



Pro-Life Bulletin Board

A project of American Life League, Inc.

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Roe + Doe = Abortion on Demand

Every January 22, we sadly mark the anniversary of two deadly 1973 Supreme Court rulings, *Roe v. Wade* and *Doe v. Bolton*. But how much do you really know about these cases? Here's a quick multiple-choice question. Because of these decisions:

- A. A state may regulate second- and third-trimester abortions.
- B. A state may prohibit third-trimester abortions, unless one is necessary for the life or health of the mother.
- C. All abortions are legal through the full nine months of pregnancy.
- D. All of the above.

The answer, of course, is D.

Confused? Welcome to the world of *Roe* and *Doe*, an Orwellian place where some humans are more human than others, where pregnant mothers do not carry children, and where courts are legislatures.

The Supreme Court declared in *Roe* that the United States Constitution grants a woman a "right" to have an abortion; that the so-called right to privacy that had previously been attached to the Fourteenth Amendment's due-process clause "includes the abortion decision." The court went on to declare abortion not just a right, but a "fundamental" right—one a state may not restrict unless it is protecting a "compelling" interest.

The language of *Roe* and *Doe*

Justice Harry Blackmun, in writing the majority opinion in *Roe*, set forth his own scheme for legislation. The court decreed that in the first three months of pregnancy (i.e., the first trimester), "the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician."

In the second trimester of pregnancy, the state's interest in protecting the health of the mother becomes "com-

pellent" and, therefore, laws may "regulate the abortion procedure in ways that are reasonably related to maternal health."

Finally, when the baby becomes viable (in the court's words, capable of "meaningful life outside the mother's womb"), the state's "interest in the potentiality of human life" also becomes "compelling." At that point, the state may "regulate, and even proscribe, abortion except where it is necessary ... for the preservation of the life or health of the mother."

This implies that states may make it legally difficult for women to obtain third-trimester abortions. That impression is false, because the court saved the "fine print" on abortion for its *Doe v. Bolton* decision.

Abortion for 'health' reasons

Doe v. Bolton is the key that unlocked legal abortion on demand through all nine months of pregnancy. It was *Roe* that said states could prohibit post-viability abortions except those for "the life or health of the mother," but it was *Doe* that defined "health."

According to Justice Blackmun's *Doe* opinion, in determining whether an abortion is necessary for a woman's health, a doctor's judgment "may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age." Thus, if a woman's pregnancy is causing her "emotional" problems, she may legally abort her child in the ninth month for reasons of "health."

Many people, including many pro-lifers, don't fully understand this. But this is why the answer to our multiple-choice quiz was "all of the above." Abortion is legal, for any reason, at any time during pregnancy.

Excerpted from American Life League's *Roe + Doe = Abortion on Demand*.

Pregnant and in need of help?

Heartbeat International: 800-395-4357