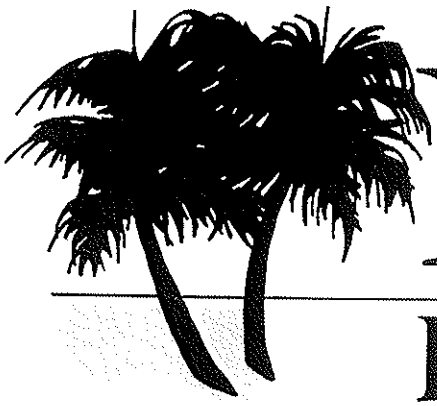

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Women, Abortion and Civil Disobedience

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In his first presidential debate in 1988, Vice President George Bush indicated that he would support the criminalization of abortion. "Once that illegality is established, then we can come to grips with the penalty side, and of course there's got to be some penalties to enforce the law, whatever they may be."[1] The next day, Mr. Bush's campaign manager explained that the candidate concluded after further reflection that "women who have abortions should not suffer any criminal penalties, but doctors who perform them should." The woman in his view is only an "additional victim."[2] Since Mr. Bush's election, the United States Supreme Court has announced that it will hear the case of *Webster v. Reproductive Health Services*, a case the Bush administration hopes will overturn *Roe v. Wade* and open the door for criminalization.[3]

This debate, and recent cases in which pregnant women are threatened with criminal penalties, raises the question whether women who obtain abortions are criminals or victims. Perhaps these are not the only two choices. Women who choose to have abortions may also be viewed as engaging in their own form of civil disobedience. Since abortion became a crime in America in the 1800's,[4] women have defied

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1. *Transcript of the First TV Debate Between Bush and Dukakis*, N.Y. Times, Sept. 26, 1988, at A17.

2. *See* Boyd, *Bush Camp Offers A Clarified Stand About Abortions*, N.Y. Times, Sept. 27, 1988, at A1, B7.

3. Two days after the presidential election, the Reagan administration asked the United States Supreme Court to overturn *Roe* — "a stance George Bush seems sure to continue." *And Now, A Feminist Full Court Press*, U.S. NEWS & WORLD REP., Nov. 28, 1988, at 12; Brief of the United States as Amicus Curiae Supporting Appellants, Webster v. Reproductive Health Serv., (No. 88-605), *prob. juris. noted*, 109 S. Ct. 780 (1989).

4. J. MOHR, ABORTION IN AMERICA: THE ORIGINS AND EVOLUTION OF NATIONAL POLICY, 1800-1900 20-45 (1978); K. LUKER, ABORTION AND THE POLITICS OF MOTHERHOOD 14 (1984).

statutory prohibitions on abortion,[5] violated public norms, and disobeyed clear religious proscriptions by ending unwanted pregnancies.[6]

The vast majority of these women did not see themselves as engaging in civil disobedience.[7] Rather, they viewed their circumstances as unique and the abortion as not a deliberate political act for which they were willing to go to jail. Yet, their collective action had many of the characteristics of planned and self-conscious civil disobedience.

It was estimated that during the 1960's, between 200,000 and 1,200,000 illegally induced abortions were performed each year in the United States.[8] What the numbers reflect is the possibility that over one million women each year engaged in purposeful illegal behavior. Eighteen states provided an express penalty for women who sought or consented to an abortion. There were strong judicial statements in other states that the woman would be liable as aider and abettor.[9]

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5. E. & MARY K. MESSER, BACK ROOMS (1988); D. SCHULER & F. KENNEDY, ABORTION RAP (1971).

6. *See Catholic, Non-Catholic Abortion Clinic Patients Endorse Legality, Oppose Church Stand*, 14 FAM. PLAN. PERSP. 98 (1982); Henshaw & Silverman, *The Characteristics and Prior Contraceptive Use of U.S. Abortion Patients*, 20 FAM. PLAN. PERSP. 158 (1988). *See also* Westoff & Jones, *The Secularization of Catholic Birth Control Practices*, 9 FAM. PLAN. PERSP. 203 (1977).

7. Some women, however, did consciously try to challenge restrictive abortion laws. Patricia Maginnes, a founder of the nation's first abortion rights organization, actively sought arrest to challenge California laws restricting information about abortion. In 1966, she was arrested for passing out a mimeographed list of referrals for abortion in violation of § 188 of the San Francisco Municipal Code, which prohibited distributing information on abortion, contraception or venereal diseases. The law was overturned. *See* LADER, ABORTION II: MAKING THE REVOLUTION 28 (1973)(citing 3 SOC'Y FOR HUMANE ABORTION NEWSL. (Jan.-Feb. 1967). The same year, Maginnes, along with Rowina Gurner and Lana Clarke, organized a lecture tour which they hoped would result in an arrest for breaking a state law writing about or publishing any method of inducing abortion. LADER at 32-3. In 1973, they succeeded in having the law overturned. N. Baehr, With a Vengeance: Pioneers of the Abortion Rights Movement, 1961-1963 (unpublished Master's thesis). *See also* CLARKE & MAGINNES, THE ABORTION HANDBOOK FOR RESPONSIBLE WOMEN (1969).

8. Cates, *Legal Abortion: The Public Health Record*, 215 SCIENCE 1586 (1982).

9. State governments imposed four types of criminal penalties on women who had abortions. Some states punished women as aiders, abettors or accomplices. Frazer v. People, 54 Barb. 306, 308 (N.Y. App. Div. 1863)(The woman having the abortion "was . . . guilty of a criminal offense of the same grade as that charged upon the defendant [doctor], and was as liable, upon conviction, to the same punishment."); State v. McCoy, 52 Ohio St. 157, 160, 39 N.E. 316 (1894)(holding that despite the fact that the Ohio abortion statute only penalized the doctor's acts, a woman could be indicted as an aider or abettor). *See also* Waite v. State, 4 Ohio App. 451 (1915);

Other states simply subjected women to humiliating examinations to obtain evidence for prosecution of the doctor.[10] In any case, many women believed they were committing a crime.[11] As one woman who had an illegal abortion in the 1950's explained, they sought abortions despite "the gut-twisting fear of being 'found out' and locked away for

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State v. Jones, 80 Ohio App. 269, 70 N.E.2d 913 (1946); State v. Alcorn, 7 Idaho 599, 613-14, 64 P. 1014, 1019 (1901); Trent v. State 15 Ala. App. 485, 73 So. 834 (1916); Steed v. State, 27 Ala. App. 463, 170 So. 489 (1936); Dykes v. State, 30 Ala. App. 129, 1 So. 2d 754 (1941).

In other jurisdictions, states penalized women for conspiring to have an abortion, even though the state's criminalization statute only applied to a doctor's performance of the abortion. *See* Solander v. People, 2 Colo. 48, 62 (1873); U.S. v. Holte, 236 U.S. 140, 145 (1914). *See also* State v. Mattson, 53 N.D. 486, 206 N.W. 778 (1925); State v. Crofford, 133 Iowa 478, 110 N.W. 921 (1907); Fields v. State, 107 Neb. 91, 185 N.W. 400 (1921).

Many statutes created separate penalties for both the woman and the doctor. Eighteen states, Puerto Rico and the Canal Zone all subjected a woman to criminal penalties for her part in an abortion. MINN. STAT. ANN. VOL. 40A, CH. 617 (1945). *See also* P.R. LAWS ANN. tit. 33, § 4010-12 (1983); IDAHO CODE § 18-602 (1947); IND. CODE ANN. § 2436 (Burns 1926); N.D. CENT. CODE § 12-25-04 (1960); CONN. GEN. STAT. ANN. § 53-30 (West 1958); DEL. CODE ANN. tit. II, § 652 (1979); C.Z. CODE tit. 6, § 172 (1976); ARIZ. REV. STAT. ANN. §13-3604 (1978); NEV. REV. STAT § 200.220 (1961); MONT. CODE ANN. § 94-402 (1969); REM. COMP. STAT. OF WASH., tit. 14, §§ 2397, 2449 (1922); OKLA. STAT. ANN. tit. 21, § 862 (West 1983); N.Y. PENAL CODE § 295 (1881); N.Y. PENAL LAW §§ 125.50, 125.55 (McKinney 1987); S.C. CODE § 1114 (1932); WYO. STAT. § 6-78 (1957); CAL. PENAL CODE § 275 (West 1988); UTAH REV. STAT. § 103-2-2 (1933); WIS. STAT. ANN. § 940.04 (West 1969).

In other states, women who had abortions could be penalized, not for violating an abortion statute but for violating related statutes or the common law. *See also* Gaines v. Wolcott, 167 S.E.2d 366, 368 (1969); In re Vince, 2 N.J. 443, 446, 67 A.2d 141, 144 (1949). *See also* M. CALDERONE, ABORTION IN THE U. S. 34 (1958).

10. For example, after Pat Maginnes had an illegal abortion, she "developed an infection and high fever and put herself into a San Francisco hospital. 'That's when you learn how they make terror part of the system,' she said. 'The hospital staff was more interested in getting me to talk to the police than curing me. The police love to hound women in abortion cases. They kept pounding me with questions — who did it? Where? What did it cost? When I insisted I did it myself, they said I was lying.'" LADER, *supra* note 7, at 27.

11. Women were in fact arrested and prosecuted for having illegal abortions. *See* Crissman v. State, 93 Tex. Crim. 15, 245 S.W. 438 (1922); *M.D. Held in Operation on Hunter Coed, 19*, N.Y. Post, May 8, 1962, at 5 (woman was also arrested and jailed for having an abortion); Wheeler v. State, 263 So. 2d 232 (Fla. 1972) (woman convicted of manslaughter and sentenced to two years' probation after having an abortion; conviction later overturned following declaration that Florida's abortion statute is unconstitutional); *See also She's Fighting Conviction for Aborting Her Child*, N.Y. Times, Dec. 4, 1971, at 37; LADER, *supra* note 7, at 188-89.

perhaps 20 years. . . ."[12]

Like individuals who consciously chose to engage in civil disobedience, these women also chose to violate a law and did so in a nonviolent manner. They believed, as civil disobedients do, in the political and legal system,[13] but viewed anti-abortion laws as wrong generally or at least unjust when applied to them. In conformity with the principles of civil disobedience, their actions in obtaining illegal abortions were taken after serious moral analysis, including consideration of the meaning and potential value of life and the legal, medical, and moral consequences of their decisions.

These factors, especially the conscientious decision-making, are consistent with essential aspects of Gandhi's version of civil disobedience called "satyagraha," meaning, literally, to hold on to the truth.[14] Despite criminalization, public disapproval, and misinformation about abortion, women have held on to the truth that abortion is a personal choice ethically mandated by obligation to self and others. Letters from women who have had abortions reveal that they chose to do so because they take their responsibilities to existing family members seriously, because they believe they can escape from poverty, because they believe that an education is important and want to complete their own, because they believe that someday they will find the right person with whom to raise a family, and because they have hopes and dreams of better lives for themselves and those they love.[15]

Although the women who chose to have illegal abortions did so not as a form of protest intended to educate or communicate, their actions nevertheless had that effect. As political scientist Rosalind Petchesky argues, the most important factor in leading some states and eventually the Supreme Court to recognize a fundamental right to choose abortion was the public health crisis created by the number of women having illegal abortions.[16]

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12. Paltrow, Amicus Brief: Richard Thornburgh v. American College of Obstetricians and Gynecologists, 9 WOMEN'S RTS. L. REP. 3, 14 (1986); Lodged Materials to Brief of National Abortion Rights League In Support of Appellees at 3, Thornburgh v. American College of Obstetricians & Gynecologists (Letter of Sherry Matulis).

13. *See e.g.*, Bedau, *On Civil Disobedience*, 58 J. PHIL. 653, 659 (1961);

14. M. K. GANDHI, NON VIOLENT RESISTANCE (1951).

15. Paltrow, *supra* note 12, at 3; Torres & Forrest, *U.S. Women Who Obtain Abortions: Who and Why?*, 20 FAM. PLAN. PERSP. 155 (1988); NARAL, THE VOICES OF WOMEN: ABORTIONS: IN THEIR OWN WORDS (1989).

16. Petchesky, *Abortion as 'Violence Against Women': A Feminist Critique*, 18 RADICAL AMERICA 64 (1984). *See also* R. PETCHESKY, ABORTION AND WOMEN'S

In the 1960's, it was estimated that hundreds of American women died each year as a direct result of criminal abortion, and that many more suffered serious complications.[17] Women who endured the physical and emotional burdens of illegal abortion and forced pregnancy unwittingly carried out a guiding principle of satyagraha: they vindicated the truth by personally suffering the consequences of anti-abortion laws rather than by attacking the state or its agents and causing them to suffer.

Emergency room doctors faced the aftermath of back-alley abortions, unable to save the life of a fifteen year old girl even through a total hysterectomy, were moved to challenge abortion laws.[18] Brothers, fathers, and sons of women who died or became sick or sterile as a result of illegal abortions were persuaded that criminal abortion laws were wrong. Clergy members whose female parishioners confessed their plans to violate the law by ending an unwanted pregnancy were convinced that the anti-abortion laws were morally unjustified.[19] Public opinion in the early 1970's shifted to a majority pro-choice position as women who disobeyed the law began to speak out, bringing their experiences to national attention.[20]

CHOICE: THE STATE, SEXUALITY AND REPRODUCTIVE FREEDOM (1984).

17. Cates & Tyrer, *Abortion in the U.S.: Past, Present and Future*, PPFA MEDICAL DIGEST: ISSUES IN REPRODUCTIVE HEALTH 3 (Spring 1982).

18. Author Larry Lader suggests that Dr. Vuitch openly violated the District of Columbia's abortion laws in an effort to challenge the laws in court. LADER, *supra* note 7, at 1-4. *See also* U.S. v. Vuitch, 402 U.S. 62 (1971). Doctors also were politically active in condemning the existing abortion laws and advocating abortion rights. *See* LADER, *supra* note 7, at 5-7 (discussing Dr. Henrie's activism in this area). *See also id.* at 74 (discussing Amicus Brief of 178 deans and other medical school professors in People v. Belous, 71 Cal.2d 954, 80 Cal. Rptr. 354, 458 P.2d 194 (1969), *cert. denied* 397 U.S. 915 (1970), a case involving a constitutional challenge to California's abortion law); LADER, *supra* note 7, at 82 (discussing how Dr. Lonny Myers entered the American Medical Association's 1969 convention "dressed in a white lab coat, her hands tied with red tape as a symbol of medical restrictions under present [abortion] laws."). *Id.*

19. REV. H. MOODY & A. CARMEN, ABORTION COUNSELING AND SOCIAL CHANGE (1973); LADER, *supra* note 7, at 42-4, 48, 152, and 154.

20. *Survey Finds 50% Back Liberalization of Abortion Policy*, N.Y. Times, Oct. 28, 1971, at A1, col.1 ("General concern over population growth has become so intense . . . that half the public now favors liberalization of restrictions on abortion.") (1965 — 91% opposed liberalization abortion policy; 19__ — 85%; 1969 — 79%; 1971 — 50%); *Survey Finds Majority, In Shift, Now Favors Liberalized Abortion Laws*, N.Y. Times, Aug. 25, 1972, at A1, col. 3 (noting same statistics and adding to them a poll revealing that 64% of public believe that abortion decision should be left to woman

Even though abortion is now legal in the United States, women are still finding themselves in situations where they must choose to violate the law in order to exercise their reproductive choices. In 1977, after Medicaid funding was cut off for abortion, Rosie Jimenez had an illegal abortion. The Federal Centers for Disease Control concluded that Ms. Jimenez died because she could not afford to go to a clinic or private doctor. She was the mother of one and a scholarship student trying to escape the cycle of poverty who simply believed that it was wrong for her to bring a second child into the world. Yet, her death brought national attention to the practice of funding cut-offs.[21]

More recently women have been faced with the decision whether to follow the dictates of their consciences or to obey court orders. Since the first of the year, there have been eleven reported cases of estranged boyfriends or husbands using the courts to stop their girlfriends or wives from having abortions. In these cases, the men went to trial-level state courts and sought temporary restraining orders. Some local judges, disregarding federal constitutional law, granted the orders and issued injunctions that prohibited the women from obtaining abortions.

Except for one case that was settled out of court, all of these women ultimately won on appeal in later proceedings.[22] In one case,

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and her doctor.) *See also* Public Opinion Polls, Reproductive Rights Analysis, Produced by the Resource Committee on Reproductive Health Care, and the Women's Media Project of the NOW Legal Defense and Education Fund; Law, *Rethinking Sex and the Constitution*, 132 U. PENN. L. REV. 955, 972-73 (1984); D. SCHULDER & F. KENNEDY, ABORTION RAP (1973); Goodman, Schoenbrad & Stearns, *Doe and Roe: Where Do We Go From Here?*, 1 WOMEN'S RTS. L. RPTR. 20, 23 (1973); Judge Ruth Bader Ginsberg, *Some Thoughts on Autonomy and Equality in Relation to Roe v. Wade*, 63 N.C. L. Rev. 375 (1984).

21. Binkin, Gold & Cates, *Illegal Abortion Deaths in the United States: Why Are They Still Occurring?*, 14 FAM. PLAN. PERSP. 163 (1982); E. FRANKFURT & F. KISSLING, ROSIE: THE INVESTIGATION OF A WRONGFUL DEATH (1979).

22. Conn v. Conn. 526 N.E.2d 958 (Ind. 1988), *applications for stay denied*, No. A-88-55 (U.S. July 22, 1988)(letter from Clerk of Court), *petition for cert. filed*, 57 U.S.L.W. 3186 (U.S. Sept. 23, 1988)(No.88-347), *cert. denied*, 109 S. Ct. 391 (1989); Lewis v. Lewis, No. 111440 (Mich. Ct. App. Sept. 15, 1988), *appeal denied*, No. 841469 (Mich. Ct. App. Sept. 22, 1988), *application for stay denied*, 109 S. Ct. 28 (1988), *cert. denied sub nom.* Myers v. Lewis, 57 U.S.L.W. 3376 (U.S. Nov. 29, 1988)(Nos. 88-555 and 88-683); Williams v. Miller, No. EQ 12396 (Linn County, Iowa Dist. Ct. Sept. 14, 1988); Reynolds v. Reynolds, No. 880420-CA (Utah Ct. App. May 31, 1988)(No. D-88-944); Anderson v. Anderson, No. 8821320 (6th Dist. Ct., St. Louis County, Minn. July 8, 1988); Steinhoff v. Steinhoff, 531 N.Y.S.2d 78 (Sup. Ct. 1988); Fox v. Doe, Equity No. 027-1595 (Polk County, Iowa Dist. Ct. July 14, 1987)(issuing temporary restraining order enjoining woman from having abortion), Eq-

however, an Indiana woman obtained the abortion before the court order was lifted, in contempt of court. Her action could have been punished by a fine or imprisonment. Her motives were personal. Yet, her decision soon became nationally known and her action, like that of self-identified civil disobedients, called attention to the injustice.[23]

Other women have also violated court orders designed to protect fetal life. Although such cases are still rare, courts are increasingly ordering pregnant women to undergo major surgery against their wills and sometimes against their own health interests for the alleged benefit of the fetuses.[24] In one case, the woman was physically restrained, tied down with leather wrist and ankle cuffs, and forced to undergo a cesarean section.[25] In two other cases, the pregnant women violated court orders requiring them to report to the hospital for surgery. They accepted the risk of contempt proceedings as well as any risks associated with non-hospital delivery. In both cases the women gave birth to

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uity No. 027-1595 (Polk County, Iowa Dist. Ct. July 15, 1987)(vacating the temporary restraining order), *on appeal*, No. 87-952 (Iowa Sup. St. July 27, 1987)(denying motion for stay of order vacating temporary restraining order); Schroeder v. Tiffany J., Equity No. 30-17329 (Polk County, Iowa Dist. Ct. Aug. 11, 1988); Burton v. Doe, Equity No. 28-16356 (Polk County, Iowa Dist. Ct. Dec. 9, 1987); Doe v. Roe, No. 88CV12615 (Denver County, Colo. Dist. Ct. Sept. 8, 1988); Doe v. Smith, 527 N.E.2d 177 (Ind. 1988), *applications for stay denied*, 108 S. Ct. 2136 (1988)(Stevens, J., in chambers), No. A-88-55 (U.S. July 22, 1988); Doe v. Smith, No. 84A01-8804-CV-00112 (Ind. Ct. App. Oct. 24, 1988). *See also* Coleman v. Coleman, 57 Md. App. 755, 471 A.2d 1115 (1984); Doe v. Doe, 365 Mass. 556, 314 N.E.2d 128 (1974); Jones v. Smith, 278 So. 2d 339 (Fla. 4th Dist. Ct. App. 1973), *cert. denied*, 415 U.S. 958 (1974), *superceded by* Barnes v. Frazier, 504 So. 2d 401 (Fla. 5th Dist. Ct. App. 1987); Przybyla v. Przybyla, 87 Wis.2d 441, 275 N.W.2d 112 (Wis. Ct. App. 1978)(woman's exercise of right to terminate her pregnancy without consent of her husband cannot support recovery by him for intentional infliction of emotional distress); Buel v. Doe, No. 27008-0385 (Dallas County, Iowa Dist. Ct. Mar. 8, 1985): Novak v. Doe, No. 85-1600 (Iowa Nov. 8, 1985).

23. *See* Tamar, *Woman Has Abortion,Violating Court's Order on Paternal Rights*, N.Y. Times, April 14, 1988, at A26.

24. Gallagher, *Prenatal Invasions and Interventions: What's Wrong with Fetal Rights*, 10 HARV. WOMEN'S L.J. 9 (1987); Kolder, Gallagher & Parsons, *Court-Ordered Obstetrical Interventions*, 316 NEW ENG. J. MED. 1192 (1987); *Patient Choice: Maternal-Fetal Conflict*, 55 AM. C. OF OBSTETRICIANS & GYNECOLOGISTS COMMITTEE OPINION (Oct. 1987); Nelson, Buggy & Weil, *Forced Medical Treatment: "Compelling Each to Live as Seems Good to the Rest"*, 37 HASTINGS L.J. 703 (1986); Rhoden, *The Judge in the Delivery Room: The Emergence of Court Ordered Caesareans*, 74 CALIF. L. REV. 1951 (1986); Nelson & Milliken, *Compelled Medical Treatment of Pregnant Women: Life, Liberty and Law in Conflict*, 259 J. A.M.A. 1060 (1988).

25. Gallagher, *supra* note 23, at 9-10.

healthy infants.[26]

Even though Mr. Bush may not personally wish to see a woman go to jail, women are already going to jail. In 1985, Pamela Rae Stewart spent seven days in a California jail after her baby died allegedly as the result of her failure to follow her doctor's advice regarding prenatal care.[27] The charges were eventually dismissed.[28] In Wisconsin, a sixteen year old girl was held in secure detention for the duration of her pregnancy because she tended "to be on the run" and to "lack motivation or ability to seek prenatal care."[29] In New Jersey, a pregnant woman was held in a psychiatric facility, despite release orders, because some officials believed that she would not obtain adequate prenatal care.[30] This year, in Washington D. C., a judge sentenced a pregnant woman to jail after a conviction for forging checks even though the prosecutor had recommended probation. The judge stated " I'm going to keep her locked up until the baby is born because she's tested positive for cocaine when she was before me."[31]

Unlike other acts of civil disobedience, those involving reproductive rights depend on the occurrence of a pregnancy. Few women will deliberately become pregnant in order to challenge a law. Disobedience, therefore, will necessarily be individual and disorganized. In addition, a woman's decision regarding her pregnancy will have personal, moral and medical implications that other potentially political acts will not have. But, Mr. Bush's view that women are merely victims doubly disempowers them, first, by denying women the right to control their reproductive lives, and again, by denying them the status of self-conscious political actors challenging the unjust laws.

Limiting punishment to the people who perform abortions also de-

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26. *Id.* at 47; Rhoden, *supra* note 23, at 1959-60; Jefferson v. Griffin County Hosp. Auth., 247 Ga. 86, 274 S.E.2d 457 (1981); In re Baby Jeffries, No. 14004 (Jackson County, Mich. P. Ct. May 24, 1982); Flanigan, *Mom Follows Belief, Gives Birth in Hiding*, Det. Free Press, June 28, 1982, at 3A.

27. Fitzpatrick, *El Cajon Case Stirs Emotion*, San Diego Tribune, Oct. 21, 1986, at B-2.

28. People v. Stewart, No. M508197 (San Diego Mun. Ct. Feb. 26, 1987).

29. Kolder, Gallagher & Parsons, *supra* note 23, at 1195.

30. In re C.M., No. OCCC-310-88 (N.J. Super. Ct. Oct. 21, 1988). *See also* Reyes v. Super. Ct. of San Bernadino County, 75 Cal. App. 3d 214, 141 Cal. Rptr. 912 (Cal. 4th Dist. Ct. App. 1977).

31. Churchville, *D. C. Judge Jails Woman as Protection for Fetus*, Wash. Post, Sept. 27, 1988. U.S. v. Vaughn, Crim. No. F-2172-88B, 117 Daily Wash. L. Rptr. at 441, Mar. 7, 1989 (D.C. Sup. Ct. Aug. 23, 1988).

nies women the opportunity to protest the laws by violating them and accepting the punishment. Moreover, it ignores the fact that women have always attempted to perform abortions on themselves[32] and that new technologies such as RU486, a "morning after pill," may make it possible for some women to end their pregnancies safely without the help of health-care providers.[33] It will be even more difficult in these circumstances to deny women moral agency for the decision to abort.

If abortion once again becomes illegal, the question is not whether women will disobey the law, but whether that conscientious decision will be understood to be a form of civil disobedience — with political as well as personal meaning.

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32. "I decided to abort myself. I cleaned a 14-inch knitting needle with alcohol, lay on the bed, prayed and slowly inserted it into myself. I knew I could die if I pierced my womb and bled and/or became infected. I felt I had to risk it. As I drew out the needle there was blood on it and I was very afraid. I will always remember that red fluid on the end of that shiny blue needle. Paltrow, *supra* note 12, at 17 n.11; Lodged Materials, *supra* note 12, at 95 (letter of Jane Roe). *See also*, People of the State of N. Y. v. Linnette Jenkins, Indictment No. 900-84 (Sup. Ct. N.Y. Westchester County July 5, 1984) (20 year old woman charged with attempted self-abortion in the first degree).

33. *See In France, a New Method of Abortion*, Wash. Post, Sept. 27, 1988 at WH13, col. 1.