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Roe v. Wade and Its Impact

"[Roe v. Wade] has fundamentally altered the legal, medical and political landscape of this country." - Gloria Feldt, president of Planned Parenthood Federation of America. Roe v. Wade paved the way for women's rights by legalizing abortion across the United States in the Supreme Court case decided in 1973. For this reason, Roe v. Wade was one of the most important events of the Twentieth Century. This can be supported by examining many ideas, such as abortion laws before the decision, what led to the resolution, the arguments at court, and its impact on women, families, and politics.

Before Roe v. Wade, abortion laws and limits were very distinct throughout different time periods. Abortion is the termination of a pregnancy after, accompanied by, resulting in, or closely followed by the death of the embryo or fetus. In the Eighteenth and Nineteenth Centuries, the government disregarded abortion or limiting it. However, quickening, the point in pregnancy when a woman could feel the fetus' movements, guided their minimal restrictions. The government did not consider the fetus alive before this moment, and they did not have a problem with women aborting something that was abiotic. To induce miscarriages, women simply used home remedies. Doctors were able to stop unwanted pregnancies using techniques that were not as risky as some other practices in the Civil War era. However, this was a short-lived era.

After 1857, this openness and flexibility shifted to strict limitations. As science advanced, doctors utilized modern technology and discovered that the fetus developed slowly, instead of a magic moment where the lifeless growth became a baby. Therefore, by the very early Twentieth Century, "every state in the U.S. imposed anti-abortion laws" and two-thirds of the states criminalized abortion completely. Because of these laws, any woman in need of an abortion had to use different methods. Many women underwent an abortion illegally in the United States or traveled to Mexico for one. These prohibited procedures could come with deadly repercussions such as uterine infections, hemorrhage, sepsis, and infertility. Some women resorted to ingesting bleach and even throwing themselves down stairways to stop their pregnancies, causing extensive tissue damage, the stomach being destroyed, severe blunt force trauma, and in some cases, death. These severe laws forced women to improvise dangerous ways to have an abortion, conveying how important freedom to have the procedure is.

As the population began to see the dangers of the illegal abortion procedures, they questioned if it made sense to ban something that caused so much death and injury. Horrified citizens and advocates called for legalization of abortion because of this reason. During the 1950s, the conflict and question over abortion was ignited again. Since there were advances in birth control and more openness about sex during this time, people pushed for the decriminalization of abortion. In the end, the growing ambivalence around abortion was enough to send a court case to the Supreme Court.

Roe v. Wade was a Supreme Court case decided in 1973, legalizing abortion across the United States. On one side of the lawsuit was Norma McCorvey, a Texas woman in her early twenties who wanted to end an unwanted pregnancy. However, McCorvey was unable to get an abortion because Texas law stated that abortion was only legal to save the mother's life; Texas women were not allowed to abort their babies as Texas law banned the procedure and incarcerated any doctor who performed one. McCorvey did not have the resources to travel to other countries to get an abortion or to secretly pay for one, so, she hired lawyers to fight in a legal battle to revoke the heavy abortion rules. McCorvey eventually changed her name to Jane Roe in order to allow herself some privacy. In the year 1970, Roe and other women who believed in abortion rights filed a lawsuit against Henry Wade, the Dallas County district attorney. Wade was represented by John Tolle, assistant district attorney of Dallas, Texas, and Jay

Floyd, assistant attorney general of Austin, Texas.

This case was soon introduced in Texas. Roe's lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on behalf of her in the U.S. District Court in the Northern District of Texas. Roe hired Coffee and Weddington because she, a pregnant plaintiff, was exactly what these lawyers were looking for to help overturn the Texas laws on abortions. Roe, with these lawyers, hoped to fight for rights for women like herself.

Roe won her case but her wishes for legalization were not granted. Although the District Court of Texas found the Texas statutes unconstitutional, the Court rejected giving an injunction, a court order that stops one from continuing an action. This way, doctors would still be prosecuted for performing abortions. Roe and her lawyers were not satisfied with these results, so they decided to appeal the case. In doing so, they managed to bring the case all the way up to the Supreme Court.

Weddington and Coffee appealed the case to the U.S. Supreme Court in autumn of 1970. The case was accepted, and on December 18th, 1971, Weddington began her reasoning in front of the Supreme Court. She asserted that the Texas statutes "violated women's rights to privacy in reproductive matters." Weddington explained that the due process clauses of the Fourteenth and Ninth Amendments protected the liberty to bear children. According to the Ninth Amendment, rights still exist beyond what the first eight amendments say, so she claimed that the right to end a pregnancy is protected by this amendment. Weddington also insisted that "the Texas abortion statutes infringed upon medical professionals' rights to provide medical care." Weddington argued that the Texas abortion statutes were not justified by "a compelling state interest" and should therefore be decided by the federal government. Protecting potential life was not an interest because under Texas law, fetuses have no rights, as they are not considered people, hence not protected by the Fourteenth Amendment. In addition, self-inducing an abortion was not a crime under Texas law, further proving the fact that the Texas laws were not to protect life. Weddington alleged that the Texas abortion laws contradicted Texas' interest in protecting maternal health; a complete ban on abortion was not specific enough to protect a mother's health. Attorney General Floyd retaliated against these points, claiming that abortion was not specified in the Constitution. He argued that the rights to privacy for abortion mentioned by Weddington had no relation because abortions are performed in clinics. He claimed that the state did have an interest to protect the maternal health and the lives of the fetuses because life began at conception. Floyd rationalized that the Fourteenth Amendment says fetuses are persons, and should therefore be given the rights of developed persons. However, Floyd could not provide precedents that demonstrated this claim.

The Supreme Court heard the case again on October 11th, 1972, with Weddington representing Roe again and Texas Assistant Attorney General Robert Flowers representing the state of Texas. Weddington reargued her previous statements, adding that abortion is a fundamental right, and that pregnancy could disturb women's lives. When it was Flowers' turn, he argued that the case did not have relevance anymore because Roe had delivered her child, but Weddington replied that Roe had started the case when she was pregnant and could not pause her pregnancy. Weddington advanced, saying that the damages of Roe's pregnancy journey still remained. Weddington argued that this case represented all childbearing women in the United States, therefore, she claimed that the case was still valid.

The U.S. Supreme Court decided that the Texas abortion laws were unconstitutional on the 22nd of January, 1973. The rules were set: there were three trimesters to a pregnancy, and a woman could fully decide what to do with her baby in the first. The next trimester allowed the government to have partial control over abortion, not banning it, but having the power to protect the health of the mother. In the third trimester, the decision became up to the state. States could choose to prohibit abortion to "protect a fetus that could survive on its own outside the womb, except when a woman's health was in danger."

Justice Blackmun gave the majority opinion, discussing the background of abortion and describing a few reasons behind anti-abortion laws. First, legislators wanted to limit sexual conduct that they deemed immoral. Next, policy makers were worried about the safety of abortion as a medical procedure. Lastly, states wanted to protect life. The Supreme Court recognized that there was a right to privacy implied in the U.S. Constitution. Blackmun argued that Texas laws "violated a right to terminate a pregnancy established by the Ninth Amendment and Fourteenth Amendment," which made them unconstitutional. According to the Court, women had rights deciding on abortions but not absolute ones. The opinion explained that the "state had significant interest in protecting the health of its citizens, maintaining medical standards, and protecting potential life" by the 10th Amendment. To back this up, Blackmun used previous Supreme Court cases that acknowledged that there is a limit to the right to privacy: *Jacobson v. Massachusetts* which dealt with forced vaccinations, and *Buck v. Bell*, the decision about forced

sterilizations. The conclusion from both of these cases was that the states could regulate their citizens' behavior for the sake of public health. In this way, Blackmun decided that the states could regulate abortion to protect their compelling interest in maternal health and future life. But, only after the first trimester: prior to the end of the first trimester, the death rate of pregnant women who had an abortion was lower than that of women who birthed children. He concluded that the "state did have a compelling interest to protect pregnant women from abortion procedures and therefore may regulate abortion to protect pregnant women." Blackmun addressed the topic of protecting potential life as a state: before the point of viability, the point where the fetus can survive outside of the womb on its own, Blackmun explained that the state did not have a reason to protect potential life. But, after viability, fetuses can survive outside of a womb, therefore the state does have a compelling interest to protect the fetus' life, and may therefore place limits on abortion.

The impact of Roe v. Wade is remarkable. After the decision was announced in 1973, the Center for Disease Control researched abortion statistics in 1976 and found that the number of illegal abortion procedures dropped from 130,000 to 17,000 between 1972 and 1974. They also found that deaths correlated with illegal abortions went from 39 to five in the years surrounding the Roe ruling. Roe v. Wade made a huge, positive impact because it saved the lives of women and it heavily reduced the number of illegal procedures.

Roe v. Wade remains a significant event to this day, as well. The U.S. Supreme Court decision opened up many new freedoms for women and inspired many debates over abortion, fetus viability and personhood, and the trimester frameword. Roe v. Wade also set a precedent for cases in the future such as "Webster v. Reproductive Health Services, Planned Parenthood v. Casey, and Stenberg v. Carhart." However, Linda Greenhouse, scholar, says that "Roe v. Wade was synonymous with political conflict and backlash throughout the remainder of the Twentieth Century."

One of the biggest effects of the decision was the pro-life versus pro-choice debate. Pro-life activists are anti-Roe advocates, mainly because they believe that since life begins at conception, abortion results in the murder of the fetus. "The pro-life movement is the movement to block women's access to legal abortion and to recriminalize the procedure." On the other side of the spectrum are pro-choice activists. "The pro-choice movement has sought to keep abortion safe, legal, and accessible to women." They believe that women should decide for themselves what to do with their bodies. Pro-choicers and pro-lifers both hold marches and rallies to support their respectful causes. Due to the Roe v. Wade decision, both political parties have embraced these two movements. The Republican Party supports the pro-life cause while the Democratic Party supports the pro-choice cause. After Roe v. Wade was passed, pro-lifers worried that it created too vague of a law. They were anxious about consequences such as a decrease in population, dehumanizing of human life, the abortion procedure used as birth control, and a growing rate of promiscuity. So, many pro-life activists promoted the Hyde Amendment, which outlawed Medicaid providing federal funding of abortion procedures. Pro-choicers had extremely different views on the topic, believing that Roe gave women freedom of choice with their bodies, better opportunities for unwanted babies, and less women going to "back-alley butchers" for a procedure if their state had banned it. The influence of Roe can be recognized when examining the major conflict it created that is still very relevant to this day.

Over the years since the decision, some states enacted laws to test the Roe v. Wade decision. There were many bills introduced into state governments months after the case was decided. Some limited choices to abortions by "parental notification requirements, mandatory disclosure of abortion risk information, and restrictions on late-term abortions." Even though the protections provided by the Roe decision have been slightly eroded, the Supreme Court has not reversed the decision.

While Roe has not been overturned, attempts have been made. Especially now, with the makeup of the Supreme Court changing and having a conservative majority among the justices, people are constantly questioning what will happen to Roe v. Wade. When Justice Brett Kavanaugh was appointed to the Supreme Court, many people were keen to see whether he might vote to overturn Roe. The fact that so many people had questions so fast shows how important Roe v. Wade is to society, and how its impact has lasted until the present day.

In conclusion, one of the most significant events throughout the Twentieth Century was the Roe v. Wade decision. This significant resolution saved many lives of women and introduced many new freedoms to their bodies. Hundreds of years ago, abortion laws depended on quickening, until science proved this theory false. States quickly decided to criminalize abortion. After years of illegal procedures rising, the question was revived again in the Twentieth Century. Among these advocates was Norma McCorvey, a pregnant woman who was denied an abortion. Henry Wade and

McCorvey, who used the alias 'Jane Roe,' argued in a lawsuit, which reached the Supreme Court. After a re-argument, Roe won her case. The justices made a decision and enforced rules based on trimesters. This decision has a major impact, both timely and lasting. Illegal procedures and death from abortion went down, and an immense political conflict was introduced. One avid supporter of Roe v. Wade, Marcia Greenberger, says this: "The impact of Roe is hard to fully comprehend. It has obviously saved enormous numbers of lives, improved women's health, made for stronger families. It's allowed women to have healthier children, and it's given women the practical wherewithal to pursue their dreams and aspirations without fear of pregnancy shattering those dreams. By its very philosophy, Roe underscores the equality of women."