

ISSUES IN PERSPECTIVE

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Roe v. Wade's 40th Anniversary

January 22, 2013 is the 40th anniversary of one of the most controversial Supreme Court decisions ever handed down. In a 7-2 decision, the Court's opinion, written by Justice Harry Blackman, established the right of a woman to have an abortion for any reason within the first trimester of her pregnancy. The decision overturned all state restrictions on abortion and in effect legalized abortion nationwide. As theologian Albert Mohler correctly argues, Blackman "invented the notion of three trimesters of pregnancy as a legal concept and then created an unfettered right to abortion within the first trimester. From the onset, abortion advocates have opposed any effort to restrict abortion in the second and third trimesters, or to regulate abortion providers and clinics." It is appropriate, after 40 years, to evaluate *Roe v. Wade's* impact on American culture and observe if anything has changed since 1973.

- First, Kate Pickert, writing in *Time* magazine, laments the lack of access for some women desiring an abortion. She reports that 24 states have adopted 90 new restrictions on abortion just since 2010. She writes: "These laws make it harder every year to exercise a right heralded as a crowning achievement of the 20th century women's movement. In addition to North Dakota, three other states—South Dakota, Mississippi, and Arkansas—have just one surgical-abortion clinic in operation. The number of abortion providers nationwide shrank from 2,908 in 1982 to 1,793 in 2008, the latest year for which data is available. Getting an abortion in America is, in some places, harder today than at any point since it became a constitutionally protected right 40 years ago this month." These restrictions involve parental notification laws for minors, a waiting period and counseling before an abortion and at least 30 states do not cover abortion under Medicaid. Pickert acknowledges that the public is quite selective in how it views abortion. Just 41%, for example, identified themselves as pro-choice in a May 2012 Gallup survey. With ultrasounds and sophisticated neonatology, most Americans see a waiting period and parental-consent laws as reasonable and necessary. In addition, recent Gallup research "indicates that 79% of pro-choice Americans believe abortion should be illegal in the third trimester of pregnancy and that 60% support 24-hour waiting periods and parental-consent for minors." Finally, throughout the nation, Crisis Pregnancy Centers now outnumber abortion clinics, and Pennsylvania is in the forefront of states attempting to impose abortion restrictions on its citizens. Pickert is concerned and perplexed that after 40 years, the abortion "right" is not more widely accepted and exercised.
- Second, the fluid abortion rights issue in America is having an impact on Planned Parenthood. *Slate* reporter, Katie Roiphe, states that Planned Parenthood is planning to abandon the old familiar term "pro-choice." Among other reasons, this term is no longer "useful." Most would agree that "pro-choice" is not as easy to accept as "pro-life." It is not as uplifting and, after all, who does not want to be in favor of life? Roiphe acknowledges that "Our language betrays our desire. A cluster of cells that is wanted is a 'baby,' and one

that is unwanted is a ‘fetus.’ One never hears excited parents-to-be referring to the ‘fetus’; the leap of imagination from fetus to baby is so ordinary, so automatic, so universal that we cannot pretend, even in the realm of political expediency, that it is not so. We can’t try to argue that some cluster of cells is not ‘life’ if we are, say busy calling our own cluster of cells a baby.” Although I am not certain this is her intent, Roiphe demonstrates the immense hypocrisy of the pro-abortion movement and the common sense weakness of a movement that claims to be “pro-choice.” Language does matter and the choice of words in this forty-year debate illustrates this truth. Nonetheless, the record of Planned Parenthood is abominable. In its latest annual report for fiscal 2011-2012, Planned Parenthood reveals that it performed 333,964 abortions in 2011—a record year! Charles Spiering of the *Washington Examiner*, reports that, according to Planned Parenthood’s annual reports, the organization performed 332,278 abortions in 2009, 329,445 in 2010, making the total for three years 995,687. This is hardly something of which to be proud—but they are. Planned Parenthood reports receiving a record \$542 million in taxpayer funding in the form of government grants, contracts and Medicaid reimbursements. This amounts to 45% of Planned Parenthood’s annual revenue. One can now understand why Planned Parenthood desires to massage the language of abortion. It performs record abortions, with many of these abortions indirectly funded by the government. It cannot afford to lose that funding. Finally, this “success” of Planned Parenthood must be placed in the larger context of how many abortions are actually performed in America. The *Time* article by Kate Pickert reports that over 50 million legal abortions have been performed in the US since 1973 and that one in three women will have an abortion by age 45. Further, the abortion rate for African-American women is 3.5 times that of white women. Despite the access concern that Pickert expresses in her article, it is difficult to see the abortion forces losing. As I wrote several years ago in my Ethics text, the abortion situation in America is nothing less than a modern holocaust. The death of more than 50 million babies validates that conclusion.

- Finally, theologian Mohler summarizes the effect the Roe v. Wade decision has had on America. Most importantly, why has the pro-life movement not disappeared? For those in the pro-choice movement, it seems difficult to understand why Americans cannot simply embrace the pro-choice ideology. Mohler suggests five reasons:
 1. The radical nature of Roe—overturning abortion laws in 49 states—galvanized pro-life forces. “The judicial imposition of abortion on demand virtually without restriction until the third trimester produced both shock and outrage among those who believe that the unborn child has an inalienable right to life.”
 2. Roe also encouraged millions of evangelical Christians to defend the rights of the unborn. As evangelicals began to educate themselves on this issue, they also mobilized themselves politically and culturally.
 3. The death of babies through abortion is nothing less than staggering. For example, reports from last year indicate that 40% of all pregnancies in New York end in abortion, a rate that increases to almost 60% of pregnancies among African-American women. “Young people can now see that millions are missing from their own generation.”

4. Abortion has proved to be a deadly threat to human dignity, especially among targeted specific populations. For example, about 90% of unborn children diagnosed with Down syndrome are now aborted. Sex-selection abortions are also legal. Prenatal testing of other characteristics means that parents can now abort a “baby that does not meet their specifications and try again.”
5. “Powerful imaging technologies now allow a look inside the womb, a privilege unknown to previous generations. That window has transformed the equation, as millions of parents have seen their unborn children and witnessed the miracle of life.”

In conclusion, consider this: “Since 1973 more than 55 million unborn Americans have been aborted, and the nation is more concerned about economics than the sanctity of human life. We have much ground to recover, but the only foundation for a recovery of human dignity is an affirmation of the fact that every human being is made in God’s image and is of sacred worth from the moment of fertilization until natural death.”

See www.albertmohler.com (18 January 2013 and 7 January 2013); Kate Pickert, “What Choice?”, *Time* (14 January 2013), pp. 38-46; Charles Spiering in the *Washington Examiner* (7 January 2013); Katie Roiphe in *Slate* (16 January 2013); and Sarah Kliff in the *Washington Post* (14 January 2013).