



Roe Reality Check #12

myth: *Roe v. Wade* is only about a woman's right to abortion, not about a right to take life in general.

fact: *Roe* has often been cited by state and federal judges to endanger human beings already born.

In 1986, relying on *Roe*, the Supreme Court invalidated a law intended to ensure care for children *born alive* during attempted abortions.¹

In 1983, a U.S. district court invalidated a federal regulation to prevent medical neglect of handicapped newborns in hospitals receiving federal funds. The court said the regulation may "infringe upon the interests outlined in cases such as ... *Roe v. Wade*."²

In 1980, a New York court cited *Roe* in a "right to die" case, arguing that the "claim to personhood" of a terminally ill comatose patient "is certainly no greater than that of the fetus."³

In 1993, a Michigan judge cited *Roe* in dismissing criminal charges against Jack Kevorkian and declaring that the state law against assisted suicide was unconstitutional.⁴

And in 1996, the U.S. Court of Appeals for the Ninth Circuit relied heavily on *Roe* and its successor, *Planned Parenthood v. Casey*, in finding a constitutional "right" to assisted suicide.⁵

While some of these rulings were later modified or reversed, they all underscore how *Roe v. Wade* has been used to argue that ideas of privacy and liberty can trump life itself -- after as well as before birth.

1 *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986).

2 *American Academy of Pediatrics v. Heckler*, 561 F. Supp. 395, 403 (D.D.C. 1983).

3 *In re Eichner*, 73 A.D.2d 431, 466 (N.Y. App. Div. 1980).

4 *People v. Kevorkian*, 1993 WL 603212 (Mich. Cir. Ct. Dec. 13, 1993).

5 *Compassion in Dying v. Washington*, 79 F.3d 790 (9th Cir. 1996).

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