

Roe v. Wade Overturned: Public Opinion on Abortion

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Abstract. The recent overturn of Roe v. Wade as along with Planned Parenthood of Southern Pennsylvania v. Casey has put hundreds of millions of women's lives at risks. The anti-abortion side believe that it is wrong and cruel to kill a "baby" that has developed heartbeats, and could potentially live outside of the womb. The pro-abortion side, on the other hand, holds that a woman has the constitutional and human right to make the decision that is best for her and that those pregnancies which happened due to rape or incest should not be held against a woman's will. Women who reside in states with abortion bans are seeking ways to get abortions, with the U.K. being a popular option. There are also women who do not have enough funds to get abortion, including student athletes. While the coaches are trying their best to help the student athletes, NCAA has yet to announce their decisions regarding ways to help pregnant athletes seeking for abortion.

Keywords: Abortion, Constitutional right, Roe v. Wade, Abortion bans, NCAA.

1. Introduction

The Dobb v. Jackson Women's Health Organization case, in which lower courts declared Mississippi's Gestational Age Act unconstitutional, was examined and debated by the Supreme Court in June 2022 [1]. As the result of its decision, the Supreme Court overturned Roe v. Wade as well as the Planned Parenthood of Southern Pennsylvania v. Casey, as a result of the 6 to 3 decisions in favor of Mississippi's law, returning the power of abortion regulation makings back to state elected branches [2]. Immediately, at least 13 states that had pre-existing trigger laws made abortion illegal after Roe v. Wade was overturned; 10 states currently banned abortion; 5 states had banned abortion after 6 weeks; at least 18 states have the desire to ban abortion and do not have protections for abortion; and 22 states either have laws protecting abortion, or expanded their access to abortion [3, 4]. As a landmark ruling that prohibited states from banning abortion before 23 weeks since 1973, Rod v. Wade made it possible for women to make decisions using their constitutional right. Now that the rulings have been overturned, what does that mean? In order to understand the impact, it is necessary to first talk about the two cases.

2. History of Supreme Court Abortion Cases

The origin of Roe v. Wade and Planned Parenthood v. Casey could date back to the 1820s. Regulations were made regarding the sale of drugs that were used for abortion, as the drugs that were used had been proven to be fatal. In the 1850s, people were calling for the criminalization of abortion, as many doctors feared that their jobs would be taken by clinics, and nativists feared that with the increasing number of immigrants, the birth rate among white and America-born women would decrease. As a result, in 1869, abortion was banned by the Catholic Church, no matter which stage the pregnancy was. In 1873, the Comstock Act was passed, in which it made the spreading of "obscene, lewd or lascivious, immoral, or indecent publications through the mail" illegal, including anything that was related to abortion and contraception. And by 1880s, abortion was illegal all across United States [5].

During that time, many people were arrested under the Comstock law. In the 1870s, Ezra Heywood, for example, was a feminist who dedicated in the study of women's status in the society and wrote "Cupid's Yokes". In his book, Heywood emphasized that women should have full control over their bodies. His opinions at the time opposed the idea of the Comstock Act, and therefore Heywood was arrested. In the 1910s, activist Margaret Sanger, who was the first person to open birth control clinic

in the U.S., was imprisoned for violating provisions of the Comstock Act and convicted on misdemeanor charges along with her sisters. During her appeal of conviction, she campaigned for overturning Comstock's birth control provision, which led to a modification of the law to allow the mailing of physician-prescribed birth control countrywide. In 1921 The clinic joined forces with the American Birth Control League., and later merged with the citizens Committee for Planned Parenthood as well as changing their name into the Planned Parenthood Federation of America [6]. Following, Roe v. Wade was made possible by a number of regulations, which were overturned for infringing on women's fundamental right to privacy. Collected by the Guttmacher Institute, data has shown that around 200,000 to 1.2 million illegal abortions happen each year in the United States during the period of the 1950s and 1960s [4].

2.1. Roe v. Wade

However, not everyone was able to afford the fee of illegal abortions, including Norma McCorvey, a woman who was seeking to get abortion. In 1969, Norma had failed her attempt to get an illegal abortion, as she did not satisfy the requirements for legal abortion, and decided to seek for help from attorneys Linda Coffee and Sarah Weddington. At that time, only those women that are in danger due to their pregnancy could legally have an abortion, and illegal abortions became a popular option. Norma was referred as Jane Roe in court documents, and Henry Wade, who prosecuted Jack Ruby, the alleged assassin of JFK, after a Texas local judge argued that the abortion prohibition violated the constitutional right to privacy, and the decision was made to continue prosecuting doctors who performed abortions. With a 7-2 decision, the Supreme Court overturned the Texas law banning abortion on January 22, 1973, legalizing it across the country. Abortion right for women is protected by the 14th Amendment in the first trimester of pregnancy and private, according to Justice Harry Blackmun's majority opinion. The court also separated pregnancy into three trimesters in its ruling: the first trimester gives women complete control over whether to terminate their pregnancies; the second trimester allows for government regulation of abortion to safeguard the life of the woman; and the third trimester allows for state prohibition of abortion to safeguard the fetus, unless the woman's health is in danger [4].

2.2. Planned Parenthood v. Danforth

Many people had continued to oppose the regulations on abortion after the Roe v. Wade ruling. In the 1976 case Planned Parenthood v. Danforth, the Supreme Court declared unlawful parts of a Missouri abortion statute, one of which demanded that a woman's husband sign a form authorizing her to have an abortion. In Harris v. McRae, decided in 1980, the court ruled that Medicaid-eligible states were no longer compelled to pay for medically necessary abortions. Additionally, in Webster v. Reproductive Health Services in 1989, the court maintained a Missouri law's prohibition on abortion [7].

In 1988 and 1989, Pennsylvania's abortion control law was altered. Informed consent, a one-day waiting period during which information on alternatives to abortion should be recommended, parental consent in most cases for minors, notification of a woman's husband regarding her intention to undergo the procedure, and reporting by abortion providers are the five new requirements that were added. In 1992, the Supreme Court heard arguments challenging Pennsylvania's Abortion Control Act in Planned Parenthood of Southeastern Pennsylvania v. Casey. The court upheld the Roe v. Wade ruling, but it also permitted states to impose additional abortion restrictions so long as they are not deemed to be an "undue burden". After it was determined that the law was unlawful, Planned Parenthood of Southeast Pennsylvania brought a lawsuit. The claim was denied by the district court, but affirmed by a U.S. court of appeals led by Samuel Alito, a Supreme Court justice. The Pennsylvania abortion regulations were all adhered to by the court, with the exception of the requirement that a woman's husband be informed of the process. Additionally, it altered the Roe v. Wade trimester framework, giving states the right to control abortions prior to fetal viability if no "substantial obstacle" or "undue burden" is introduced [7].

3. Differentiation Opinions on Roe v. Wade Overturned

In order to justify the significance of women's right of receiving abortions, the opinions of the pro-lifers (those who are anti-abortion) should be argued. The first point they always make is that "fetuses have human right too". According to the United Nations, human rights are freedoms that are inalienable to all people, regardless of their circumstances or characteristics [8]. The statement makes it clear that in order to have a human right, a person must be regarded as a "human being," and that humans are "distinguished from other animals by higher mental development, power of articulate speaking, and upright attitude." By making the point "fetuses have human rights too", the anti-abortion side must have made the assumption that fetuses are considered human beings. But are they really human beings already? Note that during the embryonic stage of the child development, embryos start to develop their heads starting four weeks after conception, at the fifth weeks embryos start to develop limbs. By the eighth-week embryos start to have established basic structure of the brain and central nervous system, which will continue to develop nearly up to 12 weeks after conception [9]. And by then, a fetus would be considered a human being, since it will have a brain for further mental development, nervous system and basic brain structure that helps with developing articulate speed, and prepared to stand with limbs that will grow in the future.

However, in United States, 5 states have laws banning abortion at fertilization, none of them went into effect. And 9 states wanted to cut the line at 6 weeks, such as Texas, the only one among the nine states with law in effect, because that's when fetuses develop heartbeats. Moreover, Dr. Ted Anderson, claims that the electrically produced flashing that is seen as a heartbeat in these bills is actually a part of the fetal tissue that would eventually develop into the heart [10]. So, if the states are to ban abortion even before a human being is formed, which would be between 8 to 12 weeks, the anti-abortion side would be making a false statement saying that fetuses have human rights too.

When the pro-abortion side make their arguments, one of the few statements is "abortion is needed due to accidental and unintended pregnancies". The first cause of these pregnancies is, sometimes, even after experiencing symptoms, these women receive false test results from the regular home pregnancy tests, making them think they are safe from being pregnant since they did not intend to be. Most of these tests claim to be 99 percent accurate, but in reality, that is not the case. 230 of the 478 (51.88%) positive urine samples distributed in C. Gnoth and S. Johnson's study of 27 home-use tests using standard urine samples were wrongly classified as negative due to the unclear instructions and faint lines. In addition, conception frequently happens two to three weeks after sex [11]. One research of 136 pregnant women found that 50% of them experienced some symptoms eight days after missing their period and 90% of them did so a month later [12]. Additionally, lots of people don't even notice symptoms until a few months into their pregnancy, since some might experience implantation bleeding, which is similar to regular menstrual period. So even if someone were to receive an accurate positive pregnancy test result, they might have been pregnant for more than six months, or even twelve months without knowing, in which case it seems even unfair to ban abortion at such early stages of pregnancy. Another cause of accidental pregnancy is rape. According to the national rape related pregnancy survey, between the ages of 12 and 45, roughly 5% of rape victims do become pregnant. What that means is that, around 32 thousand pregnancies among adult women each year are the product of rape. 32% percent of these women had no idea that they were pregnant it's been 12 weeks, and an additional 12% had spontaneous abortion. But only 4 out of all 50 states of United States made exceptions in instances of rape or incest [13]. And even if those women give birth to the unwanted baby, whose responsibility is it to take care of it?

When looking the arguments from both sides, the one they have in common is that abortion could endanger the pregnant women. This is very much true, but from two very different aspects. People who are anti-abortion think that after having one abortion, it's very likely that those women would never have baby again. But the thing is, risks during pregnancy could be much more serious than that from abortion. Lots of women do not talk about their pregnancy until after 14 weeks, because 1 in 4 known pregnancies will end in miscarriage, with the risk being highest early in the 12 weeks. In the US, about 800 women a year pass away during pregnancy and within 42 days of giving birth [14]. In

fact, the majority of the time, having an abortion has no impact on fertility or subsequent pregnancies. Even after an abortion, it is possible to ovulate and fall pregnant within two weeks [15].

4. Consequence

Knowing the potential risks that women would need to go through during pregnancy and giving birth, currently 17 states have passed total or near-total abortion bans. Although women in those states could still go to nearby states for abortion, not everyone's financially capable of affording the trip, not the mention the additional cost of the abortion. The median price for an abortion at week 20 was \$1,670, according to the Guttmacher Institute, with average clinic fees for surgical abortions at 10 weeks costing \$549 and medication abortions costing \$551. In addition, some women have traveled to Mexico, UK, and other countries to have legal abortion, and doctors advised patients to stay within the nation for a few days in case of health issues while they were there. Despite the cost of plane ticket, abortion fee, hotel, food, and many others that could occur during their time there, the number of women who traveled from the U.S. to get abortion in the UK is still on the rise [16].

After the reversal of *Roe v. Wade*, many college coaches are also concerned about their teams. According to the Guttmacher Institute, 34% of abortions nationwide were done on women aged between 20-24, which has the highest number among all age groups. Women between the ages of 18 and 19 made up 8% of the population in 2014, including about 50% of female college students [17]. Studies have shown that, about 1 in 4 women will have an abortion throughout their lives, and if one-fourth of a sport team gets pregnant and either give birth or require abortion, the damage to both the team and the players' health would be significant. Besides, not all pregnancy happens with consent. According to a poll conducted by the Association of American Universities, the rate of nonconsensual sexual contact among female undergraduates and LGBTQ undergraduates between 2015 and 2019 was roughly 26% and 23%, respectively. So, when an accidental pregnancy happens, there would be much more pressure put onto the students in making a decision, of whether to give birth or get an abortion. Now that citizens are rewarded for reporting women for getting abortions in states where they are illegal, it's also been hard for teams to hire staffs, since athletes would no longer feel safe sharing information regarding their pregnancies to the trainers. The lack of updates to the NCAA handbook has also been a problem. In 2007, two athletes were charged for killing their new borns. However, under Title IX's protection against the discrimination against pregnancy, the handbook stated that schools are obligated to help the pregnant athletes, and they are not allowed to kick the students off the team, nor can the athlete be retaliated against. The reason that the two athletes could have been charged of crimes was probably because the most female athletes had no idea of the existence of the handbook. In a study published in the *Journal of Intercollegiate Sport*, the co-author of the handbook and other health researchers discovered that 90% of 146 female athletes at one DI school had no knowledge of the handbook's existence, and 98% had not heard anything from their athletic department. Another issue regarding the handbook is that, it was written before *Roe v. Wade* was overturned, so the information in it is outdated. However, the authors of the handbook have not been contacted by NCAA, nor had NCAA commented on the fact that the state it's based in now bans abortion. Even though the handbook encouraged colleges to come up with their own policies, the policies, if the college ever created them, would have been from before the reversal, and executing them now would put the colleges under risks of fouling the laws [18].

5. Response

Under the current society where women could not make decisions for their own bodies, it's almost impossible for us normal people to overturn the situation. However, there are still plenty of things that could be done to support the women that need help. The very baseline, is to respect the different opinions, and when you know that someone is or thinking about getting an abortion, don't leak their personal information to anyone, even if you do not agree with their decisions. Throughout the past

century, pro-lifers and pro-choicers have had many peaceful arguments, as well as intense conflicts. Each holding the belief that what they stand by is the truth, neither side wishes to make compromise by stop insulating their ideas using political policies, hatred, and radical protests. In 2017, a nationwide protest happened with both sides of opinions protesting against each other, demanding protection or defund of the Planned Parenthood Organization. However, many protesters did not know that, not only does Planned Parenthood provide resources of abortion, they also provide screening of many kinds that are essential to women's health, giving the low-income community a way of accessing affordable medical care. And by protesting against and defunding such an organization, many women who could not afford health care would be in risks [19].

Both men and women should also be considerate before having unprotected sex, as that is one of the main sources of unwanted pregnancy. Usually, people have unprotected sex because they do not like the feel of condoms, or they don't think that pulling out fast enough will make the woman pregnant. In a study of women between 18-40, 70% of women have unprotected sex regularly, and 33% of women get "swept in the moment" and forget to use condom. And even if men pull out soon enough to not ejaculate inside women, there could still be semen left inside, since men usually cannot tell if there's liquid coming out of them or not. And not to mention the risk of transmitting STD, it is never a clever decision to be having unprotected sex. Surprisingly, those women in their 40s actually were twice as likely as those that are younger, despite the fact that as women age, the number of eggs decreases. Also, the research found that those women in the 30-40s are more likely to take a morning-after pill than any other age group, proving that contraception pills do not work all the time, and that having a fluke mind is not the best choice [20]. So, to prevent having unwanted pregnancy or going through the process of abortion, the best idea is always to use protection when having sex.

6. Conclusion

At the end of the day, there is nothing that people can do to change the Supreme court's decision. And due to the lack of data and research done so far, it's hard to see how people are really responding to the situation. The phenomenon is explainable, as on social media, it could be seen that the ratio of anti-abortioners and pro-abortioners is almost 1:1, so it will also be challenging to analyze the trends within United States as a whole. However, there are things that could be done to help the women that need abortion, and those who might need abortion in the future. First of all, as stated before, people need to respect the different opinions. Peaceful protests, for example, is one way of voicing opinions and be respectful at the same time. Also, people should avoid spreading names and locations of those women who are seeking or had received abortion, not exposing them to risks. Second, if within your ability, support your local abortion clinics, and stop buying or supporting from brands that fund abortion bans. Walmart, AT&T, Pfizer, Coca-Cola, Aetna, for example, are just a few examples of brands with funds that go directly towards candidates who support the abortion bans. It is hard to stay away from some of the brands, such as Walmart, one of the best options for groceries shopping in lots of states, and AT&T, the leading telecom provider in the U.S. by revenue. So, besides stop buying products from these brands, an alternative option is to spread the words on social media, so that those who can afford to stay away from these brands could stopping buying from them. Lastly, to avoid being restricted by the abortion bans, it is always best to be cautious when involved in sexual activities, by using condom, birth control, IUD, and always remember to use plan B when needed. Besides these points, there are still a lot more that women can do support each other, and hopefully one day, the abortion bans could be lifted once and for all, giving back women their constitutional rights.

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