

A controversial case of roe v. wade

Law



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“ Because of the impact on the woman, this certainly is a matter of such fundamental and basic concern to the woman involved that she should be allowed to make the choice as to whether to continue or terminate her pregnancy.” Sarah Weddington, a pro-choice Texas attorney, was quoted this in her oral argument in Roe v. Wade. (Gold 55) The Texas court case that took a turn for national news, questions whether having abortions illegal is unconstitutional. Sarah Weddington and Linda Coffee defend Norma McCorvey in a case filed against Henry Wade. Roe v. Wade is more than just a case in favor of legal abortions; it is a case that started a nationwide controversy.

Norma McCorvey once stated, “ I was a deadbeat, a bum, a twenty-one year old nobody at the end of my rope.” (Tompkins 34) She had first gotten pregnant a few years earlier, but had to give up custody to her mother. Giving a child away was extremely hard for her, but Norma didn’t have a job or enough stability to raise a child. In 1969, when she found out she was pregnant again, she tried to get an abortion. However, abortions were only legal to a mother whose life was in danger. The same time Norma was searching for a way out of her pregnancy, Sarah Weddington was learning of the King’s story. The King’s were a couple who recently found out they were pregnant. They had also recently read about how children in Europe had been born without arms and legs to women who took a certain sleeping pill. They later remember that during the morning sickness, Mrs. King had taken that same sleeping pill. In fear of their child being born with only a head and torso, they wanted to get an abortion. Regarding the Texas law though, they would only be able to get an abortion if Mrs. King’s life was in danger.

(Tompkins) Weddington who had previously gotten an abortion herself, knew the dangers of an illegal abortion so she felt a connection to the case. She searched through her graduating class for a partner and contacted Linda Coffee. Weddington and Coffee still needed a stronger case, and that's when they found Norma McCorvey. They thought it best to protect McCorvey's identity so they gave her the name Jane Roe, which was often given to unidentified medical patients. Deciding to file the lawsuit against the Dallas County District Attorney, David Wade, was what started one of the biggest steps in women's right movement.

Given that their case was ready, Weddington and Coffee presented to the jury that illegal abortions were unconstitutional because they violated a woman's right of privacy and broke the fourteenth amendment's promise of equal protection to women. (Tompkins 42) After arguments from both sides, the Texas court ruled the law violated the constitution. However, unhappy with the decision, Henry Wade appealed to the US Supreme court. In Wade's arguments, he presented abortion laws from Ancient Greek and present. He argued that there were three justifications for banning abortions: the social concern to discourage sexual conduct, protecting the right of the woman, and the protection of prenatal life. As a result, the court ruled the first two irrelevant in consideration to the modern gender roles and medical technology. " The court argued that prenatal life was not within the definition of persons as used and protected in the US constitution and that America's criminal and civil laws only sometimes regarded fetuses as person deserving protection." (McBride) The US Supreme court made their decision on January of 1972, with a 7-2 ratio, the law was found unconstitutional. Nonetheless,

there were many ramifications that assisted with the decision to make the law unjust.

With the intention of a constitutional law, there were several branches of the law. The law had to ensure that it was not violating the woman's right of privacy. It was decided that the right of privacy was broad enough to encompass a woman's decision whether or not to terminate her pregnancy.

(US History) Pregnancies were broken into three trimesters and each trimester consisted of three months. States allowed abortion to be legal in the first trimester and nothing could legally stop it. After the first trimester, abortions were allowed only to benefit the mother's health. The second trimester, healthcare workers could only refuse abortions to protect the mother's health. Regarding the third trimester, however, physicians were allowed to refuse unless the mother's life was in danger. (World Book) Each state had narrowing laws regarding abortions, but if the pregnancy was within the first trimester, a state's interest in refusing an abortion couldn't be found important enough. (McBride) There were several laws that spun off the case as well: requiring parental consent for minors, spousal consent, banning state funding, mandated waiting periods, reading informational pamphlets. Even under those circumstances, national controversy rose.

As a result of legalizing abortion, it triggered protests across America separating everyone into pro-life or pro-choice. Pro-choicers were people who thought this was an advance towards women's equality and pro-lifers were people who opposed abortions. (Word Book) There were weekly church services provided for pro-lifers to meet, sign petitions, write letters and plan activities. There were picket lines attempting to stop women from entering

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abortion clinics, harassing abortions doctors and some went as far as murder. Operation Rescue was created, which was a group that began blocking the entrances to abortion clinics in the 1980's. Since 1984, there is recorded 149 arson or bomb attacks on abortion clinics. Pro-life began to see results from their protests because Congress passed the Hyde amendment. The Hyde amendment states that medicaid doesn't pay for a woman's abortion. (Tompkins) Others, although, continued to make their voices heard. Woman such as Justice Blackmun, praised Roe as "essential to women's equality and reproductive freedom." (McBride) Norma McCorvey herself, came out as being a pro-life woman. (US History) Even today our nation is broken up into the groups of pro-life or pro-choice.

Ultimately, Roe v. Wade is more than just a case in favor of legal abortions; it is a case that started a nationwide controversy. The Texas and US Supreme court ruled that the law of abortions being illegal was considered unconstitutional. Nationwide, people have broken into two groups favoring pro-life or pro-choice about a woman's right to make her own decision. As a 20th century pro-choice anonymous advocate states, "If you are against abortion, then don't have an abortion. Simple as that."