



The Justice Foundation

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FOR IMMEDIATE RELEASE

HISTORY IN THE MAKING

“ROE” FILES MOTION TO RE-OPEN ROE V. WADE, THE LANDMARK CASE LEGALIZING ABORTION

DALLAS, June 17, 2003 — Norma McCorvey, the former “Roe” of *Roe v. Wade*, the U.S. Supreme Court case that legalized abortion, is filing an historic motion today to re-open her case and request that it be overturned. The filing is based on changes in law and factual conditions since the high court handed down its decision 30 years ago.

As a party to the original litigation, Norma McCorvey may petition the court to re-open the original case based on changes in factual conditions and/or changes in law that make the prior decision “no longer just,” said Allan E. Parker, Jr., lead attorney for the Texas-based Justice Foundation.

The motion will be filed and a news conference held at 10 a.m. Tuesday at the Ferris Plaza Park on the corner of Houston and Record Streets – just blocks away from the Earl Cabell Federal Building, where the motion will be filed. The motion attacks the judgment that was first entered exactly 33 years ago today by the Dallas Federal Court. McCorvey is asking that the judgment in the original *Roe* case be set aside.

“I long for the day that justice will be done and the burden from all of these deaths will be removed from my shoulders,” McCorvey said. “I want to do everything in my power to help women and their children. The issue is justice for women, justice for the unborn, and justice for what is right.”

The U.S. Supreme Court has overturned its own precedents using Rule 60(b)(5) of the Federal Rules of Civil Procedure (Rule 60), most recently in the 1997 decision of *Agostini v. Felton*. In that case, the high court used a post-judgment motion by a party to overturn two of its own 12-year-old precedents.

Parker said the legal question in the case is, “Is it just to continue giving *Roe v. Wade* future application?”

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Using Rule 60, there are three major arguments to re-open and overturn the case on the basis of changed facts and law:

1. Norma McCorvey, and more than 1,000 women who have actually had abortions, have signed affidavits that attest to the devastating emotional, physical, and psychological trauma of abortion. These affidavits are the largest body of sworn evidence in the world on the negative effects of abortion on women. It is more than a thousand times more evidence from women than the Court heard in Roe.
2. The unanswered question in Roe's former case, "when does human life begin?" was treated by the Court as a philosophical question when the case was first heard in 1973. Since then, an explosion of scientific evidence on human life conclusively answers the question that life begins at conception.
3. The state of Texas in 1999 enacted a law in which it agreed to provide for any woman's unwanted child from the child's birth to 18 years of age with no questions asked. Legally, because the state has agreed to take responsibility for all unwanted children, women should no longer be forced to dispose of "unwanted" children by ending a human life. Forty states have similar Baby Moses laws.

"The result of granting the motion would be to set aside and annul *Roe v. Wade* and *Doe v. Bolton*, its companion case. This would return the issue of protecting women and children to the people with Baby Moses laws serving as a safety net", Mr. Parker said.

Norma McCorvey will be joined at the press conference by her lead attorney, Mr. Parker, by co-counsel Harold Cassidy of New Jersey, and by post-abortive women, who will provide testimony about how abortion has harmed them. These women, many of whom are witnesses in the Rule 60 Motion, want others to know how abortion has negatively impacted women's lives, including their physical and emotional health.

The San Antonio, Texas-based Justice Foundation will represent Norma McCorvey in the case. To view the press kit, legal documents, scientific research and some of the more than 1,000 affidavits, please visit www.operationoutcry.org.

The Justice Foundation is a San Antonio-based 501(c)3 organization, which provides free legal representation in landmark cases to protect individual rights and to limit government to its appropriate role.

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Editors Note: For interviews with Norma McCorvey or Allan Parker, and post-abortive women, please contact Giles Hudson at A. Larry Ross Communication at 972-267-1111 x223 or 469-774-6377.

Legal Evidence Entered Into Court

The following are excerpts from the more than 1,000 women who have filed sworn affidavits as part of this Rule 60 court challenge. A copy of the entire record is available in Dallas federal court. (Cities and dates are for abortion, not current residence).

- “If I imagine what hell is then I say that is how my life was before I found counseling and healing. I became an alcoholic, lost my will to live, hated life in general.” Lisa. Eugene, OR, June 1976, 1980 and 1980.
- “It has affected me emotionally. I was unable to bond with anyone. I have suffered depression. It caused years of self-destructive behavior.” Paula. Cleveland, OH, July 1978.
- “Inability to form deep relationships, guilt, anxiety attacks. For a long time inability to hold or be near babies.” Shirley. Los Angeles, CA, 1982; and, Norway, 1970.
- “I have had many medical problems that I attribute to having the abortion including pre-term pregnancies, abnormal paps, and abnormal periods.” Susan. Fort Worth, TX, March, 1977.
- “Had a replacement child in 1979, who recently had her own abortion (06/15/01), also affected my self-esteem and eventually became promiscuous.” Kathleen. Port Chester, NY, May 12, 1975; and, Mamaroneck, NY, December 3, 1975.
- “Emotionally I feel rejected by all. I feel alone.” Grace. Jacksonville, NC, 1976.
- “Years of mood swings, eating disorders, promiscuity, low self-esteem and relationship with my other children.” Reatha. Baltimore, MD, November 1979.
- “I spent years going from relationship to relationship and I became more sexually active. Alienated from family, problems in school, old friends became distant.” Maureen. Bridgeport, PA, January, 1978, March, 1979; and, Philadelphia, PA, March, 1979.
- “Daily sorry and regret over death of my children caused by my own actions.” Beverly. Atlanta, GA, 1974 and 1977.
- “Severe depression, especially in January, knowing my child would be another year older.” Wendy. Howell, NJ, 1985.
- “I have panic disorder, low self esteem which led to promiscuity. I drank and got involved with snorting cocaine. I got HPV, which damaged my cervix – had surgery to remove pre-cancerous cells. I have colon problems and at risk for breast cancer.” Christina Grace. Newark, DE, 1986; and, Dover, NE, 1988.

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- “Ten years after the abortion I almost had a nervous breakdown. Have suffered emotionally for twenty-five years.” D.E., Atlanta, GA, August 1975.
- “I felt empty inside for quite some time. I also began the spiral of compulsive eating which has led to extreme obesity.” A.D.C.H., San Antonio, TX, February 22, 1984.
- “I went from being on the Dean’s List in college to getting F’s, incompletes, and withdraws. I attempted suicide. I was depressed. The guilt was overwhelming.” H.A.K. Knoxville, TN, May 12, 1984.
- “I have been suicidal, depressed, had extreme anxiety, had nightmares, suffered from grief and self destructive behaviors.” Candice. San Diego County, California, March, 1996.
- “Guilt – lack of ability to deal adequately with true love and sex in marriage.” L.D.M. England, September 1970.
- “Depression, nightmares, divorce.” Darla. Memphis, TN, April 1986.
- “My abortion took away my sense of self-worth and self confidence. It has made me question my ability to make competent decisions.” A.C.N. New Orleans, LA, 1981.
- “It is my biggest regret. It has caused depression and thoughts of suicide. Also, complications in becoming pregnant and carrying a child.” Kathryn. Kansas City, MO, 1981, 1982, and 1983.
- “It has left an emptiness and pain that never goes away.” Dianne. New Jersey, January 15, 1979.
- “I’m always thinking about my unborn child.” Niria. Houston, TX, 1995 and 1999.
- “I have been in therapy for rages of anger. I was also treated for an eating disorder that has affected me physically as well.” Rexene. Montgomery, AL 1991.
- “Emotional pain and torment for years until God forgave and healed me. It has affected me physically as well. I cannot have children.” Dorothy. San Antonio, Texas, February 1975.

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- “If abortion was illegal, I would have never had to go through all of the pain and the guilt. I (might) have graduated from college instead of dropping out. The pain and guilt of abortion caused me to attempt suicide...maybe the only reason I survived was so that I could make a difference by telling my horrifying story.” H.A.K. Knoxville, TN, May 12, 1984.
- “Abortion kills. Not only the child, but the human spirit. The mother and father are victims as well. I tried to take my own life because of the guilt and remorse. I felt I was a walking tomb.” Sheila Lynn. Tallahassee, FL, June 7, 1985.
- “Listen to those voices of those who have experienced the physical and emotional consequences. A whole segment of society – men and women – are suffering because they did what was wrong even though it was legal.” Shirley. Los Angeles, CA, 1982; and, Norway, 1970.