

## Understanding the Overturning of Roe v. Wade

With the recent overturning of Roe v. Wade on June 24, 2022, we have heard many misconceptions and concerns about its legal, health, and religious implications. One week after the Supreme Court ruling, abortion is still legal up to nine months of gestation in eight states including New York and New Jersey.

First of all, let me define Roe v. Wade. Roe v. Wade is a legal case in which the US Supreme Court ruled 7:2 on January 22, 1973 that unduly restrictive state regulation of abortion is unconstitutional. In other words, making abortion illegal after the first trimester violates a woman's constitutional right to privacy and places on her an undue burden as she has to undergo trial in court.

The case began in 1970 when Jane Roe, a fictional name used to protect the identity of the plaintiff, Norma McCorvey, instituted federal action against Henry Wade, the district attorney of Dallas county in Texas. Roe asserted that she had an absolute right to terminate pregnancy in any way and at any time and maintain her constitutional right of privacy. However, Texas had a set of statutes that criminalized abortion after the gestational age of fetal viability which occurs at about 24 weeks. Thus Roe v. Wade came to law. Since then, abortion in the United States has become legal at any gestational age, even at full term.

In May 2021, Texas adopted the fetal heartbeat bill, SB8, that effectively banned almost all abortions beyond the time at which fetal cardiac activity is detected by an ultrasound which is about the 6<sup>th</sup> week of pregnancy. In this law the responsibility shifted from state officials to private citizens. SB8 empowered any citizen to file a civil lawsuit against anyone who performs an abortion or aids the performance of an abortion of the fetus more than 6 weeks old.

Meanwhile, late-term abortions or abortions carried out at or after 21 weeks gestation have remained perfectly legal in most of the US, as long as there is a "health exception." This exception includes mental health, financial concerns, and family circumstances – in short- abortion on demand.

For example, NY State which previously had a 24-week limit in effect, lifted that limit on January 22, 2019 to what amounts to elective abortion until birth. Most disturbing was evidence of intentional killing of babies who survived abortion procedures using scissors to cut the spine of babies who survived abortions.

Last week, on June 24, 2022, the US Supreme Court handed down a decision that overturned Roe v. Wade. They declared that the Constitution does not confer a right to abortion. Rather, the authority to regulate abortion must be returned to the people and their elected state representatives. It does not make abortion illegal. It just makes it unconstitutional.

In anticipation of the decision, 13 states have already passed ["trigger bans"](#) which took effect automatically or will do so in the coming weeks. They are Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming.

The trigger ban provides that anyone who performs an abortion can face up to 10 years in prison and be fined between \$10,000 and \$100,000. Exceptions are made for when a mother's life is in danger.

Another 13 states expected to introduce bans or restrictions include Alabama, Arizona, Georgia, Florida, Indiana, Iowa, Michigan, Montana, Nebraska, Ohio, South Carolina, West Virginia and Wisconsin.

Unfortunately, many people are spreading myths and misinformation about this important decision.

People are spreading the myth that the Supreme Court has made abortion illegal. The truth is that the Supreme Court has no power to make law. It only has the power to interpret the law. It has now determined that Roe v. Wade was wrongly decided, so laws that protect the unborn are constitutional. That means that a state can but does not have to outlaw abortion.

Some states like California and NY have already passed laws to codify Roe v Wade in their state constitutions. Other states may choose to protect the unborn by outlawing abortion at various stages.

Another myth is that “Women will die because hospitals won’t perform abortions even if it is necessary to save their lives.

First of all, if a woman’s life is threatened late in pregnancy after the fetus is viable, such as in severe preeclampsia or eclampsia, abortion is not necessary. It makes more sense to simply deliver the children by C-section since it takes much longer to induce labor to stretch the cervix wide enough in order to abort a late-term fetus. Wouldn’t it be better to deliver the child whole and give him a chance to live than to deliver him in pieces with no chance to live?

Second, in early pregnancy, when there is essentially no hope that the child can be saved, it is permissible for doctors to perform a life-saving operation on the mother with the indirect result being the death of the child. According to the U.S. Catholic Bishops’ Directives for Catholic Hospitals, “operations, treatments, and medication that have as their direct purpose the cure of a proportionately serious pathological condition of a pregnant woman are permitted when they cannot be safely postponed until the unborn child is viable, even if they will result in the death of the unborn child.

In my practice I have encountered locally-advanced, Stage 3 Her2+ or triple negative breast CA patients in the first trimester of pregnancy. These cancers are very aggressive and need neoadjuvant chemotherapy as soon as possible. The chemotherapy would certainly lead to the death of the fetus.

Removing an ectopic pregnancy is not an abortion as the fetus has no chance of living.

According to an obstetrician who has been in practice for over 40 years, it is hardly ever necessary to consider the life of a mother as threatened by a pregnancy. Therefore, it is necessary to pass laws that protect both unborn children and their mothers from all acts of violence.

With regards the concern that the overturning of Roe v. Wade will no longer protect women who became pregnant through rape and incest, statistics show that only 1% of women obtain an abortion because they became pregnant

through rape and less than 0.5% do so because of incest, according to the Guttmacher institute.

The Catechism of the Catholic Church is very clear on the issue of murder, of which abortion is most common having killed over 60 million persons not including mothers who died from complications of induced abortion since 1973.

The fifth commandment forbids direct and intentional killing which is gravely sinful. This includes infanticide. Concern for eugenics, as in incest or abnormal prenatal tests, cannot justify any murder, even if commanded by public authority, according to CCC 2269. The fetus is not part of the mother's body. It is a separate human being, with its own unique DNA. It has to be given respect and dignity by itself.

CCC2271 states: Since the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable.

No exception is given – including rape or incest. God's law is clear – Every procured abortion is morally evil.

CCC 2258 states: Human life is sacred because from its beginning it involves the creative action of God and it remains forever in a special relationship with the Creator, who is its sole end. God alone is the Lord of life from its beginning until its end: no one can under any circumstance claim for himself the right directly to destroy an innocent human being." And I add to this - not even in the case of incest or rape.

CCC 2261 states : The deliberate murder of an innocent person is gravely contrary to the dignity of the human being, to the golden rule, and to the holiness of the Creator. The law forbidding it is universally valid: it obliges each and every one, always and everywhere.

What about the concern that many women will be left with no access to help without Roe v. Wade? The truth is that most abortion facilities do not provide post abortion care. The women who develop complications after abortion are

sent back to their primary care providers. These abortion centers are not equipped to handle complications. Many women have died without medical help because they have maintained their right to privacy.

On the other hand, there are many pro-life centers that are prepared to help women with unplanned pregnancies. All you have to do is search for Catholic help for unplanned pregnancies and you will find the resources available in every state.

These resources provide a full range of **support** for **pregnant** women and their children, including **help with baby** items and furnishings, housing, referrals for legal and medical care, adoption assistance, emotional assistance, etc.

For example, Catholic Charities, a national organization, helps people in their communities who are struggling by addressing the often complex issues at the root of their need.

Catholic Charities Brooklyn and Queens, NY , for example, provides services for Pregnant Women, including pregnancy counseling and supportive services for women and their families. They help stabilize a mother/family that is in crisis because of an unplanned pregnancy, assist the mother/family in preparation for the birth of the child(ren) and plan for care after birth. All services are directed toward enabling the mother to have a healthy baby.

Other organizations that are available in some states such as HerPLAN.org (acronym for Her Pregnancy and Life Assistance Network) and anywomancansa.com based in San Antonio, TX, give a wide variety of assistance to women in crisis.

Indeed, there is help for women who choose life for their unborn. On the other hand, they are left on their own after the abortion procedure has been completed at the abortion centers. It is forbidden to collect data on what happens to women after abortions.

In Argentina, abortion was legalized on January 14, 2021. The first death of a mother following a legal chemical abortion was documented on April 11, 2021. She was 23 years old and a leader of the radical youth in the province of Mendoza.

Jesus tells us in John 14:21, “Whoever has my commandments and observes them is the one who loves me. And whoever loves me will be loved by my Father, and will love him and reveal myself to him.”

So, we end with this prayer:

Lord, thank you for allowing Roe v. Wade to be overturned. Although this does not completely make abortion illegal in the United States, it is a step in the direction of following your will. Grant us the wisdom and the courage to uphold the dignity of human life, which you have created in your own image and likeness. Thank you for always leading and guiding us in this difficult journey. Amen.

Submitted by:

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