

Name:

Frontline Link: "[The Last Abortion Clinic](#)"(2005)

Before you watch the documentary, you need to read about the two SCOTUS cases below:

[Roe v. Wade \(1973\)](#) **Read the decision >**

The issue before the Court: *Roe v. Wade* was filed on behalf of a pregnant single woman, who challenged a Texas law that restricted abortion and the only exception was to save the life of the mother. At the time of the court's decision, 30 states had laws similar to the Texas law.

The Court's ruling: In a 7-2 vote, the Court said that the Texas law violated the **due process clause of the 14th Amendment**. Justice Harry Blackmun, writing for the majority, argued that a woman's decision to end her pregnancy is protected by a broad right of privacy, which though not explicitly laid out in the Constitution, previously had been found by the court to exist within the First, Fourth, Fifth, Ninth and 14th Amendments, as well as the penumbras, or shadows, of the Bill of Rights.

However, the Court recognized that the state had a legitimate interest in protecting the health of the pregnant woman, and Justice Blackmun's decision laid out a framework in which varying degrees of state regulation was allowed based on the stage of the pregnancy. The decision held that:

- the state could NOT prohibit abortion in the first trimester of pregnancy;
- in the second trimester, states could issue regulations "that are reasonably related to maternal health"; and
- in the final trimester, once the fetus is viable beyond the womb, the state could regulate or even prohibit abortion except in cases "where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

[Planned Parenthood of Southeastern Pennsylvania v. Casey \(1992\)](#) **Read the decision >**

The issue before the Court: The Court was asked to review provisions of a Pennsylvania abortion law which included the following restrictions on first trimester abortion:

- 1) informed consent, including giving the woman information on fetal development and the medical risks of abortion and childbirth;
- 2) a 24-hour waiting period;
- 3) for a minor, consent of at least one parent, with a judicial bypass option; and 4) for a married woman to sign a statement that she had notified her husband of the procedure.

The Court's ruling: By a 5-4 vote, the Court upheld (AGREED TO) all the provisions of the Pennsylvania law **except** spousal notification.

More significantly, while reaffirming the central holding of *Roe v. Wade*, the court rejected "Roe's rigid trimester framework" and **changed the standard of review for laws regulating abortion to the "undue burden" standard** proposed by Justice O'Connor in *Webster*. The majority opinion, written jointly by Justice O'Connor, Justice David Souter, and Justice Anthony Kennedy, explained, "An undue burden exists, and therefore a law is invalid, if its purpose or effect is to place substantial obstacles in the path of a woman seeking an abortion before the fetus attains viability."

WATCH THE "CLASSIC" DOCUMENTARY: Frontline: "[The Last Abortion Clinic](#)" (2005) and answer the questions below:

** PLEASE TAKE NOTE....THIS IS AN EXERCISE FOR YOU TO ANALYZE **CONSTITUTIONAL SETTLED LAW IN THE CASE OF ROE V. WADE WHICH STATES THAT WOMEN HAVE THE RIGHT TO AN ABORTION.** YOU ARE NOT BEING ASKED WHETHER OR NOT YOU AGREE WITH THIS. WHAT YOU ARE BEING ASKED TO DO IS TO DETERMINE WHETHER THE LAWS STATES HAVE PASSED TO TRY TO "MINIMIZE" AND "RESTRICT" ABORTIONS IN THEIR STATE PASS THE TEST OF "**UNDUE BURDEN**"*

LIST all of the different ways in which STATE LAWS have "restricted" the availability and accessibility of abortions. Next to each "requirement" or "restriction" write down whether YOU believe this is an "undue burden" on the woman seeking the abortion thus invalidating the law OR is this NOT A BURDEN? (see "undue burden" definition above)

"STATE LAW "REQUIREMENT" OR "RESTRICTION"	Is the purpose or effect placing a substantial obstacles in the path of a woman seeking an abortion before the fetus attains viability? <u>UNDUE BURDEN</u> or <u>NOT A BURDEN</u>? EXPLAIN WHY

STOP

FYI - AN UPDATE FROM 2018

As Mississippi Restricts Abortion After 15 Weeks,

MARCH 19, 2018

Mississippi Governor Phil Bryant on Monday signed into law [a bill](#) banning abortions after 15 weeks from the first day of the woman's last menstrual period, with few exceptions.

It's the most restrictive abortion law in the United States in terms of the number of weeks of pregnancy after which the procedure is prohibited. Its passage comes in [a state that has long been a battleground](#) in the raging culture war over abortion, and that already has some of the most limited abortion access in the country.

Mississippi has a "legal, important and legitimate interest in protecting unborn children," Bryant, a Republican, [said](#) of signing House Bill 1510 into law. Bryant has [previously stated](#) that he wants Mississippi "to be the safest place in America for an unborn child." The state currently ranks [last in the U.S. for women's and children's health](#), according to rankings by the nonprofit United Health Foundation.

Passed 45 years after [Roe v. Wade](#) determined that women have a right to an abortion, the new law limits abortions after 15 weeks, even in cases of rape or incest. The only exceptions: If a doctor determines an abortion is necessary to preserve the life or "major bodily function" of the mother, or when a fetus is found to have a severe abnormality that means it would not survive outside the womb, "regardless of the provision of life-saving medical treatment."

Physicians found to have knowingly violated the law could lose their license to practice medicine in the state.

Mississippi's last remaining abortion clinic, Jackson Women's Health Organization, has [vowed to fight back in court](#) — [a battle that some anti-abortion activists say they would welcome](#).

The Mississippi law is just the latest state-level victory for abortion opponents, who for years have been spearheading campaigns in states throughout the country to pass laws that regulate and limit access to abortion. FRONTLINE went inside the success and strategy of that effort in the 2005 documentary, [The Last Abortion Clinic](#) — which focused in large part on Mississippi.

"My personal goal is to be instrumental in the overturn of Roe v. Wade and to be instrumental in ending abortion in my lifetime," Terri Herring, then the president of Pro-Life Mississippi, told FRONTLINE in the film. Herring has continued to work as an anti-abortion activist and in February was [pictured](#) talking to lawmakers at the state capitol after the bill passed the Mississippi House.

As [The Last Abortion Clinic](#) explores, the anti-abortion movement has found incremental ways to chip away at abortion access that don't hinge on reversing Roe v. Wade itself. "The assault on abortion rights is very clever. It's very smart. And we are losing," an anonymous abortion provider in the South told FRONTLINE in the film.

The documentary — which is available above — found that the anti-abortion movement's success can be traced back to how it has seized on a critical 1992 Supreme Court ruling, [Planned Parenthood v. Casey](#). While the Court upheld Roe v. Wade, it changed the standard by which abortion laws would

be judged, allowing states to restrict access to abortion so long as they did not place an “undue burden” on women seeking the procedure.

“People got the impression that abortion was safe, Roe v. Wade was safe. All the pro-choice people went home,” William Saletan, author of *Bearing Right: How Conservatives Won the Abortion War*, told FRONTLINE.

But abortion opponents swung into action — lobbying state legislatures to pass bill after bill, looking to see where courts drew the line for what constitutes an undue burden, and then incrementally restricting abortion access within those evolving parameters.

“Their tactics changed,” Betty Thompson, the former director of the Jackson Women’s Health Organization, told FRONTLINE of the movement’s response to Casey. “They began to see, ‘We have political clout now. And so while we have this power, we’re going to chip away at Roe v. Wade until the law is going to be on the books, but nobody will be able to access the service.’”

The approach has been successful — both in Mississippi and in states across the nation, where hundreds of abortion regulations have been passed since the Casey decision.

“Sometimes I fantasize about Roe being overturned, because then I think that there would be this real threat, this real enemy,” the anonymous abortion clinic owner told FRONTLINE in the documentary. “As long as everything flies below the radar, never an all-out attack, I think that most women and men are asleep. I don’t think they realize what’s going on.”

Watch [The Last Abortion Clinic](#) — which was written, produced and directed by Raney Aronson-Rath, now FRONTLINE’s executive producer — above, and [explore an in-depth case study on the documentary](#) from the Columbia Journalism School and the Knight Foundation.

[Update: On March 20, 2018, in response to a lawsuit brought by the Jackson Women’s Health Center, a federal judge [granted a restraining order](#) that blocks Mississippi’s new law banning most abortions after 15 weeks from taking effect for 10 days. The center argued that because the new law bans abortions before a fetus is able to live outside the womb, it is unconstitutional. “The Supreme Court says every woman has a constitutional right to ‘personal privacy’ regarding her body,” [U.S. District Judge Carlton Reeves said](#) in his decision. “That right protects her choice ‘to have an abortion before viability.’ States cannot ‘prohibit any woman from making the ultimate decision’ to do so.” When the 10-day restraining order ends, “the court will decide whether to enter a preliminary injunction on the law, which would bar it from taking effect until the court has determined its constitutionality,” [according to Mississippi Today](#).]