



Remembering Roe

Last year ended with the birth of the Son of Mary and the deaths of the Holy Innocents. Now it is time once again to commemorate the sad anniversary of legalized abortion in our land. For we cannot afford to forget how two revolutionary Supreme Court decisions transformed America's moral landscape overnight.

On 22 January 1973 *Roe v. Wade* and *Doe v. Bolton* were announced to the world. Abortionists came forth from the shadows with no fear of prosecution, for abortion laws in all 50 states were no longer enforceable. Within a month, in major cities, stand-alone abortion clinics opened up, because the *Doe* decision invalidated laws that required abortions to be performed only in hospitals. Clinic operators did not need to be concerned about oversight from local health officials, for *Roe* barred them from enforcing health and safety regulations on the new clinics during the first trimester of pregnancy. And *Doe's* unlimited interpretation of "the health of the mother" undercut the authority of the states to outlaw abortions after "viability"—a term redefined by the Justices to describe the time when the fetus could survive outside the womb on its own.

The result was abortion on demand. Under *Roe* and *Doe* the United States became one of only nine countries to allow abortion after 14 weeks and one of only four countries to allow abortion for any reason after

viability. The others are China, North Korea, and Canada.

Advocates for legalization wanted the law to protect women from having to turn to illegal "back alley" abortions, which were said to cause the deaths of 5,000 women annually. This number, regularly repeated in the media from the late 1930s to the late 1960s, implanted the false impression that anti-abortion laws were both ineffective and counterproductive. But the figure was so highly inflated that prominent abortion advocates publicly discredited it. Planned Parenthood's Medical Director stated that only 260 deaths in the whole country could be attributed to abortion in 1957. Ten years later another leading activist noted that, of 1,500 annual pregnancy deaths, probably no more than 500 resulted from abortion—a mere ten percent of the figure which *Newsweek*, *Time*, and *CBS News* publicized.

Just as advocates untruthfully maximized the dangers of keeping abortion illegal, so did they misleadingly minimize the risks of making it legal. "Abortion is safer than childbirth," the 1960s mantra claimed; and much of the judicial decision-making in *Roe* was guided by this unfounded assumption. To forestall the supposedly greater dangers of childbirth, the Justices took the extraordinary step of extending the "right" to abortion to the very term of pregnancy.

They did so with no reliable medical data to support them. Of the nine medical articles the Justices relied on, not a single one claimed that abortion was safer than childbirth; nor did any obstetrical text published before 1972. Legal briefs filed with

the Court documented concerns about the *risks* of abortion, and the Justices heard oral arguments which bolstered these concerns, but they paid them no heed. Despite warning signs sufficient to justify a very narrow ruling, the Court issued a more sweeping decision than even the most fervent abortion advocates dared hope for. Forty-one years later it still maintains its tenacious grip on America's soul.

Over the years opinion polling data have shown that only 7% of Americans support abortion for any reason at any time in pregnancy. But the extreme view of this tiny minority is the one the Supreme Court imposed on the vast majority who favor more stringent limitations. To this sampling of public opinion the defenseless unborn are unable to add their voices. It is up to us to reclaim for them the right to life which *Roe* unjustly stripped away.