



1992 Seems Like Yesterday

prochoicemass | Fri, May 8, 2009 5:52 AM EST

(Has Roe v. Wade helped or hurt the pro-choice movement, I wonder. On the one hand, a tenuous 36-year national protection for abortion rights -- dependent at times (as the post shows) on the reasoning of a single man -- and the possibility that the Court -- one man, perhaps? -- could reverse itself and decide that life begins at conception. On the other hand, a generation of political debate weakened, despite the worthy efforts of NARAL, since the matter has been taken off the legislative table. - promoted by Bob)

Andrea Miller, Executive Director, NARAL Pro-Choice Massachusetts:

A lot has changed since 1992 when the U.S. Supreme Court upheld *Roe v. Wade* in its *Casey* decision. But when I heard the news that Justice David Souter plans to retire, 1992 seemed like only yesterday.

It all came rushing back to me. Sitting in that majestic and hushed Supreme Court chamber, waiting for the Justices to rule on the first historic abortion case that I was privileged to work on. Keeping my fingers crossed, fearing the worst.

After all, everyone had "done the math." Everyone agreed that *Roe v. Wade* hung in the balance - and that we didn't "have the votes." But Justice Souter surprised us that day, joining in the opinion penned by now-retired Justice Sandra Day O'Connor that recognized the critical role that safe, legal abortion has played in changing - and saving - women's lives. In soft tones and bold language, they stood behind precedent and upheld the core values of privacy and personal liberty.

Those words still ring in my head:

The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

Those words still ring true seventeen years later, when another "entire generation has come of age free to assume *Roe's* concept of liberty in defining the capacity of women to act in society, and to make reproductive decisions."

I've felt both nostalgia and trepidation as I imagine what the next few weeks and months will bring. Our new pro-choice President will be called upon to make one of the most momentous decisions of his young presidency. And anti-choice extremists - frustrated that they no longer have a friend in the White House - will gear up and try to tear down any nominee who would respect precedent and protect the right to privacy.

But the pro-choice majority here in Massachusetts and across the nation sent a powerful message last November. And I know that we can send another powerful message to Washington again in support of a Supreme Court nominee who will safeguard privacy and the right to choose.

Progressives from the BMG community have been a tremendous partner in our efforts to protect privacy and respect women's choices here in the Commonwealth. I look forward to working together in the weeks and months ahead to promote these shared values.

This post was originally published with Soapbox and contains additional formatting and metadata.

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Amen

Young women (including myself) have nothing to compare our current state of choice to - having been grown up after the furor of Roe was over and done.

But it is as relevant and important today to fight for reproductive rights as for all other civil rights - we must not get complacent, not even with Obama in the Oval Office.

[lyne](#) @ Tue 4 Dec 7:00 PM

On complacency

This I believe is the crucial message here. I tend to be a loose constructionist which means that I think the burden of proof should fall on the side of challenging constitutionality. Frankly, while I am pro-choice on the merits I have a hard time figuring out how the Constitution forbids laws restricting abortions. There may come a time when Roe v. Wade is overturned and we will have to fight entirely on the merits. I can live with that since I believe most states will allow the procedure to some degree. The only really awful outcome would be if the Court went all the way to the opposite extreme and ruled a fetus a person in the meaning of the 14th amendment (which clearly refers to persons "born" or naturalized, NOT "conceived" or naturalized). There are plenty of reasons for women to have the right to decide what to do with her own body, but for better or worse, the Constitution does not appear to be one of them.

[christopher](#) @ Tue 4 Dec 7:00 PM

One of the most powerful pro-choice editorials I've ever seen...

...was in that bastion of the free press, Hustler Magazine. Larry Flynt took a tour of the days of back alley abortionists, publishing crime scene and autopsy photos of several women who died horrible deaths in those days. No one should ever have to suffer and die in that manner ever again.

[johnt001](#) @ Tue 4 Dec 7:00 PM

No one should ever have to suffer and die in that manner ever again.

I have empathy for those women. But it's an aberration to suggest that something one does willingly -- regardless of how abhorrent the deed -- is done without the exercise of free will and choice while ignoring the individuals who do not have a choice -- the father and the child.

At six weeks, the heart is beating.

At ten weeks, the arms and legs, fingers and toes, eyes, nose and mouth are all there.

Abortionists call the baby "tissue" but it doesn't change the truth. Just because doctors use a vacuum and pliers rather than a coat hanger doesn't detract from the tragedy.

Abortion choices First trimester (around 5 to 12 weeks) * Mifepristone with misoprostol * Methotrexate with misoprostol

(Experts do not recommend medical abortion after 9 weeks.)

* Manual vacuum aspiration, as early as 5 weeks after the last menstrual period (uses a tube attached to a handheld syringe that draws tissue out of the uterus) * Machine vacuum aspiration (uses a tube attached to an electric pump that draws all tissue out of the uterus)

Second trimester (13 to 24 weeks) * None * Dilation and evacuation (D&E), a combination of vacuum aspiration, forceps, and dilation and curettage (D&C) * Induction, possibly with D&E, seldom used

[dweir](#) @ Tue 4 Dec 7:00 PM

Point begging

In answer to first paragraph: There is no "child" yet.

[kbusch](#) @ Tue 4 Dec 7:00 PM

Sigh

Of course that is always the question. Your assumed conclusion is as arbitrary as dweir's, and just as controversial.

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The fetus can neither be described as as a person, nor as mere "tissue." The fairest thing that can be said is that the fetus progresses over approximately 40 weeks from something closer to the latter toward the former. The word "fetus" is employed to mask this ambiguity, but is therefore not useful when it comes to what is necessarily arbitrary line drawing.

It makes no sense to pretend that this isn't so, as it makes no sense to ignore the impact of all of this on the woman in whom the fetus is growing.

centralmassdad @ Tue 4 Dec 7:00 PM

Guilty

Yes, I was purposely as uncompromising as dweir.

In response, I resisted stepping into Singer territory, but if you want more nuance, why not? So here goes.

Once one begins to ask questions about organisms that feel pain, have beating hearts, display the beginnings of intelligence, and have the potential for cuteness, I begin to wonder about pigs who have all these characteristics. At state fairs, I always make a bee-line to look at pigs.

Look at them. They're not people, but so cute, so energetic, so intelligent. Why do they get converted into Easter dinner?

I believe we've also had an exchange on the Prevention of Possibility Argument which usually runs to "It's good your mother didn't choose to have an abortion." This side-trip into counterfactual territory seems strange to me. The unrealized egg-sperm hookups in this world so outnumber the realized ones that it seems strange to privilege the tiny number of actual conceptions over the inconceivably vast number of potential conceptions.

Anyway, this is all well-traveled territory. Probably only evolution is debated more on the internet.

kbusch @ Tue 4 Dec 7:00 PM

I wasn't actually attempting to start a debate

Too tired on a Friday afternoon anyway.

I was attempting to express resignation: the two sides of this issue perpetually make arguments right past one another, each refusing to engage on anything other than their own rhetorical ground. It isn't even fair to call it "debate." It is more like performance art at this point. The only time the pro-lifers mention the effect of an unwanted pregnancy on the mother is when they trot one out for an old fashioned witness testimony, as Sarah Palin did recently. Likewise, the abortion-rights folks won't stray into territory that acknowledges that the fetus is anything other than "tissue," kind of like some sort of cyst.

We did have that debate, which was unfinished because I got busy with work and was prevented from spending time here. We may finish it yet: I don't see why the fact that some, many, or even most zygotes fail spontaneously has any bearing on the decision to affirmatively cause such failure.

centralmassdad @ Tue 4 Dec 7:00 PM

Most fertilized eggs

are washed out in menses. Nature cares little for fertilized eggs. So, apparently, does anyone's god. So when you ask here:

I don't see why the fact that some, many, or even most zygotes fail spontaneously has any bearing on the decision to affirmatively cause such failure.

my question back to you would be why do you only value the fertilized eggs women know they are carrying?

It's the inconsistencies that are problematic here. Fertilized eggs are holy or worthy of "rights" only when we know about them? They are easy enough to detect these days. Why such a cavalier attitude about menstruation? Involuntary terminations? Why aren't we confining all females who have unprotected sex until their HCG titers are determined and they can be cleared as not containing a "sacred human life"? What about pregnant women? Isn't the "human life" she is carrying while she is pregnant worth every precaution

Ladies Online



Mameaw Vietnam
Age:25 47 kg 165 cm

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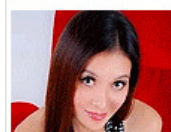
Nutchaya Vietnam
Age:24 46 kg 165 cm

Chat Now



Siripom Thailand
Age:30 43 kg 157 cm

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Pattarapom Thailand
Age:23 42 kg 156 cm

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to save it? Why isn't she confined to constant monitoring until the sacred "human life" is about 32 weeks? Either the "human life" trumps the mother's rights or it doesn't. The fertilized-egg-as-human-life can't be sacred on a part-time basis for the political convenience of some segment of society, can it?

Katha Pollitt is right when she suggested that if you view the fertilized eggs as a human life, then you better start having funerals for tampons.

The same inconsistencies are found in the "only in the case of rape or incest" argument, which is completely and utterly indefensible. We don't confer humanity on fertilized eggs based on the nature of their creation, do we? We don't strip fertilized eggs of their humanity simply because of the behavior of the man, do we? If we can do that, then surely we can find a way to strip the fertilized eggs of its humanity based on something the female did wrong, right?

In order to defend the selective protection of fertilized eggs, one must resort to invoking the inscrutable will of something godlike or the cold, hard reality of biology in action.

Consigning the reproductive rights of women to the whims of either is, again, not a defensible position in a civilized society that claims to care something about human rights.

In each and every case, when the fertilized-egg-is-human sort of logic is followed to its extremity, it becomes rather clear that what we're talking about here is not the humanity of fertilized eggs but the desire to control women just up to the point at which flagrant lunacy becomes evident.

[lightiris](#) @ Tue 4 Dec 7:00 PM

Nicely written

[kbusch](#) @ Tue 4 Dec 7:00 PM

Performance art

[centralmassdad](#) @ Tue 4 Dec 7:00 PM

Unresponsive and noncontributory.

You may deal with the issues or not. That's fine. But you realize, of course, that by responding with your dismissive "performance art" label/metaphor, you could not have proven my point my succinctly short of typing the words, "You are correct, lightiris."

In reality, you have demonstrated clearly that your implied argument is untenable from either an ethical or biological perspective. Well done.

[lightiris](#) @ Tue 4 Dec 7:00 PM

You must be busy

This could be more interesting if the participants had more time.

[kbusch](#) @ Tue 4 Dec 7:00 PM

Nice

[bob-neer](#) @ Tue 4 Dec 7:00 PM

After a full week of attempts

I find it impossible to respond to this:

Most fertilized eggs are washed out in menses. Nature cares little for fertilized eggs. So, apparently, does anyone's god.

without violating the rules of the road.

In any event, I have realized that it isn't worth the time or the emotional energy required to respond, as any such response would merely open up a new round of

Political Position Performance, complete with the "anyone who disagrees must only wish to control women" applause line.

[centralmassdad](#) @ Tue 4 Dec 7:00 PM

By your standard...

Definitions make abortions more palatable or justifiable. It's an understandable rationalization.

Perhaps your standard is [birth](#). Perhaps it's 24-week gestation/600 gram [viability](#).

Until then, you may not consider a fetus deserving of rights. You may not consider it a child. You may not consider it human.

But the fact remains, a fetus is alive. And abortion is a violent termination of its life.

[dweir](#) @ Tue 4 Dec 7:00 PM

So is chicken dinner

[kbusch](#) @ Tue 4 Dec 7:00 PM

Philosophical vs. factual

They need not be mutually exclusive. By all means we can state at what point in fetal development this happens or that happens. Whether a certain threshold merits legal protections is a different question entirely and reasonable people can come to different conclusions based on the same set of facts. My own vote is for out-of-womb viability to be the dividing line. Maybe one day technology will render this debate moot as we can both terminate a pregnancy AND keep the fetus alive outside the womb, even from the earliest stages.

[christopher](#) @ Tue 4 Dec 7:00 PM

Most objections...

... about life are actually misplaced.

The decision about 'rightness' or 'wrongness' should be able to be shown as being based on some salient criterion. Life alone can't be the criterion. All kinds of cells in my body are alive and I'm under no obligation to 'save them'.

Potentiality can't be a criteria: although CMD doesn't "...see why the fact that some, many, or even most zygotes fail spontaneously has any bearing on the decision", it's because if potentiality is the criterion it would obligate us to take (extrodinary) measures to 'save' potential fetuses that would otherwise "fail spontaneously". This seems to violate our sense of moral obligations so if potentiality necessitates it and it really shouldn't be necessitated, then it can't be the salient criterion.

Viability is more of a gray area. We seem to have ethical instincts that would obligate us to try and save a fetus that was viable,... but the line of viability moves with the advance of medicine. This will be the interesting part of the debate in the future I suspect.

I mentioned 'misplaced' earlier. [Mike the mad biologist](#) had a [post on the issue](#) earlier. He's not diplomatic about it (for the most part he's preaching to his own choir), but he is on point. He was reacting to a [comment that someone made](#):

I just wanted to remind readers that some believe life begins at conception (and that it doesn't get a postmodernist exemption to protection of an individual's right to life)

Anyway, onto the whole "life begins at contraception" hooey. The short version is: no, it doesn't--eggs and sperm are alive... It's not like the egg is dead, and only Magic Sperm Power is able to bring it back to life. It's alive. In fact, many organisms spend most of their time in the haploid phase (half of the 'usual' chromosome complement), just as eggs and sperm do. Clearly, they're *not* dead (or [stunned](#)).

...

When you hear someone claim that "life begins as contraception", what they really mean is that *ensoulment*--the entry of the 'divine spark'... Instead, they use phrases like "life begins at contraception" that sound good, but, upon further examination, really make no sense at all.

He goes on to explain some theological points that have been asserted about when ensoulment happens by religion and notes that they certainly differ from the 'life begins' criterion and are decidedly not post-modern.

Which leads to a final point. "Life begins at contraception" is a metaphysical concept (and if one doesn't believe in metaphysics, this is akin to the Easter Bunny, except that there's no chocolate involved). Of course, one could attempt to 'modernize' the notion of ensoulment by arguing that a rudimentary nervous system might constitute *human* life in some sort of experiential sense. Incidentally, that means 'life begins' at around the third trimester, which is kinda like that whole Roe v. Wade compromise (and, yes, it is a compromise). But I can come up with reasons for why that's a poor definition too. But the point is this: "life begins at contraception" is a *religious* phrase, the goal of which is to hide that it is based in sectarian dogma.

And it's pretty fucking ignorant of biology too.

...

*If you hold this belief, and only think it should apply to you--that is, you don't want to use government coercion to impose this religious belief on others, I have no argument with you. I disagree, but that's your business, not mine.

mr-lynn @ Tue 4 Dec 7:00 PM

oops

FYI, the first block quote was the comment and everything quoted after that is the post in response.

mr-lynn @ Tue 4 Dec 7:00 PM

Maybe it is time

Very interesting comments, Mr Lynne, regarding potentiality, viability, life, and ensoulment. Maybe we should find a day when CMD is not so busy and try to put up carefully organized post on this topic.

kbusch @ Tue 4 Dec 7:00 PM

§quot;Rudimentary nervous system§quot; only at the third trimester?

That's an interesting fact that I've never heard before, believe it or not. I'll be sure to look into that further.

farnkoff @ Tue 4 Dec 7:00 PM

I read several blogs on ScienceBlogs

and am often heartened by the pragmatic, reasoned writing to the point where I have some hope that this nation can shed some of its superstitious religiosity. Then, I go back to political blogs and find that my optimism is unwarranted.

That said, I read Mike's blog fairly regularly and love his spunk tremendously. Thanks for putting this up and getting him some exposure. :)

lightiris @ Tue 4 Dec 7:00 PM

It's only a baby if the mother wants it.

"The baby's moving...", "Want to feel the baby kick?", "Is it a boy or a girl?", etc.

farnkoff @ Tue 4 Dec 7:00 PM

I do think that...

... it's pretty clear that using the term 'baby' or 'child' on a fetus or blastocyst is a technical misclassification. The differences are strong enough to need to classify them separately.

Doing so can be a lovely sentiment expressing the aspirations of parenthood, but of course not every pregnant woman has such aspirations,... which is the point.

mr-lynn @ Tue 4 Dec 7:00 PM

Do you promote contraception availability and education?

If everyone was educated about and had access to contraception then unwanted pregnancies would be extremely rare.

NARAL and the pro-choice movement advocate strongly for prevention. Everyone who believes in a woman's right to choose also believes that abortion should be safe and legal, but rare.

The Prevention First Initiative

NARAL Pro-Choice America and our network of state-based affiliates have long advocated policies and programs that help prevent unintended pregnancy. In addition to our work keeping abortion safe and legal, we have actively supported legislation that would make abortion less necessary, not more dangerous or difficult

In the interest of educating woman about alternatives to abortion, you might be interested in spreading the word about the availability of Emergency Contraception.

The Prevention First Act: Reducing the Need for Abortion From www.prochoiceAmerica.org
 Improve Awareness about Emergency Contraception. This medication was approved by the FDA as safe and effective means of contraception and is now available directly from a pharmacy for individuals age 18 and over. Unfortunately, very few women know of the medication, and too few doctors discuss it with their patients. The Prevention First Act provides \$10 million for important public-education programs to women and doctors about EC and its benefits.

We can all work together to keep abortion legal and safe, while working hard to promote prevention. A woman's right to privacy and her right to control her own body are rights that should never be taken away.

liveandletlive @ Tue 4 Dec 7:00 PM

Although if everyone \$quot;were\$quot; educated

it would probably make more sense. :) Sorry, my editor had the day off.

liveandletlive @ Tue 4 Dec 7:00 PM

Abortion is a disease that will come back to haunt mankind---

mcrd @ Tue 4 Dec 7:00 PM

Mixed metaphors are like August mushrooms that spread like wildfire

kbusch @ Tue 4 Dec 7:00 PM

Usually after an overnight, light rainfall.

edgarthearmenian @ Tue 4 Dec 7:00 PM

\$quot;From now on, I'm watching everything you do with a fine-tuned comb.\$quot;

More here. :-)

bob-neer @ Tue 4 Dec 7:00 PM

Thanks Bob!

hysterical. Laughed so hard I fell off the cake. I'm sure I've been guilty of it myself.

liveandletlive @ Tue 4 Dec 7:00 PM

This is so twentieth century...

When I learned Justice Souter was retiring, I could imagine klaxons blaring, red lights flashing, and someone pressing a button to bring the hoary warriors on both sides of our cultural divide back from cryogenic freeze to do battle once more. I really wish we could unring the bell my own party first rang in the Bork nomination--that we could stop

speaking in code about "activist judges", the "right to privacy", and other topics that 99% of people understand without really understanding at all, and in general, that we could de-escalate the nomination process.

I have previously said I think the nominee should come either from the appellate courts or the academy. Can we find someone from either of these worlds who is clearly qualified for the bench but who has not taken a public position on each hot-button issue like abortion? I would love to see a clearly qualified candidate nominated and confirmed whose views on the hot-button issues were unclear. It would be refreshing. Does such a person exist?

tedf @ Tue 4 Dec 7:00 PM

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