

PRO-LIFE 101

SESSION 1:
THE HISTORY OF ABORTION IN AMERICA

TAKEN FROM

making LIFE
DISCIPLES™

*Equipping the Church to offer compassion, hope, help,
and discipleship to women and men considering abortion.*

THE HISTORY OF ABORTION IN AMERICA

The United States is one of four nations where a woman can get an abortion through all 9 months of pregnancy for any reason, including sex-selection (i.e. a couple wants a child of a specific sex and may abort a child of the opposite sex).¹ Only Canada, China, and North Korea share this distinction.² Each year since 1973, over one million legal abortions have been performed in the United States.^{3,4,5}

During most of our nation's history, abortion was prohibited as the wrongful taking of innocent life. As the number of abortions increased with the growth of large cities in the mid-1800s, state legislatures began passing bans and other restrictions on abortion. By the end of the 19th century, nearly every state had laws prohibiting abortion.^{6,7}

As recently as a century ago, many early feminist groups, medical associations, and media outlets stood against the practice of abortion. In the late 1800s, mainstream newspapers like the *New York Times* waged campaigns to expose the horrors of abortion.^{8,9,10} Early feminists, such as Susan B. Anthony and Elizabeth Cady Stanton, condemned abortion as a social evil that victimized women. The professional medical community actively lobbied for the strong anti-abortion legislation of the 1800s.

Fast forward to the middle of the 20th century when several national developments contributed to legalized abortion.¹¹ The sexual revolution of the 1960s had a significant impact on American society and on the Justices of the U.S. Supreme Court. Several of the Justices were personally affected by the sexual revolution—with instances of unwed pregnancies or abortion in their family or personal experience, including Justices Blackmun, Powell, and Marshall.¹²

The sexual revolution also fed the drive for “population control,” which was a major political issue of the late 1960s. Population control was exemplified in President Nixon's address to the nation in July 1969 and in his creation of a presidential commission on Population and the American Future. This commission released a report endorsing abortion for population control in March 1972, just as the Justices were drafting their opinions. The Justices endorsed a right to contraception in 1965 and expanded that right in 1972. Some of the Justices saw abortion as a logical next step and a reasonable solution to the “population crisis.”

Other national developments that contributed to legalized abortion included “The Pill” (oral hormonal contraception), which came on the market in 1961, and the endorsement of abortion rights by various elites in American society (including the media, the American Law Institute, the American Medical Association, and state legalization between 1967 and 1970.) By 1972, several Justices thought that they were leading a cultural wave and that their decision was supported by public opinion.

At the state level, abortion rights also began to gain a foothold in the late 1960s. Until 1967, almost all states prohibited abortion except to save the life of the mother. States first began to openly legalize abortion through legislation in 1967. Between 1967 and 1970, some 13 or 14 states legalized abortion in certain circumstances, though none defined access to abortion as broadly as the Supreme Court did in its eventual decision.

The Supreme Court's decision in *Griswold v. Connecticut* in 1965 created a right to contraception. Abortion-rights advocates saw *Griswold* as the judicial means by which to argue for a constitutional right to abortion. After 1968, cases to strike down the abortion laws were filed in more than 20 states; *Roe v. Wade* (Texas) and *Doe v. Bolton* (Georgia) were two that eventually got to the Supreme Court. However, the Justices did not initially decide to hear those two cases in 1971 to address the abortion issue, per se. Instead, they decided to hear them to address a rather mundane procedural issue.

Then, in September 1971, a crisis erupted in the Supreme Court when two justices, Hugo Black and John Harlan, abruptly retired because of ill health. That change reduced the number of Justices to seven, flipped the balance of the Court, and empowered a temporary majority of four Justices who supported abortion rights. Then the Court decided to use the two cases to focus on whether abortion was a constitutional right, thus affecting abortion laws across the country.

NORMA'S CASE ¹³

In 1970, while living in Dallas, Texas, a young, unmarried mother named Norma McCorvey found herself pregnant. She already had two children who she surrendered to the care of others. She did not want a third child. She wanted an abortion.¹⁴

Norma was referred to two young attorneys named Sarah Weddington and Linda Coffee. Norma eventually became Jane Roe in the infamous case of *Roe v. Wade*.

Although a few states had legalized abortion, most still imposed restrictions on abortion. Texas law permitted abortion only in cases when necessary to save the life of the mother. When Norma arrived at their office, Weddington and Coffee were already working on a case to have the Texas abortion law declared unconstitutional.¹⁵

Weddington and Coffee knew that a Supreme Court decision striking down Texas' abortion ban would open the door to striking down similar laws in all other states.

To succeed in striking down Texas' abortion law, Weddington and Coffee needed a client they could claim was harmed by the law. In a sworn affidavit, Norma falsely claimed that her pregnancy had resulted from a gang rape.¹⁶ This claim was vital to the case because Texas, like most other states, did not allow abortions when pregnancies resulted from rape. Norma also claimed that she had unsuccessfully sought the help of

several physicians to perform an abortion when she had, in fact, gone only to one clinic that was closed at the time of her visit.¹⁷ Nevertheless, the fabrication placed Norma's case in an extreme context, thus making it more likely to invoke sympathy for her situation.

In January 1973, the United States Supreme Court issued its 7-2 ruling in favor of Jane Roe Norma McCorvey, thus declaring Texas' law unconstitutional. The court ruled that a woman had a fundamental and constitutionally protected right to privacy under the due process clause of the 14th Amendment, which extended to decisions related to abortion. The ruling affected state laws banning abortion in over 40 states and legalized abortion in the U.S.¹⁸

This decision included two basic rulings:

1. A woman's constitutional right to privacy includes the right to determine the outcome of her pregnancy.
2. An unborn child is not a "person" within the meaning of the Constitution.

THE CASEY CASE

In 1992, the Supreme Court ruled 5 to 4 in *Planned Parenthood v. Casey* to uphold *Roe*. This decision was a great disappointment for the pro-life movement. With the appointment of new and more conservative Supreme Court justices in the 1980s and early 1990s, many people in the pro-life movement hoped that there would be enough votes in the Court to reverse *Roe*. Instead, the Court in *Casey* cited the need to follow established precedents and upheld its earlier decision.

Justice Sandra Day O'Connor offered the following rationale for continuing to uphold *Roe*:

"[F]or two decades of economic and social developments, people have organized intimate relationships and made choices that define their views of themselves and their places in society, in reliance on the availability of abortion in the event that contraception should fail. The ability of women to participate equally in the economic and social life of the nation has been facilitated by the ability to control their reproductive lives."¹⁹

Nonetheless, *Casey* opened a small window of opportunity by affirming a state's legitimate interest in protecting women's health and unborn life so long as the law in question does not impose an "undue burden" on a woman's right to seek an abortion. As a result, the pro-life movement implemented a strategic plan, originating with groups like Americans United for Life, to place restrictions on abortion through state-based legislation. In recent years, this strategy has seen success with some 300 pro-life laws enacted across the United States from 2011 through 2014.

THE GONZALES V. CARHART CASE

In 2007, in *Gonzales v. Carhart*, the U.S. Supreme Court gave the pro-life movement a victory when it upheld the federal ban on partial-birth abortion. The Court found that the State has a legitimate interest in protecting unborn life as well as the health of the woman. The Court did not, however, reverse *Roe* because of a concern expressed by Justice Anthony Kennedy that women have come to rely on abortion as an alternative to failed contraception, a legal principle called the “reliance interest.” The “reliance interest” is a legal doctrine that the Supreme Court wrote prohibiting the Supreme Court from reversing *Roe v. Wade* because women had come to rely on abortion to maintain their place in society.

CULTIVATING A COMPASSIONATE RESPONSE

More than four decades have passed since *Roe v. Wade* was decided. Today, in the United States, we observe the following consequences: each year, about one million abortions are performed.²⁰

How, as Christians, should we confront this tragedy of abortion? As Jesus carried out His public ministry, He focused on the needs of hurting people. It is notable that even though the Jewish people faced great hardships under the Roman occupation, Jesus never exerted political influence to usher in the Kingdom of God. From the Gospel accounts, it appears that Jesus never lobbied for political reform, nor did He endorse rival candidates to the corrupt Roman occupiers. Instead, He consistently ministered on a one-to-one basis to the needs of broken people. This compassionate love has changed countless hearts and minds over the ages.

This does not mean that political solutions are inappropriate in confronting abortion. Scripture clearly teaches that God desires men and women to rule with just laws that protect the innocent. Therefore, Christians must continue to pray and act to change the morally bankrupt laws that leave our unborn children without protection. Until *Roe v. Wade* is overturned, a great injustice will continue to be perpetrated upon our society. But a *Making Life Disciples* ministry transcends these political solutions. The *Making Life Disciples* ministry is rooted in the compassion and love of Jesus Christ. It is not about changing laws, nor is it even ultimately about saving babies. *Making Life Disciples* addresses the needs of individual women and men. It is about sharing the Gospel and empowering people to make positive, life-affirming choices. When hurting women and men encounter Jesus Christ in the midst of their crises, their lives are forever changed.

ENDNOTES: SESSION 1

1. United States Abortion Policy in the International Context—Americans United for Life. (2012, August 1). Retrieved from <http://www.aul.org/united-states-abortion-policy-in-the-international-context/>
2. Ibid.
3. Jones, R. K., & Kooistra, K. (2011), Abortion Incidence and Access to Services In the United States, 2008. *Perspectives on Sexual and Reproductive Health*, 43, 41–50. doi: 10.1363/4304111.
4. Jones, R. K., & Jerman, J. (2014), Abortion Incidence and Service Availability In the United States, 2011. *Perspectives on Sexual and Reproductive Health*, 46(1), 3-14. Retrieved from <https://www.guttmacher.org/pubs/journals/psrh.46e0414.pdf>
5. Abortion Statistics: United States Data & Trends—National Right to Life Committee. (2015, February). Retrieved from <http://www.nrlc.org/uploads/factsheets/FS01AbortionintheUS.pdf>
6. Mohr, J. C. (1978). *Abortion in America: The origins and evolution of national policy*. New York: Oxford University Press.
7. Farrell, C. (2008). *The abortion debate*. Edina, MN: ABDO Pub.
8. Abbott, K. (2012, November 27). Madame Restell: The Abortionist of Fifth Avenue. *Smithsonian Magazine*. Retrieved from <http://www.smithsonianmag.com/history/madame-restell-the-abortionist-of-fifth-avenue-145109198/?no-ist>
9. Gray, C. (2013). Madame Restell's Other Profession. *The New York Times*. Retrieved from http://www.nytimes.com/2013/10/13/realestate/madame-restells-other-profession.html?_r=1
10. Manning, K. (2013, June 24). How the media sensationalises abortion. *The Guardian*. Retrieved from <http://www.theguardian.com/lifeandstyle/2013/jun/24/how-media-sensationalises-abortion>
11. The Sexual Revolution. (n.d.). Boundless U.S. History. Retrieved from <https://www.boundless.com/u-s-history/textbooks/boundless-u-s-history-textbook/the-sixties-29/expanding-the-civil-rights-movement-1464/the-sexual-revolution-1226-9275/>
12. Forsythe, C. D. (2013). *Abuse of discretion: The inside story of Roe v. Wade*. New York: Encounter Books.
13. Roe v. Wade, 410 U.S. 113 (1973, January 22).
14. Napikoski, L. (2016, March 31). Norma McCorvey: The Woman Who Was Jane Roe. *About Education*. Retrieved from http://womenshistory.about.com/od/abortionus/a/norma_mccorvey.htm
15. Ibid.
16. Ibid.
17. Ibid.
18. Roe v. Wade, 410 U.S. 113 (1973, January 22).
19. Planned Parenthood v. Casey, 505 U.S. 833 (1992)
20. Guttmacher Institute. (2016, May). Induced Abortion in the United States | Guttmacher Institute. Retrieved from <https://www.guttmacher.org/fact-sheet/induced-abortion-united-states>
21. De Bord, J., Burke, W., Dudzinski, D. M. (2013). Confidentiality. Retrieved from <https://depts.washington.edu/bioethx/topics/confiden.html>.
22. Core Competencies. (n.d.). Retrieved from <http://coachfederation.org/credential/landing.cfm?ItemNumber=2206>
23. Allen, L., Manning, L., Francis, T., & Gentry, W. (2011). The Coach's View: Best Practices for Successful Coaching Engagements. Retrieved from <http://insights.ccl.org/wp-content/uploads/2015/04/TheCoachsView.pdf>
24. Crabb, L. J. (1992). *The Marriage Builder: A Blueprint for Couples and Counselors*. Grand Rapids: Zondervan.
25. Empathy (n.d.). *Merriam-Webster* online. Retrieved from <http://www.merriam-webster.com/dictionary/empathy>
26. Sympathy. (n.d.) *Merriam-Webster* online. Retrieved from <http://www.merriam-webster.com/dictionary/sympathy>

Visit Care Net online at care-net.org
Making Life Disciples Resources at <https://www.care-net.org/implementing-making-life-disciples>

Cover design by Brian Gage, Coldwater Media, copyright © by Care Net.
Designed by G. Nathan Smith, Martin Stanley and Audra Jon Hoover.
General Editor: Cynthia Hopkins, VP Center Services & Client Care, Care Net
Editor: Mary Chapman, Director of Church Outreach & Engagement, Care Net

ISBN: 978-0-9972285-0-2

Copyright © 2016 Care Net, formerly the Christian Action Council Education and Ministry Fund, Inc.
All rights reserved. No part of this publication may be reproduced, resold, or redistributed by any means, electronic, mechanical, photocopying or recording, without the prior written consent of Care Net.

44180 Riverside Parkway, Suite 200
Lansdowne, VA 20176
(703) 554-8734 Office
(703) 554-8735 Fax
info@care-net.org

Best practice advice provided in this curriculum is intended solely for educational purposes. The presenters and authors are not engaged in rendering legal, financial, or counseling advice or service.

All Scripture quotations, unless otherwise indicated, taken from the Holy Bible, NEW INTERNATIONAL VERSION®, NIV® Copyright © 1973, 1978, 1984 by Biblica, Inc.®Used by permission. All rights reserved worldwide.

NEW INTERNATIONAL VERSION® and NIV® are registered trademarks of Biblica, Inc.