't have this right until 41 years ago – and the consequences of not having it were often horrific. As reporter Cynthia Gorney documented in her 1998 book, "Articles of Faith: A Frontline History of

the Abortion Wars,” before 1973 many women went to nightmarish lengths to induce their own abortions.

They used, wrote Gorney, Lysol douches, artist’s paintbrushes, curtain rods, glass cocktail stirrers, knitting needles, chopsticks, bicycle pumps and tubes, gramophone needles, turpentine by mouth, plastic tubes with soap solution, telephone wires, slippery elm stick, intrauterine installations of kerosene and vinegar. Sick to your stomach yet?

In our debates over abortion, let’s not lose sight of the woman – the living, breathing woman – who is at the heart of every agonizing decision to terminate a pregnancy.

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