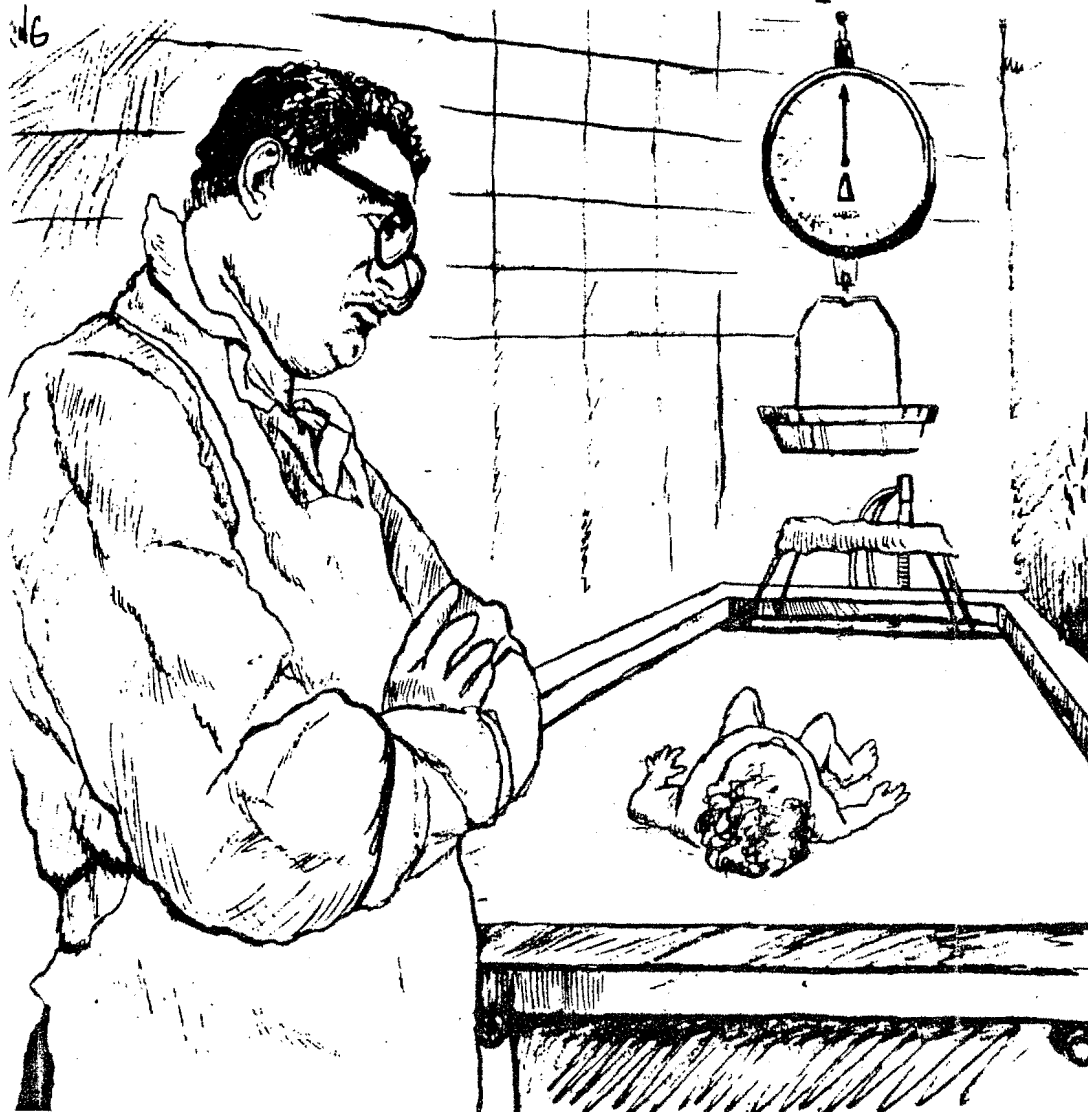


# Life's cruelty leads to postmortem for Infant Doe



MALAK: holding her heart in his hand

By **MIKE MASTERSON**  
Special to  
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The doctor pressed his scalpel against the soft skin of the upper chest. With a precise stroke, like thousands of others made over the years, he began the postmortem.

But this autopsy was more difficult. Before him on the stainless steel table lay the form of a slightly premature yet well-developed baby girl.

Found in a drainage ditch on April 28, the fetus had been aborted after nearly seven months in the womb. Because she had no identity, the pathologist and his staff called her Infant Doe.

Dr. Fahmy Malak, the state's chief medical examiner, had become calloused to the fact of death in his 30 years as a physician and pathologist. Besides the daily autopsies, he had been born and raised in Egypt where suffering and death were commonplace.

This case, however, was painful to him. The brown-eyed baby with velvet, ivory skin was just too new and fresh to be lifeless. There was no logic. And she reminded him of his own two children who had hugged him goodbye that morning.

"This was a beautiful little flower that will never hug anyone," he said. "She was a healthy, perfect little bud that was clipped before she could blossom."

Malak, whose once black hair is now flecked with strands of sil-

ver, also talked about how difficult it is for him whenever he finds any child on his autopsy table.

This infant had been brought to the State Crime Laboratory morgue late on the previous afternoon. An eight-year-old boy playing near his yard had discovered her wedged between two large rocks in a ditch that drains Cantrell Road.

Beer cans, paper sacks and other garbage were scattered around the baby. Little Rock policeman Jim McDaniel, the first officer on the scene, said it was among the worst sights he had seen in 13 years on the force. "It really tore me up," he said. "I have two kids of my own."

McDaniel speculated she had been tossed into the ditch somewhere upstream and had washed down with the other castoffs.

A 20-inch-long umbilical cord trailed away from her stomach into the murky water. Her full head of auburn hair was drenched. Malak said her little body was still warm when he received it, indicating she had been dead only a few hours.

"Our society calls this baby a fetus instead of a person," said Malak. "But this child was alive and healthy inside the womb and was developed well enough to have survived outside the womb with a Caesarean section."

Three morgue technicians wearing white lab coats stood beside the autopsy table, watching and assisting as the pathologist performed his task. Malak's

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# BABY

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gloved hands swept back and forth in almost mechanical fashion across the opened body.

"She is 16 inches long and weighs five pounds," his distinctive voice was subdued.

"The arms are six and-a-half inches long.

"Her eyes are well developed with eyelashes fully formed.

"The gastrointestinal tract is well developed also."

It was the fifth and final autopsy of the day. But instead of hurrying to finish, Malak lingered over the fetus, almost as if to search for a way to make her whole again.

"This child could have been placed for adoption," he thought aloud. "She might have become a fine, productive person."

Finally, after examining and weighing each vital organ, Malak determined the infant died from asphyxiation in the womb due to an abortion.

She drowned from inhaling fluids after the embryonic sac was punctured.

Her death, Malak said, was acute as reflected by the massive congestion in most of her internal organs. "At first," he said, "the child jerked and fought desperately to fill her lungs with oxygen. She struggled tremendously to save her life.

"Then, as her lungs filled with fluids, the movements slowed and she suffocated. It was just like the asphyxiation of any baby."

Shortly afterwards, the fetus was expelled naturally from her mother. And the baby was called a "still birth."

"Some people might think it was the murder of a child," said Malak. "However, this infant was not considered to be a person in the legal sense. It does not matter, that she could have survived and that her heart had been beating for six months.

"It also does not matter that premature infants weighing only half as much as this little girl have survived in hospital incubators. This baby had not yet taken her first breath. And that's all that matters."

Since last year, Malak said he has autopsied at least 10 well-developed fetuses that were aborted in the final weeks before birth. "They were 10 coming lives that were snuffed out for someone else's convenience. Ten lives for which no one is assigned responsibility.

"Just for the record," he continued, "I am a Christian but not a Catholic and I'm not advocating anything except common sense.

"The question we need to answer for this little child is one of accountability for her life that was snuffed out. If we are to accept free love and sex, then we must begin to accept the responsibility that goes with it."

The U.S. Supreme Court has determined that a fetus is not considered a person and consequently no crime can be committed against a person who doesn't exist.

Up until 1969, when Arkansas' abortion statutes were enacted, the state did consider it a homicide to take the life of an unborn child that was moving inside the womb — a so-called "quick

child."

But that law was repealed with the passage of the state's abortion laws.

In the sterile setting of Malak's domain, it is easy to see how a medical scientist can detach his feelings from the thousands of bodies he examines each year.

However, the pathologist said he has never felt closer to any victim than when he held the tiny heart of Infant Doe in his hand for a long moment before beginning to analyze it scientifically.

When the autopsy was over, a black bag was zipped tightly around her and she was placed in the morgue freezer.

She will remain frozen for up to six months while police search for the mother. Sources say busy authorities have never looked very long or hard for these people because, legally, there was no victim in a "still birth."

The mother could be prosecuted under the state's abortion laws, which make it a felony punishable by a \$1,000 fine and a year in jail for aborting a child that is alive and moving inside the womb.

But Pulaski County's Chief Deputy Prosecutor Lloyd Haynes said his office has never prosecuted anyone under the abortion statute.

"Most of these mothers are terrified and destitute," he said. "They incite sympathy when you see them and there would be little to be gained by putting them in prison."

If police are unsuccessful, the taxpayers will pay to bury Infant Doe sometime next November.