

# What Happens When Roe v. Wade is Overturned?

What Happens When Roe v. Wade is Overturned? Every judicial nomination in America revolves around this important question: would this justice vote to overturn Roe v. Wade? Unfortunately many supporters of legalized abortion are invested in spreading fear to the public about what would happen if Roe v. Wade were overturned. It's important for the public to understand the reality of a world without Roe v. Wade, because ultimately the issue would be in their hands to again decide. Why would the U.S. Supreme Court overturn Roe v. Wade? Roe v. Wade is widely regarded as a poor legal decision. Even many legal scholars who support abortion recognize the case was not decided based on the law or the U.S. Constitution. Together with its companion case *Doe v. Bolton*, Roe v. Wade legalized abortion through all nine months of pregnancy in the United States, which is an extreme position that the American public generally rejects. Only five countries in the world have such an extreme abortion law (the U.S. and Canada join North Korea, China, and Vietnam). What happens the day after Roe falls? Nothing at first. The U.S. Supreme Court would recognize that abortion is not a constitutionally-protected right, and therefore the issue will be once again decided by voters and their elected officials in their respective states. Currently the states themselves have a patchwork of laws. In some states like Michigan, laws exist

protecting the unborn child, and those laws will have an opportunity to be restored. On the other end of the spectrum, other states have their own state-level court decisions or constitutional provisions protecting abortion. Ultimately the states and voters are put back in the driver's seat regarding abortion policy. Any changes to the status quo of abortion-on-demand through all nine months of pregnancy depend on you. Where do you stand? What happens in the short-term after Roe falls? This depends entirely on the voters. Some states will likely ban abortion except to save the life of the mother, many will have bans featuring exceptions, and some will keep the status quo. Currently public opinion is divided on the issue, but a large majority of voters reject the status quo of abortion-on-demand throughout all nine months of pregnancy.

Public opinion shows a broad consensus for banning most elective abortions, late-term abortions, tax-funded abortions, etc. What would happen in Michigan? Michigan has an important state Supreme Court precedent from 1973, shortly after Roe v. Wade was decided. Michigan law has banned abortion except to save the life of the mother since 1846. After Roe v. Wade was decided, the Michigan Supreme Court ruled in *People v. Bricker* that Roe v. Wade is only blocking enforcement of Michigan's law; Roe did not repeal Michigan's law. In November 1972, just a few weeks before Roe v. Wade, Michigan faced a ballot proposal to legalize abortion through 20 weeks of pregnancy. Sixty percent of voters rejected the proposal. With Roe v. Wade gone, Michigan's law would have an opportunity to go back into effect. Michigan

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voters and their elected officials would ultimately have the final say. What about women dying in illegal abortions? In the states that do restrict abortion, there is highly unlikely to be a significant increase in maternal deaths. Pro-abortion groups falsely inflated statistics prior to Roe v. Wade to convince voters and later the Supreme Court that thousands of women were dying because of laws protecting the lives of unborn children. Real statistics from the Centers for Disease Control verify those claims are false. In 1972, 39 women died to illegal abortions in the United States, and 24 died from legal abortions. In 1973, after Roe v. Wade was decided, 19 women died from illegal abortions, and 25 died from legal abortions. Poland is an excellent case study. Abortion had been legal under Soviet rule in Poland for more than 40 years, just like the United States. Shortly after regaining independence, Poland heavily restricted abortion. Today pregnant women in Poland are less likely to die than pregnant women in the United States. There are 21 maternal deaths per 100,000 live births in the United States, compared to only 5 in Poland. Poland is a world leader in addressing maternal mortality. According to abortion advocates, Poland's rate should be incredibly higher than the United States' rate, not incredibly better. Providing good health care to pregnant women is completely independent of abortion laws. Decades of experience in America shows that the legality of abortion affects the demand for abortion. In states that ban abortion, abortions will decline, infant adoptions will increase, and prolife pregnancy help agencies will take on an even more important role as more women seek their services. Given the difference in abortion laws between states, voters will quickly get an accurate

picture of the truth when they can compare states that keep abortion legal through all nine months of pregnancy and states that don't. What are we going to do with all the babies? One of the most common arguments in discussions about the legality of abortion is that our society couldn't cope with an increased number of births. The basis of this argument is the fear that abortion is a necessary evil to maintain society's wealth. It's not clear how many states would ban some or all abortions following Roe being overturned, but births would no doubt increase. Society will continue on largely as it has before, and will likely be in a better situation. The prosperity of women and society prior to 1973 did not depend on the legality of abortion, and the same is true today. Abortions in Michigan have been nearly cut in half since 1987. Nationally abortions have declined by about a third in that same timeframe. Our country has not been negatively impacted by these individuals. The largest economic concerns facing us today are the result of too few children. An aging population is making entitlements like Social Security and Medicare insolvent. Health insurance rates continue to increase, partly because we have fewer young and healthy people paying premiums into the system to benefit the old and the sick. What about the controversial nature of the abortion issue? A great source of the abortion controversy is because the U.S. Supreme Court and Roe v. Wade leave no outlet for people of conscience to affect change. Less than a third of Americans support the current regime of abortion-on-demand through all nine months of pregnancy, yet Roe v. Wade allows the views of this small minority to override a supermajority of Americans. Abortion will always be a controversial issue until society reaches a

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broad consensus that unborn children's rights deserve to be protected in law. Even in countries like China—where abortion is totally unrestricted—abortion generates significant controversy. 6/10/2021 Roe v Wade Overturned - Right to Life of Michigan <https://rtl.org/abortion/roe-v-wade-overturned/> 3/4 Ultimately controversy is a fact of life in a country with democratic values. If we had feared the controversy of the women's suffrage movement, women would still not have the right to vote. We're still dealing with the controversy of race issues in America today, but keeping slavery legal wouldn't have made the controversy go away. Issues should be decided based on their merits, and voters should make those decisions, not unelected officials. What will happen in the long-term? The prolife movement's long-term goal is to convince a majority of voters and elected officials in all 50 states to respect the rights of every human life. The prolife movement's final goal is a Human Life Amendment to the U.S. Constitution that explicitly protects the inalienable human rights of unborn children. Such an amendment requires a broad consensus in society, which will likely take a long time to build. Pro-lifers will remain committed to achieving these goals by persuading our fellow citizens, not through heavy-handed judicial decrees.