

ROBERT W. JOYCE'S PRESENTATION AT THE 2024 PRO-LIFE LEGAL DEFENSE FUND BRUNCH

The following outline was prepared by Robert W. Joyce for his presentation in connection with receiving the Thomas More Award at the Pro-Life Legal Defense Fund's 2024 Brunch

For many reasons, its quite easy to be humble in accepting this award. After all – Thomas More was the Lord High Chancellor of England – AND A SAINT! And then, other recipients have made contributions far more effective than mine to this pro-life cause.

When Colbe Mazarella and I practiced law together, we shared many delightful conversations. One dealt with humility, and Colbe mentioned a saint who pointed out the importance of finding humility by understanding the reasons we should be humble. I processed Colbe's comment together with two others. One was the saying that "Reputation is what men think of us - character is what God and the angels know of us." The other was Abraham Lincoln's comment that he had no ambition so great as that of having the esteem of his fellow men by rendering himself worthy of their esteem. Lincoln wanted character to underly his reputation. Looking at the heroes in this room, character is omnipresent. Let me accept this award with gratitude to be in your company, and with hope of ultimately being adjudged of suitable character for eternal reward.

In 1999, Congressman Henry Hyde received this award. I remember having witnessed Congressman Hyde address a pro-life gathering five years beforehand at the MCFL Assembly for Life. He was 75 years old. His hair was white and he was quite overweight. He looked nothing like when he had played back-up center for the Georgetown University basketball team which made it to the national NCAA finals in 1947. I remember seeing him lumber, with significant effort, across the stage before delivering a powerfully inspiring address. I remember thinking "you are talking about an incredibly important issue, but you need the help of young legs." I had young legs and I resolved then and there to become more involved in the pro-life effort. It is my hope – my prayer – that what I have to say today might similarly inspire someone to become more involved in this effort.

Let me mention three topics: (1) how I think we might choose to be involved, (2) why I think men should decide to become more involved, and (3) some men from whom I think we can gain inspiration.

HOW I THINK WE MIGHT CHOOSE TO BE INVOLVED

There are many ways we can help PLLDF in Massachusetts:

- We can assist PLLDF in its efforts to prevent Massachusetts city, county, and state officials from covering up information about the remains of four frozen infants found in

foil-wrapped boxes in a refrigerator in South Boston in November 2022. PLLDF made written inquiry that would not interfere with investigative efforts to 11 officials and/or public agencies for relevant information about this matter, but received no response from nine of them and a perfunctory response from the other two. We should not let them get away with this.

- We can continue to help PLLDF defend members of the recently formed Pregnancy Care Alliance of Massachusetts – and other pregnancy help centers – against the vigorously deceptive assaults by our Governor, Attorney General, and the Legislature. We can do that, in part, by pointing out the deception and hypocrisy that PLLDF and the American University Women for Life have already exposed in the Massachusetts Superior Courts and at the Department of Public Health. The court’s procedures with respect to Mary Moe petitions – by which minors obtain abortion without parental knowledge or consent - and the wholly inadequate DPH published abortion consent forms are grossly unfair to girls – to women – to men – to parents – and to the public at large.

Superior Court guidelines suggest the judge not inquire into whether the minor considers that she is carrying an unborn child – or whether she believes she is destroying life. One Superior Court judge opined that the Court’s procedures weaken the family unit, promote dishonesty, and endorse a disregard for familial values. We should not let the Superior Court get away this.

And the DPH’s informed consent forms fail to advise that abortion can result in mental health problems. This, at a time when girls and women are seeing their bloodied 10-week-old dead children on beds, floors, and in toilets, after taking the so-called “safe” abortion pills. This after the FDA’s own label admits the abortion pills send roughly 4% of women to hospital emergency rooms. This after the Supreme Court acknowledged that women could face severe psychological consequences if they were to learn, later in life, that their decision to abort was not properly informed. Suggesting that women can have experiences like these without suffering harmful psychological consequences is an insult not just to the girls and women involved – but to womanhood itself!

Let’s get real! Who’s deceiving who here? It’s not the pregnancy help centers, it’s our own public officials. We should not let them get away with this.

- Help us continue offering legal guidance to courageous Massachusetts physicians who are standing up for life at a very resistant Massachusetts Medical Society.

- Help protect vulnerable patients by preventing Massachusetts hospitals from unilaterally imposing Do Not Resuscitate orders – and preventing them from limiting life-sustaining treatments against the will of the patient or a health care agent. We should not let the hospitals get away with this.
- And you can help us promote pro-life conversations. In our hurried world full of tweets and soundbites, it's difficult to hold in-depth conversations about anything – particularly about a topic as sensitive as abortion. Lincoln wisely advised us that public sentiment is everything – more powerful than statutes or judicial decisions. But we can't change public sentiment without speaking with our friends and neighbors.

So how can we promote rational dialogue on the life issues, without alienating our friends and neighbors? How can we avoid the all-too-frequent devolution of such conversations into angry exchanges. Maybe we can propose an acceptable time limit and give the other person total freedom to easily end the conversation.

Consider emailing this message monthly to a friend or neighbor:

“I believe justice requires truth, and that I have a responsibility to help create a just community. I'd like to talk with you. If it makes you uncomfortable, and you want me to stop, just tell me and I'll stop immediately. I believe our laws should protect human life from conception through natural death – and I would like to discuss this with you – for ten minutes or longer – regardless of whether you agree or disagree with my belief. Can we talk?”

Salespersons know that it sometimes takes 15-20 “cold calls” to prospects before a sale is made. It would be worth 15-20 emails to open a pro-life conversation. You can find this language on PLLDF's website on the post titled. “Pro-Life Conversations – So Difficult to Initiate.”

WHAT CAN WE TALK ABOUT

- Our conversations can expose the deadly and insidiously buried traps in the official Massachusetts MOLST forms – the Medical Orders for Life Sustaining Treatment forms which deceive vulnerable patients.

- Our conversations can draw attention to In Vitro Fertilization and embryonic stem cell research. The laminated card you have received describes Tom Harvey's clever acronym "A HUGG" which clearly describes the immediate result of human conception – Alive, Human, Unique, Growing, and Guiltless.

Although Massachusetts laws are not the same as those in Alabama, we can draw guidance from the Supreme Court of Alabama's recent IVF decision in *LePage et al.*, which stated: "All parties ... like all members of this court, agree that an unborn child is a genetically unique human being whose life begins at fertilization and ends at death." The Chief Justice concluded that "each human being, from the moment of conception, is made in the image of God, created by Him to reflect His likeness." These statements are true in Alabama, and they are true in Massachusetts.

Significantly, the Alabama Chief Justice pointed out that other Westernized countries have a more civilized approach to IVF than the lawless "Wild West" state of affairs in the United States. Austria, Belgium, and Malta have allowed only one transfer at a time. Italy bans cryopreservation of embryos in most cases. In Australia and New Zealand, 90% of the embryo transfers occur one at a time.

- And we can help PLLDF fly its pro-life, pro-family flags throughout Massachusetts.
- And, of course, you can make a tax-deductible contribution to PLLDF.

MEN

Why did I say that men should become more involved in the pro-life effort? Our nation's courts, federal and state, have consistently pushed men totally to the sidelines whenever we have sought to protect our unborn children. Despite the fact that the U.S. Supreme Court has acknowledged that men have a constitutional right to procreate - and that procreation and marriage are fundamental to the existence of the human race – all courts have consistently muzzled male voices – reducing us to onlookers and depriving us of our procreative interests. The *Roe* and *Doe* cases never considered a father's procreative rights. They allowed women to become anonymous, autonomous, and severed from traditional family roots. They actually fostered Marxism by undermining the nuclear family. Consider the words of Kate Millett, the Marxist-Communist co-founder of the National Organization of Women who stated, "The complete destruction of traditional marriage and its nuclear family is the revolutionary or utopian goal of feminism." Courts then sadly went on to find a requirement for the husband's written consent to his wife's abortion unconstitutional - and then even declared a mere

statutory requirement for spousal notification unconstitutional. All of men's arguments – those based upon marital rights, or equality, or individual circumstances – failed. We men should not stand for this.

We men need to refuse to be pushed to the sidelines - to understand more deeply that the unborn are our children too – and that we have a duty to protect them. It's a duty that falls upon both believers and non-believers. For non-believers, it is a civic duty – one that flows from the Constitution with its stated purpose to "Secure the blessings of liberty for ourselves and for our posterity" – and a duty to fulfill our pledge of allegiance for liberty and justice for all. Posterity is defined as descendants of people and future generations; the unborn qualify under each definition. For believers, the duty is both civic and religious – it's what we owe our God – it's the task of helping to build Eden on earth – it's what we mean when we pray, "Thy kingdom come on earth as it is in heaven" – it's the recognition of our duty to stand between other people and evil – it's accepting responsibility, not running away from it.

MALE ROLE MODELS

Let's look at some male role models from whom we can gain valuable inspiration: (1) Dr. Bernard Nathanson, (2) William Wilberforce, (3) Henry Hyde, and (4) Dr. Joseph Stanton.

DR. BERNARD NATHANSON

Dr. Nathanson's is a most extraordinary story of making serious fatal errors, followed by discovery – despair – repentance – and ultimately redemption. A co-founder of NARAL in 1969 – and once known as "America's Abortion King" – he acknowledged responsibility for over 75,000 abortions – including two of his own children – before publicly admitting to intentionally deceiving America. Newly discovered ultrasound technology convinced him that abortion kills a human being.

Dr. Nathanson's 2011 dying message to Terry Beatley of the Hosea Initiative was: "[Teach] the strategy of how I deceived America, but also deliver this special message. Tell America that the cofounder of NARAL says to: Love one another. Abortion is not love. Stop the killing! The world needs more love. I am all about love now."

If Babe Ruth were to speak to us about baseball – we would listen. And when America's Abortion King speaks to us about abortion – we should listen! America should hear his message – and his story. Hosea representatives are with us today – they have valuable literature that they would like to give you – (ask them to stand) – please see them afterwards.

WILLIAM WILBERFORCE AND HENRY HYDE

I'd like to mention William Wilberforce and Henry Hyde in connection with the current controversy regarding personhood and incrementalism.

Following the 2022 Supreme Court decision in the *Dobbs* case, there has been much discussion about whether pro-lifers should advocate for the "personhood" or the "incremental" approach to abolishing abortion. The incremental approach allows for abortion exceptions in cases of rape and incest – or after certain gestational limits – while the personhood approach does not. It seems to me that pro-lifers of either persuasion can be peaceful siblings in a united objective to abolish abortion.

I can see no scientific or religious basis for avoiding the personhood of the unborn. Scientifically, an embryo is a complete and whole human organism – already a "fully programmed" human being who – unless prevented by disease or violence – will develop to mature stages. From a religious perspective, I think of Psalms – "You knit me together in my mother's womb," and Wisdom – "In my mother's womb I was molded into flesh."

Nevertheless, we can respect differing political strategies as reasonable means leading to the total abolition of abortion. We can defend personhood while tolerating incrementalism.

Other major successful social movements, before reaching ultimate success, have tolerated different approaches at different times. Henry Hyde's amendments began in 1976 with "no exceptions" – later, he accepted an exception for the life of the mother. Then, in 1993, Hyde himself offered rape and incest exceptions, explaining, at that time, that he "didn't think the votes were there anymore for a straight ban on abortion funding."

William Wilberforce - widely acknowledged as the major force in abolishing the slave trade in the British colonies in 1807 - and in the total abolition of slavery itself throughout Britain 26 years later (just three days before his death in 1833). As a matter of strategy, he focused first only on abolishing the slave trade in the British colonies. He knew that to come out fully against the institution of slavery, as one commentator noted, was seen "as a bridge too far." As he set out to abolish slavery entirely, Wilberforce knew that there needed to be stops along the way. By focusing on getting to those stops, Wilberforce did not betray his conscience. In fact, he brought the goal of abolition ever closer to actual fruition. It took him 26 years – from 1807 to 1833. How would we feel about the total abolition of abortion in America 26 years after *Dobbs* – in 2048? Or better yet – even earlier!

WILBERFORCE'S OTHER APPROACHES

Some of Wilberforce's other approaches might offer us helpful guidance. One of them involved an illustration of the interior of a slave transporting ship called the *Brookes*. The shocking

images were reportedly reproduced endlessly and posted everywhere. They horrified an entire nation. It seemed inconceivable that so many human beings could be crammed together, like sardines in the ship's lower deck – in such inhumane conditions for so long during their voyage. Contemporaneous narrative descriptions revealed the horrors endured – handcuffed and shackled – those who couldn't be squeezed onto the lower deck were stacked in recumbent positions - on shelving less than three feet in height – the deck was so covered with blood – excrement - and mucus that it resembled a slaughterhouse. Wilberforce stated that “so enormous, so dreadful, so irredeemable did its wickedness appear” that he would never rest until he had secured its abolition.

One wonders whether there might be any such motivating imagery regarding the horror of abortion. It was the black and white ultrasound imagery of an abortion 50 years ago that led to Dr. Nathanson's redemption. Isn't it curious that 50 years later the public is unaware of video imagery of abortions?

Actually, graphic color video imagery of abortions at 10, 12, & 15 weeks from fertilization is available online – on a silent 59-second video at the website for the Center for Bioethical Reform. Its gruesome, of course, because abortion is gruesome. But it might serve a purpose similar to that of the *Brookes* slave ship.

One pro-life student whom I know informed me that an ardently pro-abortion rights friend of his, upon seeing the video, immediately became pro-life and is now a sidewalk counselor in Boston. Testimonies of similar conversions can be seen at the CBR website.

Consider what Wilberforce had to say after images of the *Brookes'* slave ship were circulated:

“We can no longer plead ignorance. We cannot evade it, it is now an object placed before us, we cannot pass it. We may spurn it, we may kick it out of our way, but we cannot turn aside so as to avoid seeing it. For it is brought now so directly before our eyes...”

ANOTHER LESSON FROM WILBERFORCE

Wilberforce did not try to humiliate his opponents. Instead, he chose to coolly counter their false accounts with facts and more facts. He once stated: “I mean not to accuse anyone, but to take the shame upon myself, in common indeed with the whole Parliament of Great Britain, for having suffered this horrid trade to be carried on under their authority. We are all guilty – we ought all to plead guilty, and not to exculpate ourselves by throwing the blame on others.”

ENABLING HUMILITY

I think of a concept that came to me after my father passed away in 1994. I call it “Enabling Humility.” Isn’t there something which opens our hearts when we meet a genuinely humble person? Then, once our hearts are opened, isn’t that genuinely humble person empowered to influence us by the very same qualities and understanding which led him/her to a humble disposition? That, I suspect, was Wilberforce’s power. And it, I suspect, can be ours.

WILBERFORCE AND FACTS

Remember too that Wilberforce used facts and more facts to counter the false accounts of his opponents. We might do the same. How about the popular expression “My Body, My Choice” – and the frequent assertion that an embryo is too small to be considered a person.

- “My Body, My Choice” is clever, but deceptive. Simply ask: “Can a body have two hearts, two brains, two different blood types, four arms, and four legs?” It might help to remember the words of Abraham Lincoln: “If you call a tail a leg, how many legs has a dog? Five? No; calling a tail a leg doesn’t make it a leg.” Calling two bodies one body doesn’t make them one body.
- How about an embryo being too small to be considered a person? While taking off in an airplane, we’ve all witnessed people on the ground diminish from full-size to a raisin-like size before fading from view all together. All of those people, although out of view, remain fully human.

And scientific technology known as contact embryoscopy now enables us to visualize real-time human embryonic development – up close and in living color! We can actually see, crystally clear, an actual human heart beating about 113 times a minute just four and one-half weeks following conception. You can see that for yourselves on PLLDF’s website on the post titled “See Baby’s Heartbeat at 4.5 Weeks After Fertilization.”

SUCCESS OR FAILURE

Pro-life success or failure will depend upon how effectively we seek truth.

I think it’s fair to say that the degree to which truth is evident in a society is directly related to the courage and faith of the people; courage to discover and defend the truth, whether it be comforting or disturbing, and faith that the law and the people will treat the truth fairly.

DR. JOSEPH STANTON

We can do well in advocating for truth by internalizing the sage advice of the founding father of the pro-life movement in Massachusetts - the late Dr. Joseph Stanton - who advised:

“Protection of innocent human life in its most fragile and awesome beginning, across the long day, and at its so often dependent close, is at once the highest privilege and most profound obligation of a caring and humane society.”

Our pursuit must involve our minds, bodies - and souls – the totality of the precious gifts graciously given to each of us by a loving Creator. We cannot succeed without Him. We cannot fail with Him.

Let me close with a poem I wrote in the very same year I met Henry Hyde. It's called *Awakening*.

As radiance bursts from sunrise flame
And life erupts from whence it came
As rivers roar with awesome force
And eagles soar their steady course
'Tis then when wonder fills my heart
At how this glory had its start

As science learns a new found fact
And people try new ways to act
As mindless sin stains man and wife
And virus drains the breath from life
'Tis then when wonder fills my mind
Will God lose patience with mankind

In riches gained from battles fought
Is found revealed of what we ought
The time is now, the challenge clear
Find joy in truths we once held dear
To mind and heart just add the soul
These precious three will make us whole

And so, I ask you all – especially you, with young legs – “Will you come and give us a hand?”

Thank you. God bless you. And God bless this pro-life movement.