

Number 3

**Abortion**

September 4, 1981

Louis D. Boccardi, Vice President and Executive Editor

The confirmation hearings on the nomination of Sandra Day O'Connor to the Supreme Court focus new attention on the Supreme Court's major 1973 abortion decision.

The decision is often misrepresented, even now. So Prose and Cons dips into preventive journalism to remind everybody now what the decision said.

On Jan. 22, 1973, the court ruled 7-2 in a case called Roe vs. Wade. The ruling legalized abortion nationwide for the first time. Specifically, the court said:

1. There can be no restriction on a woman's choice to have an abortion during the first three months of pregnancy. The ruling said the decision was a matter for a woman and her doctor.
2. Abortion is also legal during the second three months of pregnancy, but government may set down certain medical requirements to protect the woman's health.
3. During the last three months of pregnancy, government may interfere to protect the life of the fetus as well as the life of the mother.

→ or "health"!

On July 1, 1976, the court ruled 6-3 in Planned Parenthood vs. Danforth that states cannot give husbands of pregnant women veto power over abortions. By a separate 5-4 vote, the court said parents of an unmarried minor do NOT have veto power.

On June 20, 1977, the court ruled 6-3 in Maher vs. Roe that states have no legal obligation to pay for "non-therapeutic" abortions. It did not fully define "non-therapeutic."

July 2, 1979, the court ruled 8-1 in Bellotti vs. Baird that states may be able to require a pregnant minor to obtain one or both parents' consent to an abortion if state law provides an alternative procedure, such as letting the minor seek the consent of a judge.

June 30, 1980, the court ruled 5-4 in Harris vs. McCrae that the federal government and individual states have NO legal obligation to pay for even medically necessary abortions wanted by women on welfare.

April 27, 1981, the court ruled 6-3, upholding an Indiana law, that states may out-law abortions performed outside of hospitals for women more than three months pregnant

For summary purposes, you can say the court legalized abortion in 1973.

Since then, the court has put some limits on the rights of minors to abortions without consent and said that the government does not have to pay.

Thus, it's wrong to say only that the court approved abortion in the first three months. It did that, but more.

The issue is difficult and emotional. We will need even-handed and meticulous reporting, both at the hearings and as reaction develops around the country.