

Legal Time Line for Reproductive Health Rights

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1588 First papal canon by Pope Sixtus V imposed ex-communication for all abortions.

1591 Pope Gregory XIV modified the canon law to except abortions of non-animated fetuses (less than 40 days) due in part to the enormous numbers of ex-communication 'exceptions' the Pope had to do.

1821 Connecticut was the first to illegalize post-quickening abortion as a felony.

1828-50's the illegalization of pre- and post-quickening abortion in NY and continues in successive states.

1848 Anti-slavery sentiments inspires women's rights movement: Seneca Falls Convention, Sufferagettes are born.

1859 American Medical Association strongly denounces abortion, as the "unwarrantable destruction of life."

1869 Pope Pius IX rescinds the 1591 'animation' exception. Induced abortion means ex-communication again.

1872 Slaughterhouse Cases (83US36). Equal Protection also applies to negroes and others (but not women).

1873 Comstock Act defines contraceptives as obscene and illicit, making it a federal offense to disseminate birth control through the mail or across state lines.

1883 Margaret Sanger (Planned Parenthood founder) born into poor large immigrant Irish Catholic family.

1905 Lochner v. New York (198US45). The federal Equal Protection clause overrides state law.

1913 Sanger publishes articles on birth control, flees to Europe to avoid Comstock prosecution.

1914-1918 World War I

1916 Sanger returns to U.S. and charges are dropped. She opens first birth control clinic and is arrested.

1918 Crane decision from Sanger's arrest, which allows women to use birth control for 'therapeutic' purposes.

1921 Equal Rights Amendment (ERA) drafted by Alice Paul, and introduced into Congress every year since.

1923 Women finally get the right of suffrage (to vote).

1923 Meyer v. State of Nebraska (262US390). Allowed private schooling in non-english language. Parents should be able to raise their children as they see fit.

1925 Pierce v. Society of Sisters, (268US510). Allowed private schooling versus mandatory public schooling of children. Parents should be able to raise

their children as they see fit.

1929 ACLU defended Margaret Sanger's (Planned Parenthood) right to 'publically' discuss contraception.

1930's The Great Depression (U.S.A.)

1939-1945 World War II

1961 Poe v. Ullman (367US497). Upheld a Connecticut prohibition against contraception. Doctor arrested for talking about and dispensing condoms.

1960 Birth of the "Pill", estrogen 100-175 mcg and progesterin 10 mcg developed by Dr. Pinkus/Planned Parenthood

1964 Civil Rights Act, gave enforcement to women and negroes' civil rights under the 14th Amendment.

1965 Griswold v. Connecticut (381US470). Cannot prohibit contraception. "Right of Privacy" was born and applied as a marital right, to have or not have children.

1969 Man on the moon. Pill reduced to 50 mcg estrogen.

1971 United States v. Vuitch (402US62). The 'health exception' for abortion was not unconstitutionally vague as the ProLifers argued. Some states allowed abortion under health exceptions.

1972 ERA passes the Senate, but it dies when not enough States ratify.

1972 Eisenstadt v. Baird (405US438). Allowed unmarried people to have the same rights to contraception as married couples. Justice Brennan's oft quoted opinion says: "If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted government intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child." Eisenstadt at pg. 453.

1973 Roe v. Wade (410US113). Abortion allowed across all states. During the first trimester, no restrictions allowed. During the second trimester, only compelling maternal-health-interests may restrict abortions. During the third trimester only fetal-health-exception abortions allowed.

1973 Doe v. Bolton (410US179). Third trimester abortions okay under broad mental health exceptions.

1974 Low-dose pill, 35 mcg estrogen/0.5-1.0 mcg progesterin available, what we use nowadays.

1976 Planned Parenthood of Central Missouri v. Danforth (428US52). Removed husband's consent for married women's abortion.

1980 Harris v. McRae (448US297). State does not have to pay for abortions.

1986 Thornburg v. American College of Obstetricians and Gynecologists (476US747). Illegal to force state anti-choice information upon woman to dissuade her from abortion.

1986 Bowers v. Hardwick (478US186) Privacy of home

no protection against anti-sodomy law. Sodomy does not have a procreation-related right.

1989 Webster v. Reproductive Health Services (492US490). Eliminated trimester framework of RvW. State always has a compelling interest in fetal life throughout the pregnancy. State can impose some regulations.

1990 Hodgson v. Minnesota (497US417). Must allow minors to obtain abortion with either parental consent or a judicial by-pass. No absolute prohibitions.

1992 Planned Parenthood v. Casey (505US833). Future regulations could not impose an "Undue Burden". Wait-periods were enforced instead of abortion on-demand. Kansas goes to 8-hr waiting period.

1997 Kansas goes to 24-hour waiting period and requires pregnancy-continuation literature be dispensed.

2000 Carhart v. Stenberg (530US914). Partial Birth Abortion ban over-ruled, due to vagueness that would have "chilled" provision of even regular abortions. Pictures of D&X were used, but actual wording was vague.

2003 Lawrence v. Texas (02-102) over-turns Bowers v. Hardwick (1986) anti-sodomy case. Privacy rights in home override state law against consensual homosexual activity.



In My Humble Opinion (IMHO) by Mark Pederson

Positive Ways to Decrease Abortions

- Change social norms to help men be more responsible about sex, and caring towards women and children.
- Teach appropriate Sex Education (more than just abstinence) before puberty onset. Teach psychology and healthy interpersonal relationship classes from Junior high school on up.
- Acknowledge sexual needs, and acknowledge that masturbation is okay.
- Fund less expensive childcare, and increase deductibility of true child-care costs. Make it a company benefit.
- Decrease maternity costs. Help lower malpractice rates for obstetricians. Decrease maternity mortality rates for poor non-white women (which is three times higher for non-white poor women than for affluent white women.)
- Strictly enforce child support orders across all state lines. Make sure the support actually helps the child. Somehow decrease child custody violence and hatred.
- Equal pay for equal work for women. Women are more likely to be single parents and need the money. Break down barriers to women working in stereotypical man's work. Make being a single dad acceptable also.
- Make adoptions easier, less reversible, and less litigious. Change social norms to make adoptions more favorable, be willing to adopt, and adopt not just healthy white infants, but infants and older children of mixed or non-white race, and possibly less-than-perfect health. Remove the unmarried father's signature requirement when choosing adoption.
- Fund children's charities: food and clothing for all ages, 0-18 years of age.

Negative Ways to Decrease Abortions

- Advertisements focussed on guilt about abortion. The Vitae Society, ...and most proLife posters.
- Damage abortion clinics by fire, bombing, and vandalism by red paint, butyric acid, and gluing door locks.
- Blockading abortion clinic entrances in person, with chains and locks, with abandoned vehicles, making fake abortion appointments to fill up clinic schedule, et cetera.
- Doing or supporting, the killing or intimidating of abortion clinic staff or patients. Picketing, sending hate mail, sending exposé letters to neighbors, putting pictures and names of people entering abortion clinics on the internet, crank phone calls, and mailing/calling bomb

threats and anthrax threats are included in intimidation.

Intimidating medical students from becoming abortion providers. The Bottom-Feeders booklet scare.

Deceive abortion-seeking patients with misinformation. The Silent Scream. Crisis Pregnancy Centers near each abortion clinic to catch the lost unsuspecting abortion patient, locking them in to lecture them against abortion.

Legislate against abortion. Make regulations aggressive, and increase costs so that women can't afford an abortion.

Punishing only women for having sex and getting pregnant, "Well, you should've kept your legs closed". Force single mothers to marry abusive father-of-pregnancy. Lecture single mothers on the error of their ways if they want to obtain help from private aid agencies. Reduce/restrict AFDC payments while making abortions more difficult to obtain.

Insurance policy inequities that pay for Viagra, but won't pay for birth control for women; pay for maternity expenses but won't pay for elective abortion (U.S. military TriCare, religious-related hospitals and religious-related insurance), or deny any maternity care coverage.

Talking points

- Sperm donor, if you didn't care where you left your unwanted sperm, why should you have rights later?
- Contraception is not just a woman's problem, just as venereal disease is everyone's problem.
- Condoms don't feel right. Yeah, but neither does pregnancy for 9 months. What of the pregnancy risks of urinary incontinence, maternal mortalities, kidney failure, pregnancy diabetes, and others, endured only by women?
- Immuno-suppression by placenta to avoid rejection by mother's uterus. This is a parasitic, not symbiotic, relationship that just happens to further DNA's survival.
- Fetal tissue has human-DNA different than mother's but doesn't necessarily imply rights that supercede her's. Human cancers have human DNA and have DNA different than the mother's. This does not imply that the cancer has a right to life.
- When does life start? Scientific American (magazine) years ago had an article about a single-cell paramecium in saline on a gold-dusted microscope slide. The paramecium pushed aside the gold dust, leaving a trail, showing how it reacted to negative stimuli. Does that make it sentient because it reacted with it's environment? No. Does it mean that taking

antibiotics to kill a paramecium is murder of a sentient being? No. The proLife Silent Scream video would have you believe non-viable pregnancies are sentient beings reacting to negative stimuli. Sentience is more than that.

The fetal brain does not gain the outer layer of grey matter nor the many folds needed for deep cognition required for thought until after 28 weeks LMP. Recognition of pain or thoughts would not be possible before this, contrary to the proLife's "Silent Scream" movie or real-time ultrasounds that they advocate.

Birth control versus abortifacient. Effective birth control is more desirable than abortion, but birth control is never 100%. Segregating birth control into 'natural' (rhythm method) versus 'artificial' birth control, everything else 'not natural', is illogical. Abstaining from sex during ovulation when hormones are urging sex, is not natural but IS simplistic. Thus the categories should be simple and not-simple birth control. And if simplicity is the criteria for healthcare acceptability, hospitals are unnatural too. Defining abortifacients as anything after conception that stops a pregnancy is silly because uterus' reject two-thirds of all pregnancies anyway by poor uterine attachment, unknown spontaneous abortion (miscarry), and fetal re-absorption. Does that mean these women have committed the sin of abortion because of some known or unknown biochemical reason? No. If certain amino sugars later prove to be necessary for implantation, and if a woman can stop those amino sugars, thereby stopping implantation, has she sinned since it is not a unnatural hormonal process?

If you want to control abortion access, then there is an equal right to control conception. Do YOU want the government in your house controlling when, where, and with whom you have sex?