

abortion issue and how it came about and I'm just going to read from one of the decisions with regard to Roe v. Wade. It says, at the heart of the controversy in these cases are those recurring pregnancies that pose no danger whatsoever to the life or health of the mother, but are, nevertheless, wanted for any or more of a variety of reasons, convenience, family planning, economics, dislike of children, the embarrassment of illegitimacy. The common claim before us is that for any one of such reasons or for no reason at all and without asserting or claiming that any threat to life or health or any woman is entitled to an abortion at her request if she is able to find a medical adviser willing to undertake the procedure. The court, for the most part, sustains this position. During the period prior to the time the fetus becomes viable, the Constitution of the United States values the convenience, whim or caprice of the putative mother more than the life of a potential life of the fetus. The Constitution, therefore, guarantees the right to an abortion as against any state law or policy seeking to protect the fetus from an abortion not prompted by more compelling reasons of the mother. I find nothing in the language or history of the Constitution to support the court's judgment. The court simply fashions and announces a new constitutional right for pregnant mothers and with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes. The upshot is that the people in the legislatures of the 50 states are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus on the one hand against the spectrum of possible impacts on the mother on the other hand. As an exercise of raw judicial power, the court perhaps has authority to do what it does today. But in my view its judgment is an improvident and extravagant exercise of the power of judicial review. In a sensitive area such as this, involving as it does, issues over which reasonable men may easily and heatedly differ, I cannot accept the court's exercise of its clear power of choice by imposing a constitutional barrier to state efforts to protect human life and by investing mothers and doctors with the constitutional protected right to exterminate it. The issue, for the most part, should be left with the people and to the political process the people have devised to govern their affairs. That was, as you can probably tell, from one of the dissenting opinions with regard to Roe v. Wade. The issue here has been basically brought to one of, from the discussion throughout the day, one of overturning abortion altogether. You would think