

January 2011

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## Roe v. Wade—at Thirty-Eight

*...the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained.* --Pres. George Washington

Thirty-eight years ago this month, the U. S. Supreme Court published an astonishing opinion in the companion cases of *Roe v. Wade* and *Doe v. Bolton* that effectively struck down abortion laws in 49 states. The seven-to-two ruling made America the most radically abortion-permissive nation among developed democracies. More permissive than Sweden, more permissive than France or Holland, and second only in the world to China where abortions are carried out by threat and by force.<sup>1</sup>

The late Harry Blackmun, the associate justice who authored *Roe*, justified the majority opinion by noting that ancient Greek and Roman laws, and even ancient religion, did little to protect the unborn. Unfortunately, by reinstating the paganism of antiquity, the Court clearly undermined what has been the cornerstone of Western civilization for nearly 2,000 years—the Christian belief that human life is precious.

Disturbing to many scholars about the landmark decision, besides the Court's decidedly creative interpretation of the due process clause of the 14<sup>th</sup> Amendment, was the absence of credible material witnesses and facts in evidence—essential to equitable rulings.

"Jane Roe" was a pseudonym to conceal the identity of Norma McCorvey, an alleged victim of gang rape. In 1971, her attorneys sued the state of Texas for her right to end a pregnancy resulting from the rape. At that time, Texas law protected the unborn unless the life of the mother was in danger.

Norma was an alcoholic and a drug-user who had given up two previous babies for adoption. She didn't want to hassle with it a third time. Years later after Norma became a Christian (and very pro-life), she admitted she lied under oath. Although her baby was born before the case concluded, the Supreme Court wanted to hear the story anyway.

A thousand miles east, abortion activists in Georgia were scouting for their own "Jane Roe." New state statutes permitted abortion for a variety of reasons including, rape, incest, fetal deformity or the health of the mother—up to the point of fetal viability. But what the abortion industry wanted was the right to kill up to the moment of birth.

Sandra Cano lived in Georgia and was pregnant with her fourth child. Like Norma, she was the product of a poor and abusive upbringing. Sandra was overweight, had a learning disability, and suffered the effects of Bell's palsy, which left her with a disfigured smile. Her husband was in prison, their marriage was failing, and she lost custody of her three children while living in homeless shelters.

Following treatment at a mental hospital, Sandra was directed to *Atlanta Legal Aid* for assistance in getting her kids back. She signed some forms. But never was it her intention to become the "Mary Doe" in *Doe v. Bolton*. When directed to undergo a late-term abortion, she refused and fled the state. Yet, her "lawsuit" against the state of Georgia proceeded.

Others were also complicit in the lies and deceit that fueled the Court's decision.

Dr. Bernard Nathanson, a former abortionist responsible for killing more than 75,000 babies at his New York City clinic, admits he lied about abortion when necessary to "help the cause."

Now a pro-life Christian, he says abortion forces fabricated all kinds of statistics. For instance, 5,000 to 10,000 women a year were supposedly dying at the hands of “back alley butchers.” But the Bureau of Vital Statistics listed only 39 deaths resulting from illegal abortions in 1972, a year before *Roe v. Wade*.<sup>2</sup>

Even the term “back alley butcher” was a myth. In a 1960 *American Journal of Health* article, Dr. Mary Calderone, former president of Planned Parenthood, referenced a 1958 Kinsey report that showed that as many as 87 percent of all illegal abortions were performed by licensed physicians in good standing. Dr. Calderone herself concluded that the figure was closer to 90 percent.

The question must then be asked, if Norma McCorvey (Roe) lied under oath, was not harmed by existing laws in Texas; if Sandra Cano (Doe) never sought an abortion, never had one, and considered herself pro-life, and if thousands of women were not dying at the hands of abortion butchers, then what in the world was the rationale behind the Court’s decision?

In 1965, former Senator Daniel Patrick Moynihan, then with the Department of Labor, issued a report titled, *The Negro Family: The Case for National Action*. The report warned of a coming national calamity due to the fact that nearly a third of the babies born in the black community were illegitimate. The Watts Riot in Los Angeles that same year no doubt left an indelible image in the minds of policymakers—that of undisciplined young black males looting and burning our cities.

Simply put, the jurists were persuaded that abortion was an answer to illegitimacy. In their minds, it was a humane way of helping vulnerable young women while protecting communities from potential future upheavals and the enormous social costs associated with struggling single parent families.

But the Court couldn’t have been more wrong. Despite the deaths of more than 52 million aborted babies, the numbers of out-of-wedlock births continue to escalate among all racial groups. Whites are now where blacks were 30 years ago, and black illegitimacy has soared to 70 percent—and more than 90 percent in some cities.

Arguably, the legacy of *Roe v. Wade* is a nation deeply wounded and divided by an irrational and immoral social policy that snuffs out more innocent lives in a single year than the total number of American soldiers that have been killed in combat in the past 234 years during all 12 of America’s wars, including two world wars.

No nation endeavoring to grow its market economy while at the same time putting to the knife a vast future supply of inventors, research scientists, engineers, physicians, farmers, builders, and “consumers,” is thinking rationally. Even more, who will care for and eventually replace a rapidly ageing American populace? Would it be those who are streaming across our porous southern border?

Washington State continues to be the flagship abortion state, rated A+ by the *National Abortion Rights League* (NARAL). In 1970, three years before “Roe,” local voters gave thumbs up to abortion at the ballot box and have affirmed that stance three times since, including taxpayer funding. Yet, as though unrestricted (and virtually unregulated) government-paid abortion at any stage of pregnancy is not enough, a bill making its way through the state legislature seeks to place certain very significant new burdens on pro-life care centers. Sponsors say their aim is to protect vulnerable abortion-seeking young woman from wandering into a pro-life care center by mistake.

Titled “Concerning limited service pregnancy centers,” HB1366 has 36 House Democrat sponsors and is expected to pass out of committee today. SB5274, the Senate version, has 17 Democrats on board and will receive a full hearing before the Senate Committee on Health and Long-Term Care at 8 AM on February 2.

It is likely that this bill will be approved if it comes to the floor of the State House of Representatives. But that is not the case in the Senate where Democrats are in the majority, but by a very slim margin. This means that with much prayer and appropriate action, SB5274 can be defeated. It could start with a call to the Legislative Hot Line.

If the Church is the voice of those who have no voice—call 1-800-562-6000 and let that voice be heard!

*Rick Forcier*

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<sup>1</sup> Summary of remarks by Dr. Robert George, Law Professor, Princeton University, Wilberforce Forum, 2001

<sup>2</sup> Source: Dr. Frank Beckwith, *More on Illegal Abortion Myths*, [www.roevwade.org/myths2.html](http://www.roevwade.org/myths2.html) Other interesting sources: Roe No More Ministry, [www.roenomore.org/normas\\_story/](http://www.roenomore.org/normas_story/), *The Sandra Cano Story*, [www.priestsforlife.org/testimony/ffsandracano.html](http://www.priestsforlife.org/testimony/ffsandracano.html)