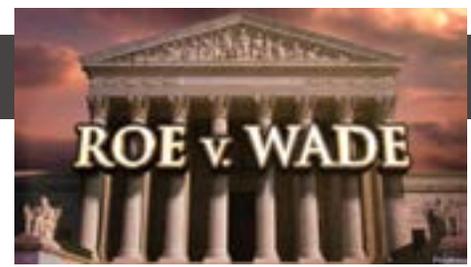


BE IN THE KNOW WITH ROE AND DOE!



Roe was decided at a unique point in history – January 22, 1973. During this time the world was worried about over population, ultra sound technology was not as developed and widely in use, special interests were claiming that [giving birth](#) was ten times riskier than having a legal abortion, [women’s liberation](#) and [radical feminism](#) was in full swing. These factors heavily influenced the Supreme Court decision, which, to this day, is recognized as the biggest over-reach of the Supreme Court in US history.

Across the country, legislatures were hard at work, listening to their constituents, and seriously debating abortion. Thirty-one states had laws on the books prohibiting nearly all abortions except in the case where a woman’s life was at risk. A few states allowed elective abortions; however, they set gestational age limits.

The Supreme Court decided to second-guess the legislative branch, by ruling that abortion was constitutionally protected under the [Fourteenth Amendment’s](#) concept of personal liberty (abortion implicates a pregnant women’s “Right to Privacy” in her decision to abort her child) and in the [Ninth Amendment’s](#) reservation of rights to the people. Additionally, the Court determined that [a fetus is not a person](#) under the Constitution.

The [Roe v. Wade](#) decision voided all state laws, and instead imposed a one-size-fits-all approach to abortion, taking away the democratic process that allows the most complex issues to be moderated by political and legislative debate. State legislatures know the importance of getting policy right – they have elections every two years – more on this point in a minute...

In contrast, the Supreme Court’s power grab resulted in seven unelected Supreme Court Justices, who can serve for life and are supposed to be impartial delivered an abortion decision that not only was and is so far removed from public sentiment that it is very difficult to reverse. The decision resulted in the US being one of only [seven countries](#) that allow abortion up to 20 weeks of gestation.

Many people have stepped forward to accuse the court of [Judicial Activism](#). No other Supreme Court decision has caused more public outcry and political divide. Nearly 50 years later they are calling the decision off-

base constitutionally based on legal, moral, religious, ethical, and biological grounds; these arguments have caused contentious political divide. There is strong conviction to overturn a decision that has taken the life of more than 63 million unborn children.

Many constitutional lawyers, law professors, and law clerks – liberal and conservative, disagree with the Supreme Court decision. They claim the drafter’s intent was to ensure all people’s rights would be guaranteed by the constitution - the Fourteenth Amendment didn’t intend to create new rights. Rather, it was written to include rights and liberties to freed slaves and their descendants - who were previously dismissed and legally diminished. Clearly, the unborn child would also fall into this category.

According to American legal scholar, [Professor John Hart Ely](#), “The constitution simply says nothing, clear or fuzzy about abortion... the Justices labored under a special obligation to ground the women’s ‘right’ in some identifiable constitutional value before disabling state governments from regulating abortion procedures... the court manufactured a constitutional right out of a whole cloth and used it to superimpose its own view of wise social policy on those of the legislatures.” Constitutional Law professor, Harvard Law School – [Laurence Tribe](#) wrote about Roe: “Behind its own verbal smokescreen the substantive

judgment on which it rests is nowhere to be found.” Pro-Choice legal scholar, and former Supreme Court Justice, [Ruth Bader Ginsburg](#), called the ruling “[heavy handed judicial activism](#).” She would have preferred abortion policy to happen more gradually in a process



that included state legislatures and the courts. And [Edward Lazarus](#) — former clerk to Chief Supreme Court Justice, [Harry Blackmun](#) (author of the opinion on Roe v. Wade) stated: “What, exactly, is the problem with Roe? The problem, I believe, is that it has little connection to the Constitutional right it purportedly interpreted. A constitutional right to privacy broad enough to include abortion has no meaningful foundation in constitutional text, history, or precedent...” All this coming from people in the know!

Many people don't know that on January 22, 1973, there were actually two decisions; they were made on the same day, which the court read together. While we simply refer to the decision [as Roe V. Wade](#) – the two cases are [Roe V. Wade – Texas](#), and [Doe V. Bolton – Georgia](#).

Though Doe is rarely spoken about, it is Doe that has the greatest impact on abortion policy. Doe provides the “[health exception](#)” after a fetus becomes viable by inserting abortion into the healthcare narrative, the doctor is in charge of a “woman's reproductive healthcare.” The Doe v. Bolton decision argued that the life and health of the mother encompass a wide range of reasons. In his majority opinion, former Justice, Harry Blackmun wrote that “medical judgement may be exercised in the light of all factors – physical, emotional, psychological, familial, and the woman's age – relevant to the well- being of the patient. All of these factors relate to health.”

Essentially Doe picks up where Roe leaves off, giving abortion more gestational leeway based on the medical well-being of the pregnant woman. Roe v. Wade states that a woman may have an abortion up to viability. Doe says that a doctor may make a medical judgment justifying an abortion right up to birth. The Doe decision distinguishes the US to be one of only four nations

(Canada, China, and North Korea) that allow abortion for any reason, after fetal viability, right up to birth.

Most Americans are surprised to learn that our abortion policy is among the most liberal in the entire world. The media does a good job keeping the truth from people. They, along with the abortion lobby, portray the Pro-Life movement to be made up of white religious males who know nothing about the woman's body. The true Pro-Life movement is a very [diverse group](#) that includes [Pro-Life Democrats](#) (*who were told there was no place for them in the democrat party*), [Progressives](#), [blacks and browns](#), [atheists](#), [Jews](#), [secular](#), gays and lesbians.

The Roe v. Wade decision was completely out of touch with public opinion from the very beginning. For the past 25 years, the hearts and minds of Americans favor life over abortion. This is demonstrated in the [decline in abortions](#) throughout the US. The percentage of women having abortions today has dropped to 1972 levels (the year before the Roe V. Wade decision). The CDC reports abortion rates are down in both pro-life and pro-abortion states by upwards of 30%.

[A Gallop Poll, June 29, 2020](#) shows American's view on abortion remains steady over the past decade. Overall, American's are equally split 47% Pro-Choice and 47% Pro-Life. When asked about the morality of abortion, 44% find abortion morally acceptable, while 47% see abortion as morally wrong. When asked if abortion should be legal in all circumstances, certain circumstances, or illegal in all, 29% want abortion legal under any circumstance; 50% think abortion should be legal only under certain circumstances, while 20% think abortion should be illegal in all circumstances. All told, 55% of Americans favor a more restrictive approach to abortion, while 43% favor a less restrictive approach.

A lot has changed since the Roe V Wade decision. Today, [95% of biologists affirm](#) that human life begins at fertilization. The concern of over-population has been [debunked](#). And despite numerous efforts in the state legislatures to pass more restrictive policy after viability, laws passed are often sent to the federal [appellate court of appeals](#), where they are tried and rejected.

When it comes to overthrowing Roe, things are heating up! In September of 2019 at a live national town hall debate at the National Constitutional Center in Philadelphia, “[Should Roe v. Wade be overturned](#)” was addressed. Kathryn Kolbert – the pro-abortion lawyer who argued the 1992 supreme court case Planned



Parenthood v. Casey, (the court refused to overturn Roe), stated: “This court is prepared to overturn Roe and return the matter to the states.” A law professor on the panel nodded and added: “All of us assume the Court will overturn Roe.”

A new [Texas abortion law](#) passed banning abortion after 6 weeks. The law took effect on [September 1, 2021](#), after the Fifth Circuit court of appeals denied the plaintiffs’ request to block the law and the Supreme Court failed to intervene. It is the first time a state has successfully imposed a six-week abortion ban since Roe v. Wade.

In 2018, [Mississippi passed](#) an abortion law making most abortion illegal after 15 weeks of pregnancy. The law never went into effect because an immediate legal challenge led to a federal [appellate court](#) that blocked its enforcement. This will be the first time the Supreme Court will rule on the constitutionality of a pre-viability abortion ban since Roe. The abortion industry is reeling. The Supreme Court is expected to make a decision on the case in June 2022

Speaking at the [National Press Club, Nov. 30, 2021](#), Former Vice President Mike Pence called on

the Supreme Court to overturn Roe V. Wade, arguing that it has destabilized our nation for decades: “The truth is nothing has been more destabilizing in our society for the last 50 years than legalized abortion... I believe it’s no coincidence that the last half century has seen a persistent rise in family instability, single-parent households, a decline in family formation, increase in unplanned pregnancies and an explosion in sexually transmitted disease.”

These recent events have created both hope for Pro-Life advocates and outrage among Pro-Abortion advocates – already threatening a [revolution](#) and a whole lot of confusion from the general public. People ask: What will happen if Roe is overturned? The short answer is the issue will go back to the state legislatures.

The legislative body, especially that of the State House of Representatives, is the body of government designed to have the finger on the pulse of constituents. They are supposed to be the local voice brought forward to affect state policy. How well each State Representative does their job, is determined by election every two years. The debate over abortion will likely never go away. Keeping the issue close to the people is where it should have stayed all along.

Did You Know...

at 15 weeks, your baby is practicing important skills for when she is ready to greet the world. Though you can’t feel her yet, she is kicking, curling her toes, and stretching her arms and legs.

