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Roe v. Wade: A Primer *(Or How to Legally Kill Babies Without Really Voting)*

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Most Americans haven't a clue about the actual court case in which was decided the fate of millions of unborn babies—about 40 million of whom have been killed at this counting. For example, most people think that abortion is "restricted" to the first two trimesters of a pregnancy. It is not. In actuality, a woman can kill a baby on the last day of her pregnancy. Legally. And who decided all of this for us, since, as we all know, none of us nor any of our states voted on it?

" May God have mercy on us all."

Enter *Roe vs. Wade*. What is it? On the one hand, it's a law case with a decision handed down by the Supreme Court in 1973. On the other hand, it's a *de facto* law that not one of 50 states ever voted on. Perhaps we should take a quick gander at the thing.

What was the dispute under question? Simply, does the Constitution grant the "right" of a woman to get an abortion, and specifically, does the State of Texas, which prohibited the killing of babies, have the right to prohibit the killing of babies (except to save the mother's life)? The case was a class-action lawsuit, brought on behalf of Norma McCorvey, whose identity was kept secret under the pseudonym, "Jane Roe". At the time, "Jane Roe" claimed she had been raped, was pregnant, and that Texas law would not permit her an abortion. The actual truth, however was quite different. Now, 31 years later, Norma McCorvey has come forth, bravely in my opinion, and laid bare the lies. Although they will make an already long article even longer, her words are worth reading:

> "Abortion has been founded on lies and deception from the very beginning. All I did was lie about how I got pregnant. I was having an affair. It all started out as a little lie. I said what I needed to say. But, my little lie grew and grew and became more horrible with each telling. Sarah and Linda's (the pro-abortion attorneys in Roe) eyes seemed blinded to my obvious inability to tell the same story twice. It was good for the cause. It read well in the newspapers. With the help of willing media, the credibility of well-known columnists, the lie became known as the truth these past 25 years. I did not go to the Supreme Court on behalf of a class of women. I wasn't pursuing any legal remedy to my unwanted pregnancy. I did not go to the federal courts for relief. I went to Sarah Weddington asking her if she knew how I could obtain an abortion. She and Linda Coffey said they didn't know where to get one. They lied to me just like I lied to them. Sarah already had an abortion. She knew where to get one. Sarah and Linda were just looking for somebody, anybody, to further their own agenda. I was their willing dupe. For this, I will forever be ashamed. But, my life has been restored to me, and I now have the privilege of speaking for those who cannot speak for themselves."

When McCorvey went looking for an abortion, she ran into a feminist lawyer with an agenda: to make abortion on demand legal in

Texas (and probably in America in general). The attorney was Sarah Weddington who, in the person of Norma McCorvey, had found the Holy Grail for which she had been looking: a rape victim. For Weddington, her victory was not far away. For Norma McCorvey, a nightmare life, punctuated by two suicide attempts, was about to begin. A life that would continue until nine years later, when she became a Christian. Ironically, Norma McCorvey never did abort her child, instead giving birth and then putting her child up for adoption. Her liberal attorney's reaction? Sarah Weddington told the New York Times in 1995: "I'm shocked. At a time when we are working so hard to campaign for people who are pro-choice and not having much luck, I didn't need this one."

The Supreme Court's actual decision was simple. The Court looked at a previous case, *Griswold vs. Connecticut*, which in 1965 overturned a law forbidding married couples from using contraception. The Court then decided that the same logic of *Griswold*, namely, a so-called "right to privacy" established by interpreting the Ninth Amendment (as well as the Fourteenth), applied to Norma McCorvey. In *Griswold v. Connecticut*, Justice Arthur J. Goldberg wrote the majority opinion in which he stated:

> "Since 1791 [the Ninth Amendment] has been a basic part of the Constitution which we are sworn to uphold. To hold that a right so basic and fundamental and so deep-rooted in our society as the right of privacy in marriage may be infringed because that right is not guaranteed in so many words by the first eight amendments to the Constitution is to ignore the Ninth Amendment and to give it no effect whatsoever."

Byron Raymond White and John Marshall Harlan II concurred, holding that the "Due Process Clause" of the Fourteenth Amendment protects unenumerated liberties (in effect, arguing that the Fourteenth Amendment backs up the Ninth). Because these unenumerated rights are protected by the Fourteenth Amendment's "Due Process Clause", any law can be outlawed if it "violates" this assumed protection by the Fourteenth Amendment. Thus, because contraceptive use is not an enumerated right in the Constitution, both the Ninth and Fourteenth Amendments come into play and say, in effect, "You may use contraceptives because the Founders did not explicitly talk about contraceptive use."

The problem with this clever interpretation of the Constitution is twofold. One, the Ninth Amendment states that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." But who are "the people"? Going by simple historical meaning (and not "original intent" or "living document" interpretations), "the people" are the people of the individual states. In other words, contraception, good or bad, is an issue to be decided by the people of Connecticut, and not the Supreme Court. Perhaps this fact is why the second problem with this interpretation includes the Fourteenth Amendment, because the Fourteenth Amendment is not only the Amendment that overturned the liberties of the peoples of the individual states, but the Fourteenth Amendment is also constitutionally illegal; it is, in fact, invalid. Null and void. Also, up until the illegal Fourteenth Amendment, the Bill of Rights was understood to be a restraint upon the federal government, not state governments. Nonetheless, left-leaning Supreme Courts have used the Fourteenth Amendment to justify all things under the sun, and then some. Including Roe v. Wade.

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But consider the implications of Griswold. The Supreme Court simply created its own law and called it "the right of privacy". Congress, which is the only branch of government entitled to make laws, never made such a law, nor did the "people" of a single State vote on the issue, nor does the Constitution contain any such "right of privacy". What the Constitution does contain is the Fourth Amendment and your right to a severely limited and restricted federal government. But no "right of privacy'. The "right of privacy" is, then, a fiction created wholesale by the Supreme Court and subsequently taught to generations of Americans as "the truth".

Dissenting in Griswold. v. Connecticut were Potter Stewart and Hugo Black. In the dissenting opinion, Potter Stewart, recognising

that “the people” were properly the people of “the individual states”, wrote:

> "The Ninth Amendment ... [was intended] to make clear that the adoption of the Bill of Rights did not alter the plan that the Federal Government was to be a government of express and limited powers, and that all rights and powers not delegated to it were retained by the people and the individual States. Until today no member of this Court has ever suggested that the Ninth Amendment meant anything else."

And Hugo Black wrote:

> "The Court talks about a constitutional "right of privacy" as though there is some constitutional provision or provisions forbidding any law ever to be passed which might abridge the "privacy" of individuals. But there is not."

Black’s opinion is a bit confusing because it is stated in the negative. But Black’s opinion can be stated positively, thus:

1. There is a provision in the Constitution that forbids passing a law to protect the privacy of individuals.
2. But there is no such provision, which means that Congress (or the States, properly) can indeed pass a law to protect the privacy of individuals.
3. But instead of Congress or the States passing such a law, the Supreme Court, poof! just passed the law for the Congress, and now there is a "right of privacy".

To add to the mishmash of confusion, you must understand some crucial things about the Fourteenth Amendment and its ramifications:

- That the Fourteenth Amendment is unconstitutionally illegal, never ratified by a majority of the States as the Constitution prescribes.
- That the illegal Fourteenth Amendment was (and is) an attack on your liberty as “the people” of the individual States that comprise the “United” States (because it is an attack on states’ rights).
- That the role of the so-called Due Process Clause, found in Section I of the Fourteenth Amendment, already a part of an illegal amendment, has undergone even further illegal “interpretations”.
- These “interpretations”, in turn, have created a mythic and fictional law of the land called “the right of privacy”, created not by Congress but by several men in black robes.
- That the so-called “right of privacy” has been extended, again illegally, to protect such things as contraception, the “right” to sodomy, the “right” to medical treatment, and the “right” to kill babies on demand.
- That the way in which the fictional “right of privacy” has been illegally extended is through a little known (to lay people) legal distinction between “due process” and “substantive process”.
- That “due process” refers to basic steps that the government has to take when it comes after you. For example, before the government can slap you in the hoosegow, it must first give you a fair trial.
- That besides the “due process” concept there is also the “substantive rights” concept which states that the government must also have good reasons (substance) for taking away your liberties besides just following “due process”.

In the last point lies the heart of the problem. When I say that the government must have good reasons for taking away your liberties, it sounds kind of warm and fuzzy, does it not? Who would disagree with that concept? But consider the ramifications of extending the “due process” clause of the Fourteenth Amendment to mean now “substantive due process”. Who gets to decide what

the “substance” of the due process? And how far does that “substance” apply?

Let’s take an example to clear our heads about substantive due process. The Fifth Amendment says that you can not be “deprived of life, liberty, or property, without due process of law...” Well and good. That concept is known as a “due process clause". But take the same clause and make it into a “substantive due process” clause. Take the word “liberty”, for example. By interpreting the Fifth Amendment’s “liberty” as a “substance”, a federal court can all by itself decide that “liberty” can mean, substantially, the “liberty” for adults to sodomise young boys. Or that “liberty” can mean the “right of privacy” which enables you to kill babies while they are still in the womb. Do you see where all this is headed? The Constitution itself says no such thing! It merely limits the power and influence of the federal government, and leaves the States to themselves to decide their own laws. The federal government does its (extremely limited) thing, and the states do their thing. Simple.

Once a federal court has decided the “substance” of due process, guess what? It can now take a look at all the laws of the individual (and, in theory, sovereign) States to decide whether these state laws “comply” with the federal court’s out-of-thin-air “substantial due process”. This unconstitutional farce is called “Judicial Review”.

Let’s clear our heads about this “compliance” business also. Let’s say that the Supreme Court has decided that it’s just fine and dandy for adult men to have sex with their children. It can then turn its eye on the States and say to the people of those States, “You must agree that it’s now OK for men to have sex with their children because we must make sure that you are complying with our substantive due process thingy.” And bingo! all the states must bow their knees to the black-robed legislature we call the Supreme Court.

Think I’m kidding? It’s already happened. The Supreme Court, in June of 2003, decided, in *Lawrence v. Texas*, that the Texas ban on same-sex sodomy is “unconstitutional”. If same-sex sodomy is OK, incest and polygamy are certainly waiting in line. Why not? If the Supreme Court can subvert the people of Texas to legalise sodomy, it surely can subvert the people of any other State to legalise other deviant sexual practices. How about sex with sheep? Sex with bats? Sex with children? Sex with comatose patients? By the way, guess what Amendment the Supreme Court cited? That’s right. The Fourteenth Amendment’s Due Process Clause.

Finally, keep in mind two things. First, it bears repeating, the Bill of Rights applies only to limit the power of the federal government. It says nothing about the laws of individual States. Second, the Bill of Rights contains both substantive and procedural rights. For example, the Second Amendment contains a substantive right “to keep and bear arms” and a procedural right under the Fourth Amendment to have a search warrant issued upon “probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” One is a right of substance (a thing) and the other is a right of process (actions).

Griswold v. Connecticut laid the groundwork. *Doe v. Bolton*, a case for a "Mary Doe" heard later in the same day as *Roe v. Wade*, actually forms the backbone of "abortion on demand" in America. ("Mary Doe" was actually Sandra Cano, who, like Norma McCorvey, has repudiated the decision made in her name, and never did have an abortion.) You can see now that the Supreme Court has created, *e nihilo*, its own private law called “the right of privacy” so that it makes sense (in a twisted way) that this new law of privacy should naturally extend to a woman’s body, even if it means that a woman gets to kill her own child. Which is odd, since society doesn’t grant the same “right” to kill to a murderer, or the “right” to rape to a rapist. But never you mind, for the Supreme Court has taken all these little annoyances away from you so you don’t have to worry about them any more.

You can thank Judge Harry Blackmun, who wrote that “the right of personal privacy includes the abortion decision....” But you can

also thank the millions of Americans who kept quiet, who still keep quiet, while the slaughter continues unabated.

May God have mercy on us all.