

Pro-life legislation spawns from Roe v. Wade

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In "Anti-abortion is anti-women" (Oct. 2 Pacific Daily News), feminist blogger, Amanda Marcotte bemoans "the recent rash of anti-abortion laws" and impugns the idea that the protection of women is the real motivation for most of these laws, calling it "disingenuous lip-flapping about wanting to protect women."

Like many pro-choice advocates, Marcotte probably sees the steady march of pro-life legislation sweeping the nation at the state level as an eventual threat to Roe v. Wade, a threat which is more clearly summed up in street slogans such as: "This is my uterus, not my congressman's" and "If I wanted the government in my womb, I'd (expletive) a senator."

The genesis for the notion that the government should stay out of the womb (i.e. my abortion is nobody's business) is what most people think Roe v. Wade was all about, and many can't understand why there is still a ruckus about a "woman's right to choose" 41 years later.

While writers like Marcotte typically paint government interference with a "woman's right to choose" as a Republican-led "war on women" (she singles out Texas Gov. Rick Perry), the real genesis for continued government intervention into the womb is found in Roe itself.

Most think the Roe court gave women the unbridled right to an abortion. They are wrong. In fact, the Roe decision did not give the "right to choose" to women at all. It only gave the "right to choose" first to the "attending physician" and then increasingly to the state thereafter. Here is what the Roe court said:

- For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician (Pages 163, 164).
- For the stage subsequent to approximately the end of the first trimester, the state, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health (Pages 163, 164).
- For the stage subsequent to viability the state, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother (Pages 163, 164, 165).

In enacting legislation in the name of "women's health," embattled pro-life politicians like Perry, while they may have personal or religious motives, are doing exactly what the Roe court prescribed.

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