

*Package of Japanese Pessaries* (1936), a New York district court made it legal to ship birth control devices by U.S. mail, although in theory they were supposed to be used to protect the woman's health, as opposed to simply preventing pregnancy. In *Griswold v. Connecticut* (1965) the U.S. Supreme Court struck down state laws that prohibited the sale of contraceptives to married couples, and in *Eisenstadt v. Baird* (1972) swept away state laws restricting the sale of birth control devices to single people. The state at issue in *Eisenstadt* was Massachusetts, where Goodman lives.

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Pamphlet 475

## **Before *Roe v. Wade*, did 10,000 women a year die from illegal abortions?**

*Boston Globe* columnist Ellen Goodman recently wrote, "After all, those of us who remember when birth control was illegal and when 10,000 American women a year died from illegal abortions don't have to imagine a world without choices. We were there." I write a blog about life after abortion, and one of my co-bloggers says that the claim of 10,000 deaths is well known to be an urban legend. However, Ellen Goodman is a famous journalist, and she clearly believes that it is the truth. Is it?

— *Emily of After Abortion, via e-mail*

No. Establishing exactly how many women died due to botched illegal abortions is obviously impossible, since many of these deaths likely weren't reported as such. However, even a generous reading of the statistics we do have indicates that Goodman is off by a factor of ten; a stickler might say she blew it by a ratio of 250 to 1. It's not like this is a news flash, either. A reasonable approximation of the annual total in the 60s has been public knowledge for 35 years.

To be fair, the number Goodman uses is consistent with estimates that were widely cited prior to the *Roe v. Wade* decision in 1973. But some say those numbers were knowingly inflated by proponents of abortion

rights. The star witness for this claim is Bernard Nathanson, a former abortion clinic doctor who in 1969 cofounded the group now called NARAL Pro-Choice America (the letters originally stood for National Association for the Repeal of Abortion Laws). Since *Roe*, though, he's turned against his former comrades--he made the highly controversial 1984 antiabortion film *The Silent Scream* and has authored several books describing his conversion on this issue and critiquing the abortion-rights movement. In *Aborting America* (1979) Nathanson writes: "In NARAL we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always '5,000 to 10,000 deaths a year.' I confess that I knew the figures were totally false, and I suppose the others did too if they stopped to think of it. But in the 'morality' of our revolution, it was a *useful* figure, widely accepted, so why go out of our way to correct it with honest statistics?" (Emphasis is his.)

Better late than never. For 1972, the last full year before *Roe*, the federal Centers for Disease Control reported that 39 women died due to illegal abortion. (The death total for all abortions, including legal ones, was 88.) That figure is low, thanks to underreporting, but in any case the number of deaths had been dropping sharply for the previous few years. A statistic perhaps more typical of the pre-*Roe* era was reported in a 1969 *Scientific American* article cowritten by Christopher Tietze, a

senior fellow with the Population Council: "The National Center for Health Statistics listed 235 deaths from abortion in 1965. Total mortality from illegal abortions was undoubtedly larger than that figure, but in all likelihood it was under 1,000."

Had the number been higher in still earlier years? Yes. Tietze comments in his article that "some 30 years ago [i.e., around 1940], it was judged that such deaths might number 5,000 to 10,000 per year." He gives no source, but if we turn to W. Cates et al ("Trends in national abortion mortality, United States, 1940-1974," *Advances in Planned Parenthood*, 1976), we find that 1,682 abortion-related deaths were officially reported in 1940. If we guess that this figure represents roughly a quarter of actual mortality due to illegal abortion, we get 6,800 deaths - somewhere below the middle of the range given by Tietze, whereas Ellen Goodman's number is at the very top. But that was in 1940, remember. I didn't Google Ms. Goodman to determine when she was born; I'll just say that if she's pushing 80, as her statement "those of us who remember ... when 10,000 American women a year died from illegal abortions" would imply, she's remarkably well preserved.

None of this argues for or against abortion, but the claim that legalization has prevented the deaths of thousands upon thousands of women doesn't hold up. *Roe v. Wade* saved some lives, but the numbers were small - reported deaths due to illegal abortion declined from 39

in 1972 to 5 in 1974. The biggest factor in reducing abortion mortality was undoubtedly the overall improvement in prenatal and obstetrical care after World War II. The rate of pregnancy-related deaths from causes other than abortion dropped at roughly the same pace as the abortion death rate from 1940 through 1974 (though abortion-related deaths did decline faster after 1965, which Cates attributes largely to advances in contraception and the state-by-state relaxation or repeal of abortion laws). Self-induced and back-alley abortions were becoming a thing of the past long before *Roe*: sex researcher Alfred Kinsey estimated in the 1950s that around 85 percent of illegal abortions were performed by physicians, even if the physicians weren't all in good standing. The fact is that prior to legalization abortion had become relatively safe and easy to obtain - for those who could afford it. Studies done at the time show that the risks were borne disproportionately by those who couldn't, mostly minorities. Were abortion to be recriminalized, that would likely be the case again.

## LATE ADDITION

For those of you thinking Goodman was wrong in saying birth control was once illegal - sorry, there she's right. The infamous Comstock law effectively made the sale of birth control devices illegal in the U.S. in 1873. A series of federal cases chipped away at this prohibition, but restrictions remained until surprisingly late. In *United States v. One*