

Ignoring the Self-Evident

BY Mary Balch, J.D.

Often the most eloquent statement of the truth is the simplest. Since the 1973 Roe v. Wade decision opened the floodgates, more than 47 million unborn babies have perished in an unimaginably brutal fashion.

The numbers are astronomically high because Roe v. Wade (and its sister case, Doe v. Bolton) legalized abortion for any reason or no reason, even as a method of birth control. As the largest pro-life organization in the country, NRLC works through legislation and education to correct this massive injustice and to restore legal protection to innocent human life.

Many people, without thinking, assume because something is legal it is right. But the regime of unfettered abortion on demand ushered in by Roe cannot change the fact that it is horribly wrong to take the life of an innocent unborn child.

Roe and Doe disenfranchised millions of citizens whose only objective is to protect the most vulnerable member of the human family—the unborn child. Justice Harry Blackmun could pretend that we “don’t know when human life begins” or disregard evidence that the unborn ought to be treated as a legal “person.” But the rest of us know Roe and Doe didn’t settle the question of the humanity of the unborn child. They only ignored the self-evident.

When even many pro-abortion legal scholars concede that Roe’s holdings were not grounded in the text or history of the Constitution, it is more evidence that the decision is destined to ultimately fall. We hope to see that day arrive very soon.

However, simply overturning Roe would not make abortion illegal. This is a truth that many do not understand.

Some statutes invalidated by Roe may become valid again. That is an open question.

However, by and large, the effect of Roe’s reversal would be to move the abortion issue to the 50 state legislatures. Pro-abortionists tremble at the thought for the same reason pro-lifers are heartened: when the people have a voice, in most instances sanity returns to the abortion discussion.

While protection of the unborn child would not automatically be secured by this shift to the legislative branch, it would allow the people through the democratic process to seek protection for the unborn. In contrast, under Roe the people’s voice is muffled and the unborn child has no protection.

Also not well known is that an overwhelming majority of Americans support restrictions on abortion. For example, an April 2006 poll conducted by The Polling Company showed that 54% of Americans oppose the reasons for which the vast majority of abortions are performed.

However, presently there is a Supreme Court majority that favors keeping Roe firmly intact. Among currently sitting Supreme Court justices, five have voted in favor of Roe v. Wade—that is, in support of the doctrine that abortion must be allowed for any reason until “viability” (about five and a half months), and for “health” reasons (broadly defined) even during the final three months of pregnancy.

They are justices Breyer, Ginsburg, Souter, Stevens, and Kennedy.