

# Position Statement

## PDA Reproductive Rights Working Group

As Progressives, we recognize that men and women of good conscience will disagree about whether or to what extent the state should regulate the availability of abortion. The women of the Reproductive Rights Task Force represent different beliefs and religions, and participate out of passionate concern for life and liberty. We entered our discussion with respect for one another's consciences and, especially, the right to dissent. At an impasse, we revisited [Roe v. Wade](http://www.tourolaw.edu/patch/Roe/) (<http://www.tourolaw.edu/patch/Roe/>) in an attempt to better understand the decision, which many Americans accept as the standard governing the right to choose an abortion in our country. In the end after much discord, we reached consensus.

We regard *Roe v. Wade* as a decision that weighed passionate concerns for both the autonomy of the woman and the potential life of the fetus, and created the wisest possible compromise. There are those on both sides who feel it does not go far enough to protect the interest of either. Because extreme polarity creates political impasse and even intra-cultural animosity, we respectfully submit that thoughtful compromise is necessary in the interest of progress.

The Supreme Court ruled by a margin of 7-2 in ***Roe v. Wade*** that the fundamental right to privacy includes a woman's decision to terminate a pregnancy. The Court adopted the trimester framework to balance the interests of the woman and the state's interest in the potential life of the fetus and rules that a woman's right to an abortion can only be outweighed by a compelling state interest.

**1<sup>st</sup> Trimester:** The state **may not interfere**. The decision is left to the woman and doctor.

**2<sup>nd</sup> Trimester:** The state may regulate abortion **to protect a woman's health**.

**3<sup>rd</sup> Trimester:** The state may ban abortions, if there is an exception to protect a woman's life and health.

*Roe v. Wade* says that as the fetus becomes viable, the interest of the state (*Sect. 8, para. 3*, [http://womenshistory.about.com/library/etext/gov/bl\\_roe\\_a.htm](http://womenshistory.about.com/library/etext/gov/bl_roe_a.htm)) in protecting the potential life of the fetus outweighs the right of the individual except where medically necessary to preserve the health or life of the mother.

Since *Roe*, the Supreme Court's *Casey* decision supplanted a woman's fundamental right to privacy and adopted the "undue burden" standard, which is now the law of the land. (<http://womensissues.about.com/library/blwyntkppvcasey.htm?terms=planned+parenthood+v+casey>). *Casey* allowed the state to place restrictions on abortions prior to fetal viability, placed by physicians and their scientific colleagues at between 24 and 28 weeks (<http://www.ppacca.org/site/pp.asp?c=kuJYJeO4F&b=139571>), increasing the criteria with which a woman must comply in order to acquire an abortion in the first two trimesters.

In November 2003, Congress voted to prohibit a certain late-term abortion technique and in so doing created the Abortion Act of 2003, which President Bush signed into law. It contains no exception for the health of the mother. Because of vaguely written language, it also bans some common and safe procedures used for 2<sup>nd</sup> trimester abortions before viability occurs. (<http://www.arhp.org/advocacy/040804trialupdate.cfm>; and has criminal penalties for doctors. (<http://news.findlaw.com/hdocs/docs/abortion/2003s3.html>). Three different lower courts have struck down the ban. ([http://www.crlp.org/pr\\_04\\_0908pba.html](http://www.crlp.org/pr_04_0908pba.html)). Many legal experts believe the ban to be unnecessary because *Roe v. Wade* already covers the same legal ground and includes a health exception for the mother. We agree with this evaluation.

In addition we believe that the social and medical circumstances that result in unintended pregnancies must be addressed through policies that have been proven to be effective. We are impressed by the direct correlation [between sex education](#) (*cite our policy page on sex Ed/contraceptive with German study and other sex ed. Web sites*) and declining rates of unintended pregnancy and abortion as well as sexually transmitted diseases (STDs).

We emphasize the need for what is still lacking in this country to reduce the number of abortions: social policy that affirms universal human rights to [healthcare, education, environmental protections](#), and [living wages](#), (*hyperlink to other task forces on these issues*). We concur that disagreements on reproductive rights policies within our society are founded in deep sincerity and we deplore that the issue is used by political ideologues to divide our communities for political gain. Civil discourse with respect for other's beliefs about such deeply held matters is required to prevent further polarization on this issue. Roe v. Wade, **which painstakingly attempts** to balance concerns about women's rights and health and the potential life after viability is essential so that we may go forward united to face these more sweeping and emergent challenges.

We further conclude that the [criminalization of abortion](#) (*\*attached at bottom of page*) puts the state "in loco parentis"<sup>1</sup> without capacity or responsibility to care for the infants whom the state's interest produces. Abortion bans create a culture of child neglect and adult duplicity and have never ended the [practice of abortion](#). ([en.wikipedia.org/wiki/History\\_of\\_abortion](http://en.wikipedia.org/wiki/History_of_abortion) ) Always, it drives abortion underground and the worst impact is upon the very lives which the ban seeks to protect - those of women and children, especially among the economically disadvantaged. In order to nurture life in all its stages of expression, PDA embraces our moral obligation as stewards of life - to meet human need, encourage the development and practice of honest moral conscience, respect religious diversity, ensure a safe and clean environment, and uphold the equality of men and women.

<sup>1</sup> In Loco Parentis – To assume the duties of a parent. The New Dictionary of Cultural Literacy, Third Edition. 2002.

End.

Note:

Mimi W, Mimi K, and Laura concur that it is important for others to know that we replicated to some degree the division that exists in our country today over this issue. We felt it important for others to know that we had to wrangle with our own consciences and make concessions in order to create this document. Because this issue has to do with privacy issues as well as a political one, we hope that the language in the first paragraph is acceptable. We offer the following paragraph in case others may object to the personal tone of the existing paragraph:

As Progressives, we recognize that men and women of good conscience will disagree about whether or to what extent the state should regulate the availability of abortion. A thorough understanding of Roe v. Wade (<http://www.tourolaw.edu/patch/Roe/>), which is the standard governing the right to choose an abortion in our country, is necessary to move this discussion forward and find common ground.

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<sup>1</sup> In Loco Parentis – To assume the duties of a parent. The New Dictionary of Cultural Literacy, Third Edition. 2002.

\*Attachment on criminalization of abortion:

**Commentary from Mimi Kennedy on The Politics of Duplicity, by Gail Kligman (University of California press, 1998)**

In 1966, Nicolae Ceausescu's Romania banned abortion. The law was praised as a model by some in the West who deplored their own societies' selfish "me generation" values in the 1970's. By 1989, Romania had the highest maternal mortality rate *ever recorded in Europe*. The primary cause was illegal abortions.<sup>2</sup> The abortion ban, meant to strengthen family and improve society, had instead damaged countless women's reproductive systems and flooded infamous orphanages with sick, abandoned children.

Wherever abortion has been banned – from Ceausescu's Romania to Stalin's Soviet Union to contemporary Brazil, Italy, Ireland and Poland – abortion has simply gone underground. It continues unabated in illegal surgeries or in "abortion tourism" to other countries where women of means travel for legal treatment. In every instance, national abortion bans have fostered a climate of deceit and duplicity, with the worst consequences suffered by women and children.

Legal abortion weighs on the moral conscience of citizens who believe life begins at conception. But when abortion is banned to create a false sense of social purity, the mental relief given to some creates physical suffering and lack of control over their lives for others. Abortion bans spread the error they sought to end --moral decay and lack of respect for life—all without ending abortion. As one Romanian woman poignantly put it, "When the state usurps the private, the body is undressed in public." The abortion ban did not create a climate of nurturing parenthood in Romania. Its notorious orphanages of abandoned children, sick and starved from physical and emotional neglect, eventually shocked the world.

<sup>2</sup> Kligman, Gail, "The Politics of Duplicity", p. 8, University of California Press, 1998.

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