

Statement by

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35 YEARS OF *ROE v. WADE*

The two foundational documents of the Republic addressed two fundamental questions: Who are we? and How shall we govern ourselves?

The Declaration of Independence gave us an answer to the first question: We are all created equal, “endowed by the Creator with certain unalienable Rights” and “among these are Life, Liberty and the Pursuit of Happiness.”

And the Constitution answered the second question: Ours is a government “ordained” and “established” by the “people,” delegating the power to govern to three separate branches: legislative, executive, and judicial.

We need to remind ourselves of these fundamental facts as we assess what has happened since the U.S. Supreme Court imposed *Roe v. Wade* and *Doe v. Bolton* on this republic 35 years ago.

By inventing a *constitutional* right to an abortion in the *Roe v. Wade* decision and by extending that so-called right over all nine months of pregnancy with the sweeping “health exception” in the *Doe v. Bolton* decision, the U.S. Supreme Court arrogantly put itself in opposition to the foundations established by the Declaration of Independence and the Constitution:

Contrary to the Declaration of Independence, the right to life is no longer “unalienable” because an innocent unborn child can now be put to death for the convenience of the mother. And in defiance of the Constitution, seven unelected Supreme Court justices ignored the separation of powers and appointed themselves as

a “super legislature” in order to decide the abortion issue. Worse, by “constitutionalizing” the abortion right the Supreme Court precluded corrective action by the legislative branch.

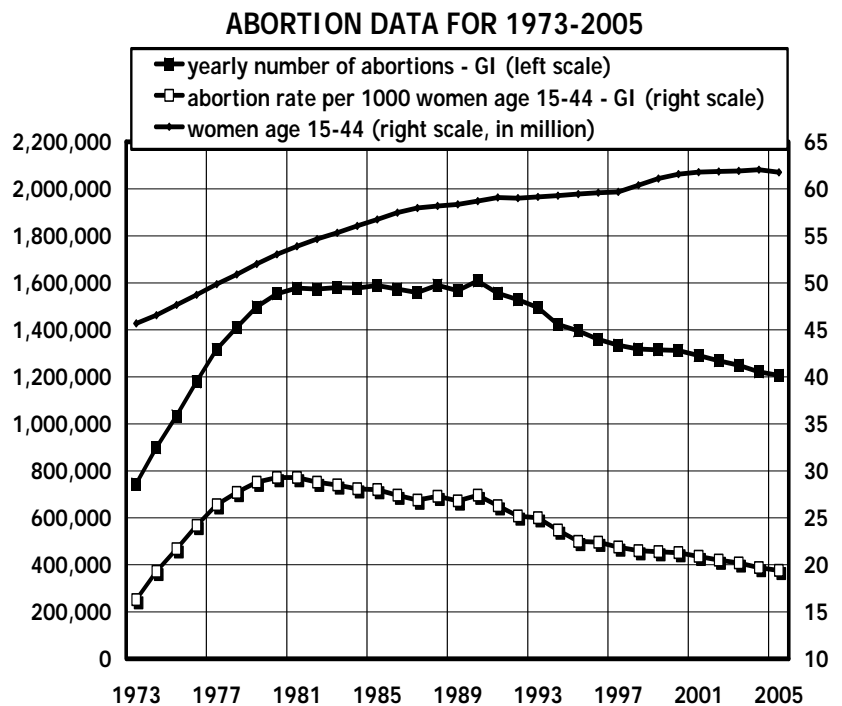
Although the Court’s arrogation of legislative power does severe damage to the Constitution and vastly complicates our efforts to restore the right to life, the greatest harm has been done to the unborn children who were sacrificed on the altar of so-called “choice.” In the 35 years since *Roe* was decided, about 50 million unborn babies were aborted, the vast majority of them because they were unwanted.

We need to keep their sacrifice in mind as we review the statistics on abortion from 1973 to 2005. The latest numbers come from the Guttmacher Institute (GI), formerly the research arm of Planned Parenthood, and from governmental agencies.

The **yearly number of abortions** rose rapidly until reaching a plateau of about 1.55 million around 1980. It reached a peak of 1.6 million in 1990, and **declined** from that level by **25%** to 1.2 million in 2005.

The **abortion rate**, the number of abortions per 1000 women of child-bearing age, peaked at 29.3 in 1980/81. It **declined 33%** to 19.4 in 2005.

Note that the **number of women of childbearing age (15-44)** **rose** from 52 to 61.8 million, or by over **16%**, from 1980 to 2005.



The fact that both the yearly number of abortions and the abortion rate declined over spans of 15 and 25 years, while the number of women of childbearing age rose, points to an attitudinal change in women with regard to abortion.

The **abortion rate** rose briskly during the 1970s—nearly 36% from 1975 to 1980. Rather abruptly, the rate peaked in 1980/81 and thereafter went into a steady decline. The frequently given explanation that an increased use of contraception and a decline in the number of abortion providers caused the turn-around and subsequent decline is surely inadequate. The change-over from swift rise of the abortion rate to prolonged decline was too rapid for that. There, however, were important developments beyond these conventional explanations.

- The pro-life movement organized itself and gained “critical mass” by the late 1970s.
- Many women who had had abortions joined the right-to-life movement and began to speak out against abortion.
- The right to life became a plank in the Republican Party Platform for the 1980 elections. And the abortion issue became a motivating force for social conservatives in the campaign that elected Ronald Reagan to the presidency. Not surprisingly, large numbers of Protestant pro-lifers joined NRLC. Ever since that pivotal election, the abortion issue has become a significant aspect of subsequent political campaigns. Abortion is not a popular thing to promote, because abortion kills.
- NRLC and its state affiliates became increasingly adept in launching educational and legislative campaigns. The very process of public discussion of these initiatives helped the public see through the rhetorical fog of so-called “choice” and re-focused its attention on what actually happens in an abortion, namely the death of an innocent child,

I should note that NRLC is uniquely suited to pursue such initiatives on the national and the state level: Our national office in Washington, D.C., works with Congress and the Administration, while our state affiliates work with state legislatures and gubernatorial administrations.

- Specifically, NRLC has defeated pro-abortion legislation, such as the federal “Freedom of Choice Act,” and secured the passage of legislation promoting the right to life. Among the latter are the Hyde amendment, preventing the spending of federal funds for abortions,

and the Partial-Birth Abortion Ban Act. Starting in the mid-90s, it took about a dozen years of work between first proposing the ban and having it upheld by the Supreme Court in its *Gonzales v. Carhart* decision of April 18, 2007. But the *educational* impact of that prolonged effort was enormous, especially since our efforts in Congress were matched by similar laws on the state level.

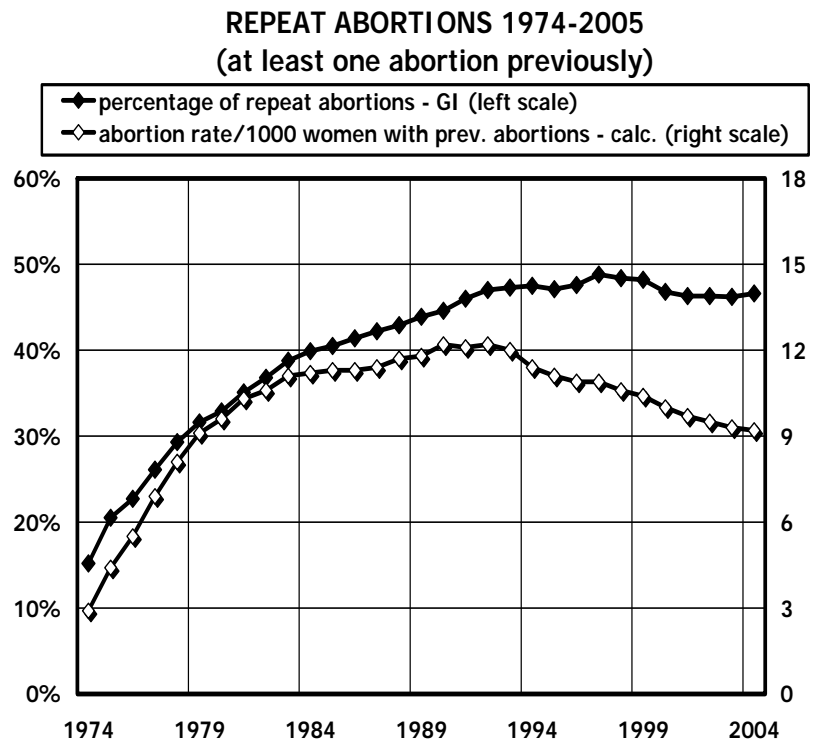
■ NRLC’s efforts on the national level were enhanced on the state level where our affiliates were able to pass, for example, 23 women’s-right-to-know-laws, 28 laws requiring parental involvement in the abortion decisions of their minor daughters, and 11 laws enabling women to see ultrasound images of their child *in utero*.

■ To these factors directly related to the work of the right-to-life movement, we must add the impact of the widespread use of ultrasound imaging during pregnancy. What pregnant women nowadays see *in utero* is not “a cluster of cells,” or “a blob of tissue,” or “potential life,” but a baby—their baby!

The decline in the abortion rate would have been more pronounced, had it not been for **a rise in the percentage of repeat abortions** (at least one previous abortion). It is now around 46%. Clearly then, the rate of first-time abortions is even lower than shown in the first graph, which includes both first and repeat abortions.

Abortion’s decreasing popularity is evident even **for repeat abortions: the rate of repeat abortions has declined since the early 1990s.**

(Calculated from Guttmacher Inst. and governmental data.)



It is possible to make a rough quantitative estimate of the impact of right-to-life work and the routine use of ultrasound imaging during pregnancy. Without the work of the pro-life movement, one can argue that the abortion rate would *not* have declined after reaching its peak in 1980. In fact, one could even contend that it might have increased further without the emergence of an influential pro-life movement.

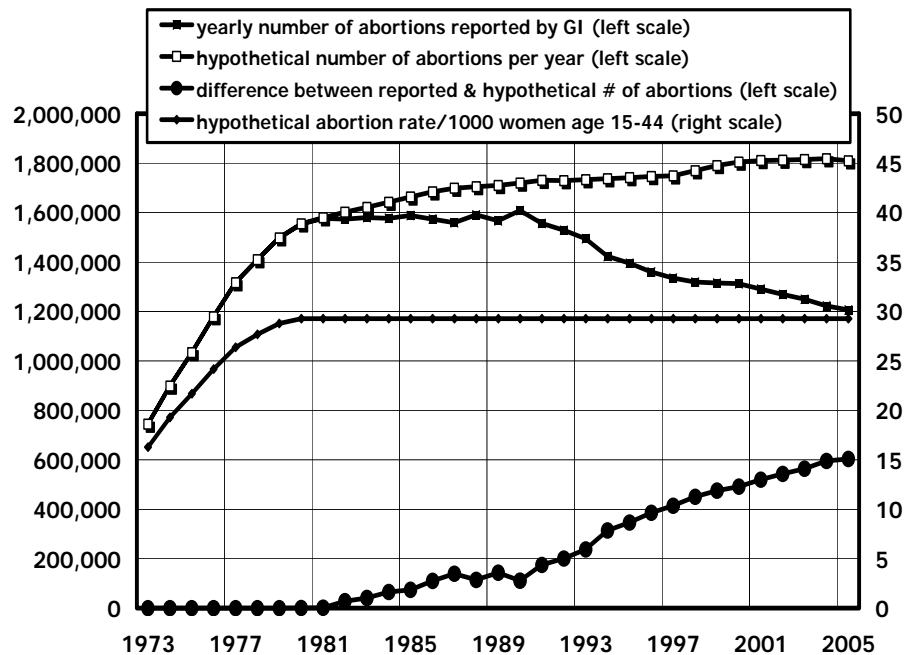
A conservative hypothesis, would be that, without an effective pro-life movement, the **hypothetical abortion rate would have stayed at the 1980/81 level of 29.3.**

From the number of women of childbearing age (15-44), one can compute the **hypothetical number of abortions per year.**

Instead of leveling off and declining after 1981, the yearly number of abortions would have steadily increased. **Instead of 1.2 million in 2005, there would have been 1.8 million or 50% more.**

Adding up the yearly differences between the actual and the hypothetical yearly numbers yields **over 7 million lives saved**—because of pro-life work and the public’s increased understanding of fetal development.

HYPOTHETICAL NUMBER OF ABORTIONS IF THE 1980 PEAK ABORTION RATE HAD PREVAILED



The point that I wish to make is this:

The yearly numbers of abortions and the abortion rates decreased significantly because of the tireless work of the right-to-life movement, especially NRLC. In fact, as the preceding calculations show, without a vigorous pro-life movement, the abortion toll would not have simply stayed the same; it would have been much higher.

For the future, our goal is two-fold: to continue our efforts move the public away from abortion and towards a culture of life, and to work for the appointment of Supreme Court justices who respect the constitutional separation of power.