

Abortion: Should Any Level of Government Decide Its Citizens' Liberties?

The Declaration of Independence states "...all men are endowed by their creator with certain unalienable rights, that among these rights are Life, Liberty and the pursuit of Happiness." (4) The deliberation pertaining to the criminalization of abortion brings all three of these civil liberties into question. One might argue that the process of receiving an abortion denies a person the right to life, regardless of their prenatal stage.

Conversely, it is possible that ensuring one's right to life could compromise another's liberties and ability to pursue happiness. Thus, one could assume either position of the debate, and still occupy a viable argument. (It is also worth noting that no person is "pro-abortion," as the decision to receive an abortion usually comes with tragic circumstances, but is usually deemed absolutely necessary by all parties involved.) (12) With that said, it would be impossible for our government to create a policy that pleases both the pro-choice and pro-life sides of the spectrum, likely because the background of each argument varies so greatly. A person who calls himself pro-choice would likely come from a more open, liberal minded background, while a pro-life advocate would likely be strongly associated with their faith or a fundamentalist Christian background. As a result, many of those opposed to abortion will have adopted an absolutist point of view, where few other belief systems and viewpoints are even mildly considered. This is where the

polarization of the argument becomes apparent. Because of their fundamentalist belief system, modern conservatives have adopted a mindset that their beliefs are superior and have started a campaign that moves to restrict one's ability to choose for themselves, as Andrew Sullivan states in *The Conservative Soul*. However, the pro-choice movement has developed a similarly absolute mindset in the case of one's right to receive an abortion. Much of their argument is based upon assumption that mothers who abort a child would treat it poorly if they were forced to keep it, and only consider this sole possible situation. (12) They also do not seem to address the idea that killing an unborn child can be considered murder. As a result, the conflicting arguments must boil down to the government's jurisdiction to intervene and decide whose rights are superior. (17) Therefore, one might ask: Should any level of government choose between its citizens' civil liberties? The framers of the Constitution did not extend the government's jurisdiction to controlling its citizens' liberties, and in the case of abortion, a large portion of their future. Therefore, it is not the federal government's right to intervene and decide between any two people's civil liberties, and consequently their fate, based on the morals of a certain religion or any belief system.

Sullivan explains why conservatism has suffered as a result of the absolutist mindset. He states that conservatives have weakened their arguments because they do not have an understanding of what they do not know and often refuse to consider alternative viewpoints. (10) He points out that the strengths of conservatism were once based upon the understanding of what they might not know, and as a result, the conservative mindset has suffered. He explains: "The defining characteristic of a conservative is that he knows what he does not know." (16) This belief system is largely

caused by the fundamentalist Christian faith that has unfortunately become synonymous with the modern conservative. Recently, those running in the Republican party have received little consideration for election if their political theories do not mirror those of the absolutist, fundamentalist Christian. Therefore, those who are running as Republicans have little choice but to adopt the absolutist mindset due to the political pressure that exists in the Republican Party today. Sullivan discusses how our current president, George W. Bush, won the 2000 Republican primary, and subsequently won the Republican Party nomination for President of the United States. He later won the 2000 Presidential Election by a slim margin over Democratic representative Al Gore. Sullivan writes:

“John McCain’s surprising surge in New Hampshire forced Bush to an even closer alliance with the religious right than he might have otherwise preferred...But by allying with the most extreme of fundamentalist elements, Bush managed to win the South Carolina primary and thereby the nomination.” (16)

This pressure is indicated in various political battles and proves that the demand to appeal to their constituents will often override a politician’s actual beliefs. Therefore, Republican representatives involved in the federal government have felt an obligation to align themselves with the absolute beliefs of fundamentalist Christians in order to attract voters. This is the case because today’s Republican Party and the conservative mindset have become synonymous with absolutism and fundamentalism. Therefore, Republican representatives are left with little room to practically consider the options that might benefit the country’s wishes. Thus, even if many of the Republican representatives in

Congress, (or involved in any level of government,) truly believed it would benefit the nation to halt the pro-life movement, they would have difficulty doing so because of the prospect of not being able to achieve reelection.

Sullivan's theories of modern conservatives also indicate that these Republican representatives feel pressure from these fundamentalist constituents to enforce certain governmental policies as well, which is displayed by the pro-life movement. He clearly views the direction of the Republican Party negatively because of the fundamentalist direction it has recently embraced. However, he also discusses the importance of understanding what we do not know, or in the case of policymaking, recognizing what we cannot fix. (16) Sullivan's thoughts about conservatism are reminiscent of Socrates in this sense, in that the greatest minds often admit to their own ignorance. In a similar mindset, Ira Katznelson, in his book *When Affirmative Action Was White*, states, "Public policies, after all, have been the most decisive instruments in dividing Americans..." (7) This statement mirrors the beliefs of Sullivan because both men recognize that unsuccessful public policies can have a demoralizing effect if they are not open to all sides of the argument, while comprehensive, optimistic laws are often more successful in bringing the nation together. In the case of abortion, modern conservatives have gone so far as to attempt to place their morals upon others, which would clearly indicate that in practice, the policy would produce a divisive effect. He argues that this is an unreasonable aspiration because religion is something to live by, not govern by. In Sullivan's noble opinion, this is where the pro-life movement often struggles in terms of the debate on abortion.

The advocates of the criminalization of abortion believe that once a woman has conceived a child, (the time a baby becomes a person is very subjective, and is an issue that further complicates the debate), the mother's duty is to the child. (6) They would call the willingness to pursue an abortion selfish, and even go so far as to accuse the mother of murder if she wishes pursue the operation. In terms of civil rights, the pro-life movement claims that the unborn child should have a similar opportunity to pursue their Constitutional liberties as the mother who chooses to abort her child. (6) This often sparks the vaunted, "person upon conception" argument, which often does little to further either side of the argument because no conclusion can be scientifically confirmed. Thus, the pro-life belief system is based on the idea that the unborn child has just as much of a right to life and its inherent liberties as the pregnant mother, an area in which much of the abortion debate is centered.

To boost their argument, the common pro-life advocate also seems to focus less on the consequences of the mother and more upon the deprivation of the life of the unborn child that had been aborted. The pro-life movement chooses to direct its frustrations towards the mother while not realizing the consequences of a forced abortion. They are quite critical of those who choose not to birth their fetuses, but offer little solution to the problem, other than abstinence, which has proven to be an unrealistic solution in a modern society. The pro-life movement also offers the ability to turn to faith in the face of controversy as an alternative solution. They often suggest that women who are struggling with the idea of abortion turn to God as their answer. (6) In this sense, the pro-life, fundamentalist Christian point of view is somewhat ignorant to reality. This relates back to the weakness in the modern conservative mindset that their belief system

is supreme and as a result, should be widespread. A Christian website states, “Life is a precious gift from God that must be respected in all stages.” (6) This is merely one example of how the pro-life movement uses God to justify their belief in religion. However, pro-choice advocates argue that religion is a belief system, not an instructional guide for the federal government. The weakness in the pro-life movement is that it is based on the Christian ideal that any conceived child deserves the right to live and therefore, it does little to substantiate the argument by using God. However, as Sullivan states, religion is a formulation of viewpoints that are meant to live by, not a basis for the any level of government.

Part of the faith that many pro-life advocates are now trying to enforce involves a movement towards abstinence. It seems simple that not having unplanned, premarital sex would reduce the number of unwanted pregnancies and subsequently, the number of abortions in our country. The pro-life movement places an emphasis on family planning and not on the use of contraceptives. (10) In fact, many radical pro-lifers consider the use of contraceptives to be a similar “evil” as the act of receiving an abortion. Thus, many pro-life states, such as Texas and Florida, have started campaigns in their public schools which stress the importance of abstinence and sex as a reproductive tool, rather than for pleasure. (13) The idea behind this movement is to instill different values than those currently prevalent in today’s youth in America, in which the media clearly does not portray sex solely as a reproductive means, but as an act of enjoyment. The movement is also consistent in promoting its staunch religious ideals that the use of contraceptives is congruent to the act of receiving an abortion because it (might) deprive a child of life. However, these movements have been counterproductive, in a sense that they are causing

more abortions by reducing the importance of contraceptives. Cristina Page, author of the book *How the Pro-Choice Movement Saved America*, explains why this strategy for political and social change has virtually failed. She explains that abstinence and a lack of premarital sex is merely not a reasonable conclusion for many teenagers today. She believes sex for pleasure is an ideal that has been built into our society, and a movement towards abstinence has clearly not done enough to counteract these beliefs. She writes: “The (pro-choice) movements...fought against pernicious, puritan view on sex; they understood that a society in which sex for pleasure was an accepted part of the human condition could change the world.” (13) This transformation was successful, and sex is now viewed differently. Page goes on to display the weakness in the movement towards abstinence and proves how it has not done much to reduce the number of teenagers having sex. She states, “Take the example of Pennsylvania. When the state reviewed its abstinence-only programs it found that girls in one were having sex at a much higher rate (42 percent) than girls in comprehensive sex-ed programs.” (13) In fact, the United States has the second highest teen pregnancy rate in the world. (12) The reason for this statistic, as she explains, is that the abstinence-only movement is largely unrealistic for today’s culture. In addition, the movement’s programs do not educate their students about contraceptives, various devices which, when used properly, obviously lower the number of abortions. Page gives an example of certain teenagers involved in abstinence-only programs who are told that contraception is ineffective and that abstinence is the only way to prevent pregnancy and sexually transmitted diseases. She says, “One sixteen year-old Texas girl concluded, ‘I don’t know any other way than abstinence to prevent HIV.’” (13) This should show the ineffectiveness in the movements when trying to stress

the importance of safe sexual practices. As Page explains, the abstinence-only movement is simply past its time.

In addition, pro-choice advocates are often quick to point out the civil liberties that were established by the original framers of our nation: the right to pursue happiness being one of them. The framers repeatedly mention the importance of providing citizens with certain civil rights, while stating that a person reserves the right to pursue happiness under any circumstance. This statement in the Declaration of Independence implies that the framers intended for a life in America to be full of opportunity; a place where citizens could make their own choices regardless of their political, cultural, or religious agenda. This entails free speech, as well as the right to assemble against or in favor of any form of public policy, such as pro-lifers currently do in the case of abortion. Simply put, the pro-life movement suggests that the state government impinge upon these aforementioned “natural rights,” to which the framers referred, by forcing impregnated women to birth their child regardless of the situation. (12) A woman who is forced to birth an unwanted child might suffer in a number of ways. First, if *Roe v. Wade* (8) were overturned, the federal government would be forcing the pregnant woman to subject herself to a great deal of pain. One could argue that it is unconstitutional for any form of government to force its citizens to endure such pain, and that the woman has the right to choose whether she is willing to undergo such suffering for her child. In addition, many women do not have the economic luxuries to support a child. Page writes, “But the vast majority of women seeking abortion care in the United States are poor. Indeed, two-thirds of all women seeking abortion report it’s because they cannot afford to have a child.” (13) Surely, one might say that it is difficult to support a law that puts obvious constraints on a

mother's economic situation, and the federal government would have to provide ongoing support with tax dollars to support poor women that are forced to have an unintended child. (17)

It is easy for pro-choice advocates to talk about how a mother's rights are sacrificed when forced to birth an unintended or unwanted child. However, a pro-choice supporter is often hesitant to talk about the liberties of the unborn child. (9) In fact, they often avoid the discussion because it is a difficult point to refute, in part because there is no concrete scientific conclusion that proves when a fetus can be considered a child. Pro-choice supporters might also argue that a fetus is not legally considered a person, so it does not yet own Constitutional rights. (2) Clearly, the pro-life movement would clearly benefit from a scientific backing that human life begins at conception or early in pregnancy. (15) Therefore, a pro-lifer advocates that a mother who chooses to abort their child is depriving the baby of rights that are clearly defined in the Constitution and in the Declaration of Independence. (6) (This is when the debate might turn to the scientific proving of when a fetus becomes a person, an issue that will be briefly deflected). An aborted baby obviously is not able to pursue the rights outlined by the framers which include life, liberty and the pursuit of happiness. Whether the procedure is performed or not, it can be argued that abortion is an act that inevitably restricts the liberties and the ability to pursue happiness in either the mother or the unborn child. However, whether unborn children are considered people or not, their eventual right to life is restricted by an abortion. Pro-life advocates argue that it is unacceptable to allow any person, in this case the mother, the ability to constrain another's rights and in this scenario, abortion is congruent to murder. (6) However, as pro-choice advocates point out, abortion cannot be

considered an execution of a person if it is not scientifically proven that an unborn fetus is a person.

A fetus will inevitably become a person upon birth, a fact that cannot possibly be argued. However, this begins a discussion that leads down to a long path of conflicting studies that each come to a different conclusion about the specific moment in which a conceived embryo can be considered a person. Dr. Jerome Leguene, widely considered the “Father of Modern Genetics,” testified before the Louisiana Legislature’s House Committee in regards to when human life begins. He claimed, “As far as your nature is concerned, I see no difference between the early person that you were at conception and the late person you are now. You were, and are, a human being.” (9) Nonetheless, it is difficult to truly believe in any scientific study in regards to the topic of abortion. Even the most dependable studies are accompanied by a bias that is inevitably included in their conclusion, which weakens most studies. However, there seems to be a general consensus that more scientific research is confirming that human life becomes viable earlier than one could have imagined. (15) Recent studies have confirmed that fetuses that are only twenty-three weeks into pregnancy can now survive on a liquid called perflubron, which replaces the amniotic fluid. That indicates that fetuses at such a young age might be able to survive separately from the parent, an important criterion to some when attempting to establish a specific time a fetus becomes a human and is subsequently awarded the right to live. (9) The same study seems to have come to the conclusion that “... (human) viability is being established at ever-earlier stages of pregnancy.” (9) Extensive scientific research appears to be aiding the pro-life side in proving that an

unborn fetus is indeed a human, making it difficult for pro-choice advocates to support legal abortion.

In any case, it seems more realistic to consider an unborn fetus a person. Reason and logic would lead us to believe that if it will eventually become a person, it should be considered even before it is born. Leguene confirms this statement with certain scientific evidence: “Recent discoveries by Dr. Alec Jeffreys of England demonstrate that this information (on the DNA molecule), is stored by a system of bar codes not unlike those found on products in the supermarket...it is no longer a theory that each of us is unique.”

(9) However, pro-choice advocates are quick to point out that there has been no concrete scientific conclusion which labels an unborn fetus as a person. However, such scientific proof is not necessarily relevant (or needed, for that matter) in the abortion debate.

Objects that are not necessarily considered people can clearly still be protected by the federal or state government. Animals, for instance, are protected by the government, while few could argue that they are humans. Although they are not technically defined as humans, the federal government nonetheless enforces laws that prohibit animal abuse and even manslaughter. In 2002, California sentenced an enraged man who killed his dog to life in prison. (11) Even the most radical pro-choice advocates would have difficulties arguing that a dog is more human than a fetus that will be born in merely a few months. The pro-life movement states that any level of government assumes the responsibility to protect a fetus regardless of whether it is considered human or not. Therefore, it would not be completely heinous for the federal or state government to choose to ban abortion on the premise of protecting a living thing, rather than a person.

Pro-life advocates are also able to make a fair claim that the pro-choice movement is, in some ways, just as extreme as theirs. Many pro-choice supporters have argued that an unborn fetus cannot possibly be considered a person, and radicals would go so far as to call the fetus “protoplasm” or a “equal to a flake of dandruff on my head.” (2) Although recent studies have refuted the aforementioned argument, (and even proven that a fetus can smile, or possibly has feelings,) (9) pro-choicers have often hung onto this argument for dear life. In addition, pro-choice advocates also argue that the term “partial birth abortion” was coined by pro-life advocates to make the process of abortion sound unnecessarily harmful and grotesque. However, it is indeed a practice that was being performed until the pro-life movement issued a ban on late-term abortion. While pro-choice supporters such as Page might suggest the changes made in the pro-life movement have merely caused more late-term abortions, (13) partial birth abortion is a practice that is largely deemed unnecessary, and does not need to be supported by the pro-choice movement. The minor changes the pro-life movement has applied, such as a twenty-four hour waiting period, would not cause a woman to wait until her final trimester to abort her child. (5) However, pro-choice advocates might devise the possible reasons that a mother might be forced to receive an abortion during her final trimester.

One of these reasons is that a genetic defect might be detected in the fetus, which usually occurs during the later terms of pregnancy. (15) However, once the government decides to set a precedent that would allow its citizens to kill (although pro-choicers would refute this wording,) based on a genetic defect, it opens up a large set of possibilities that would send our society in the wrong direction. If it becomes acceptable to kill based on disabilities, (or differences, for the matter,) it creates an entirely different

situation for society. If our government promotes the idea that someone can kill another based on a genetic defect, one could advocate for a law to be passed that would allow the murder of people with a mental disability. Although this does reflect the Christian ideology that “everyone is special,” (6) there is no refuting that this political precedent would create a situation where it becomes socially and legally acceptable to kill based on differences. One might also argue that this precedent could lead to a situation that allows the federal, state or local government to determine which fetuses are allowed to be birthed and which might be aborted. If there were a scientific means to prove that a fetus would eventually be a homosexual, there would surely be people calling for its abortion. Many radicals might argue that homosexuality is indeed a genetic disorder, and would thus call for this baby to be killed. When allowing people to kill based on one specific measure, such as a genetic defect, it will often lead to an expansion and radicalization of the law, which is a serious risk for our nation. It begs the all important question of where we draw the line. This is the issue with giving either an individual or any form of government this type of power; there is always the possibility that it will be abused. Another possible justification for a late-term pregnancy might be that the birthmother might risk death or permanent physical damage by birthing the unborn child. (In this case, it is impossible for one to determine which right to life takes precedent over the other.) (15) Is the mother at fault for protecting herself rather than her child, or is her duty to the child and its well being? However, with all the viable points the pro-life movement brings to the table, the federal, state or local government should not assume the responsibility of choosing how its citizens live their lives or whose rights must be protected, and in this case, they must provide the individual with a choice.

Clearly, movements differ greatly in this area, as well as others. Both movements are equally flawed and radical, in certain aspects. Due to the polarization of the arguments, it has become difficult for the two sides to sit down and have a composed discussion about abortion. Part of the issue with devising a public policy in regards to abortion is that the opposing side of the argument can always create a relevant and valid counterargument for any policy the federal or state government might devise. (5) Thus, it must be determined that abortion is a decision that is up to the individual rather than the federal government because it might be difficult to enforce a policy that would restrict our citizens' right to choose, especially if the movement is synonymous with a religious ideal. Part of the issue with the pro-life movement is that it is inherently connected with the beliefs of evangelical, fundamentalist Christians, and consequently, it becomes difficult to implement their suggested policies. Sullivan writes: "But until recently American evangelicalism tended to keep away from governmental power." (16) The framers came from differing religious backgrounds and were clearly skeptical of the United States being governed in accordance to any religion. (4) Therefore, they created documentation in the Constitution that would limit the effect of religion on future policymaking, statement that is devastating to the pro-life movement.

The efforts of the framers should show that religious values should not define the way the federal, state or local governments regard the civil liberties of its citizens. The framers indicated a separation from religion and government so the civil rights were not violated by movements such as the pro-life advocates. The United States of America was not meant to operate in accordance of one religious belief; the country was supposed to develop a tolerance for all views, an area in which the pro-life movement often struggles.

(4) When considering a bill of rights that would be included in the Constitution, various states included the right to freely practice religion while not allowing it to define the role or direction of the federal government, likely because they were skeptical of mirroring the government in England from which they had previously rebelled. New York's proposal for a religious regulation in the Constitution best summarizes the beliefs of the various states that created the eventual religion clause in the first amendment: "That the people have an equal, natural, and unalienable right freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favored or established by law in preference to others." (4) This indicates a need to not include religious beliefs in the policies that govern the nation. It is clear that the genius of the framers caused them to foresee certain problems with governing in accordance to a religious following. They were aware that these policies would not reflect the wishes of the greater population, or that it might bring human rights into question, as it does in this situation. The framers were also wary of a situation in which citizens might begin to question the extent of their civil rights, the reason they clearly stated their intentions to provide all men with equal rights. One must wonder, however, the effect that the reversal of *Roe v. Wade* (8) might have on the future of policymaking. If our federal government deems it necessary to decide that pregnant women should be denied the ability to choose, it might bring upon a chain reaction that threatens any civil liberties Americans cherish today, including those rights outlined by the framers.

A pro-life advocate might argue that abortion threatens these civil liberties because it does not allow the unborn child to pursue the liberties and happiness that come with being alive. This is certainly a legitimate point. However, the refutable aspect of

this point comes in the fact that we cannot scientifically prove when a fetus can be considered a person, as previously stated. Various tests have been performed but are always accompanied by subjectivity because of the emotional attachment that inherently comes with the abortion debate. Since we have been unable to prove when a fetus “officially” becomes a person, pro-choice advocates can refute the idea that an unborn child deserves the privilege of civil liberties because they are not officially a person. In addition, pro-choice supporters might also say that the mother’s liberties take a certain precedent over the unborn child’s because the mother has the physical ability to act upon them. Thus, they have decided that the mother’s rights are superior to the unborn child’s because it cannot be scientifically proven that a fetus deserves rights. Page discusses the social problems with forcing women into unwanted pregnancies by equating it to the “Baby Boomer” age of the 1950’s, when births skyrocketed because of a lack of sexual education. During this time period, she explains, various marriages were threatened because unwanted pregnancies were widespread. Page explains:

“Part of the reason for unhappiness in fifties marriages was that many couples didn’t really want to be married in the first place. They were trapped into marriage by unintended pregnancy. With no sex-ed, no birth control, no legal abortion—the exact legislative agenda of today’s pro-life movement!—teen birth rates soared, reaching highs that have not been equaled since.” (13)

She also proposes that mothers who are forced into having an unwanted baby create a less positive environment for the development of their child, and are also devoid of various opportunities that allow them to pursue a lifestyle that breeds health and

happiness. This discusses the idea that liberties are threatened when forcing a mother to keep an unwanted child. Many pro-choice advocates are skeptical of the idea of the government—regardless of whether it is at the federal, state or local level—influencing the decisions Americans can make. However, the pro-life argument, as previously stated, considers the rights of the unborn child equal to that of the pregnant mother. This is a valid argument as well. In terms of policy implementation, it would take a lot of financial support to give the unborn children the opportunity to thrive, because most abortions occur because of economic constraints. This is a certain paradox in the pro-life movement, as many conservatives advocate a lack of support programs such as the necessary one that would inevitably occur upon the criminalization of abortion. But as their religious values indicate, it might be worth the tax dollars to preserve precious human life. Thus, the pro-life movement considers a fetus a person; therefore, a fetus deserves rights. Even if it the fetus is not scientifically a person, the state government, as conservatives believe, bears a responsibility to protect something that will soon become a person. Certain state governments have decided that they will protect inhuman objects such as dogs, setting a political precedent that a fetus should be legally protected as well. Nonetheless, the pro-life movement argues that a fetus should be regarded as a person because recent scientific studies show that it has similar human feelings. Nevertheless, the main issue with implementing the proposed ban on abortion would be that it would constrict a woman's right to choose. It would also set a political precedent that would allow the federal government the opportunity to decide whose rights are inferior, and therefore should be sacrificed.

This would be the political effect that the criminalization of abortion might have on American politics. The pro-life movement sees the advantages in the immediate future that would come with a ban of abortion, but it would inevitably lead to a sequence of events that allows the federal and state government a surplus of power that was not intended to occur as indicated by the framers of our nation. (10) N. Forde's book, *The Political Implications of Changing the Abortion Laws* states, "Governments have the responsibility of ensuring the rights of all individuals under their jurisdiction are protected; however, in the matter of abortion, the rights of different individuals are in conflict and the government cannot support the rights of all those involved." (5) This is indicative of the problems any level of government faces when trying to devise a public policy in regards to abortion: there is no possible way to please all parties that would be affected by the law. A ban on abortion would restrict the rights of the mother, in that it would affect her liberties in regards to her body, as well as her pursuit of happiness. Women forced to have unwanted children might be forced to take a leave of absence from their jobs or be unable to pursue the benefits of higher education. Any level of American government is not meant to have the power to force a citizen to subject themselves to the unintended pain that would come with birthing an unwanted baby. (5) Once an authority is given a substantial amount of power, to which a ban on abortion would inevitably cause, it tends to lead to a trend of policies that will mirror the same premise established in the previous policy. The reason overturning the *Roe v. Wade* Supreme Court (8) decision would be a negative step for our country is that it would lead to a change in philosophy for the federal and state government. It would inevitably give them the semblance of power to influence the rights outlined by the framers in the Bill of

Rights, the Constitution and the Declaration of Independence. The moment a nation allows its governments to control the rights of the citizens, it leads to a different form of government: communism. (17) By advocating the criminalization of abortion, citizens are advocating a complete power shift in the United States, from a federal government that is “by the people, for the people” to a national government that decides its citizens’ fate.

This does not necessarily mean that abortion is a morally sound procedure. In fact, many pro-choice advocates are actually anti-abortion. There is no debate that abortion is a procedure that should be considered a last resort, and few would label it as an ethically fulfilling procedure. (13) As both movements address, abortion is often accompanied by a variety of feelings and a certain type of grief is usually one of them. Nonetheless, is it a procedure that must be allowed if no other reason than the restraint of defying the framers and setting an unrealistic precedent for future policymaking. When contemplating a ban on abortion and the subsequent overturning of *Roe v. Wade*, one must consider the social implications as well. It is also worth noting that pro-life advocates are not forced into aborting unwanted children (although incidentally, some pro-life advocates would not necessarily force their daughter not birth an unintended child). (10) The current policy leaves the option open and certainly does not force anyone into having an abortion, and pro-life advocates would obviously still be allowed the right to assemble peacefully in front of abortion clinics and hospitals in hopes of convincing pregnant women to keep their children. Meanwhile, a ban on abortion forces religious beliefs, pain and financial difficulties upon others, an area in which the federal or state government is certainly not authorized. The act of forcing a woman to keep an unwanted child impinges upon her right to pursue her happiness and liberties as a citizen of the

United States. However, the government does, (whether it is at a federal, state or local level,) in theory, bare a responsibility to protect the right to life, liberty and the pursuit of happiness of the unborn child as well, regardless of whether it is legally considered a person. (3) The prospect of this theory in practice, however, is a scary possibility. Once any level of government (many conservatives advocate giving the state government authority to decide whether to criminalize abortion or not,) is awarded the power to decide that a certain person's rights are superior to another's, there is the possibility that power can be abused. (17) Conversely, imagine a federal government which possessed the power to rule that a toddler's rights were superior to an elderly person's. This is certainly not a theory that would please the framers and not an idea they would support, largely because they experienced the oppression that accompanies this type of power in Great Britain. (4) In a sense, the reversal of Roe v. Wade and therefore the criminalization of abortion would be claiming that the unborn child's rights supersede the importance of the mother's. This would be setting a precedent that allows a federal of state government to decide whose rights are more significant, a standard that certainly is not in accordance with the Constitution.

There are other reasons overturning Roe v. Wade would pose difficulties in practice. One might argue that since abortion has already been established as a proficient and fairly safe procedure (99 percent of abortions are ruled successful), (14) it would likely lead to an increase in the number of illegal abortions performed. Page confirms this claim: "If Roe is overturned, it's likely that a clandestine, illegal underground will emerge again to meet the need for abortions, a need that virtually no one believes will disappear." (13) Page also discusses how the inevitable emergence of illegal,

underground abortion sites would lead to more health complications (which would not be addressed,) and deaths for the woman. It does not seem logical, however, that our federal government would formulate laws that are more convenient for would-be criminals, as those who would seek illegal abortion would be considered if abortion became illegal. Nonetheless, in this particular situation, the only way a pregnant woman with an unwanted child could exercise her liberties and pursue her own happiness would be to seek an illegal abortion. The federal or state government clearly cannot avoid the fact that abortion will be necessary whether it is criminalized or not, and they will be endangering the lives of certain women by banning the procedure. Page also mentions that the majority of women seeking abortions are poor. (13) In fact, over eighty-six percent of women seeking abortions make under \$60,000 a year. (1) Therefore, if the Supreme Court were to overturn *Roe v. Wade*, the federal government would assume a responsibility to provide financial support to mothers forced into birthing an unwanted child. (17) This contradicts many of the modern conservative goals, which pertain to a lack of federal government intervention and the lowering of taxes. In this sense, conservatives associated with the pro-life movement are contradicting themselves by promoting a ban on abortion.

Nonetheless, both the pro-life and pro-choice movements have clearly exhibited flaws and certain inconsistencies. The pro-life movement has been far too focused on absolutes, and as a result, has caused a rise in the need for abortions. It has been far too centered on religious beliefs. (10) Their abstinence-only movement has understated the need for condoms and safe sex procedures, and has not considered the acceptance of sex in today's American society. The pro-life movement has also not addressed the effect a

ban on abortion would have on women with unwanted children. Women forced into pregnancy are forced to subject themselves to a great deal of pain and often are not able to pursue job opportunities or higher education, restricting their Constitutional ability to act upon their liberties and pursue happiness. Conversely, the pro-choice movement has not considered the rights of the unborn child. Whether, an unborn child is considered a person or not, its right to life must be protected because it will become a person eventually. In this sense, the pro-choice movement has been equally absolute. (12) They have also supported particularly gruesome abortion procedures, such as late-term abortion. Generally, both movements have been unable to reach a common ground because they are not capable of considering each others' viewpoints. Although it might be impossible to brook a compromise in the case of abortion, becoming less radical would be a step in the right direction towards both movements' ultimate goal: the limitation of the need for abortion. However, the reason abortion cannot be criminalized is because it would set a political precedent that might allow the government at all levels to American citizens' rights. A ban on abortion expands the jurisdiction of the federal government to a level America has never witnessed. If the federal government is given the power to decide that an unborn baby's rights are more important than its mother's Americans are left to wonder where the line is drawn. The framers would oppose any level of government's ability to choose whose liberties supersede another's, and the criminalization of abortion would state that a fetus' rights take precedent over its birth mother's liberties.

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