

*A Fact Check on*

**Roe** v. **Wade**

*the Film*

# Fact Check on **Roe v. Wade** Film

By: Peter Murphy


The movie “Roe v. Wade” portrays a series of events leading up to the infamous United States Supreme Court decision on abortion in early 1973. Some of the scenes and the events they portray may seem, at first blush, hard to believe.

**This Fact Check outlines each of these central claims and assesses the evidentiary support.**

In sum, these central claims are indeed supported by available evidence, which is documented below.

## The Workings of the United States Supreme Court in Deciding **Roe v. Wade**

 **Movie Claim:** Supreme Court justices switched their votes in favor of “Jane Roe” by striking down laws that restricted abortion.


 **Facts:** Chief Justice Warren Burger, portrayed by award-winning actor, Jon Voight, voted in the first private conference of the justices to uphold laws that restricted abortion, which followed the first oral argument before the Court on December 13, 1971, thereby placing him in the minority among the justices. Justice Harry Blackmun, a life-long friend of Burger’s from Minnesota, also struggled with deciding the case.


In a 2004 interview of Sally Blackmun, daughter of Justice Blackmun, by [WomensENews.org](http://WomensENews.org), Ms. Blackmun said, “Roe was a case that Dad struggled with.” According to Bob Woodward and Scott Armstrong, co-authors of the 1979 [book](#), *The Brethren: Inside the Supreme Court*, Justice William O. Douglas, at least initially, “thought there were only

four votes to strike the [abortion] laws. Blackmun’s vote was far from certain. He could not be counted on to split with the Chief on such an important issue.” The authors also wrote that Justice Byron White believed initially that Justice Blackmun was for upholding the anti-abortion laws.

According to several [authors](#), including David J. Garrow of the 1994 [book](#), *Liberty and Sexuality: the Right to Privacy and the Making of Roe v. Wade*, and memoranda from the Court papers of Justice Douglas, Douglas was worried that Burger was maneuvering to gain a majority to uphold abortion restrictions by leaning on Blackmun and from the two new members of the court appointed by then-President Nixon.

When the final decision was issued on January 22, 1973, Chief Justice Burger voted in the majority in favor of Roe to strike down state laws that restricted abortion, as did Justice Blackmun who authored the opinion of the Court.

 **Movie Claim:** Justice William O. Douglas threatened to go public about the initial secret vote of the justices to strike down abortion laws and side with “Jane Roe.”

 **Facts:** Justice Douglas was a solid vote in favor of striking down abortion laws. According to Douglas’ Court papers, and several authors, Douglas was upset that Chief Justice Burger, who initially voted in the minority to uphold abortion laws, assigned Justice Blackmun to write the opinion of the Court, even though Court tradition followed that the most senior justice in the majority—in this case, Justice Douglas—make the assignment. Douglas also was furious about Burger’s intention to have the *Roe v. Wade* case argued a second time before a full Court of nine members since the initial oral arguments occurred when there were two Court vacancies.

According to Justice Douglas’ papers, as described by several authors, [including](#) Georgetown Law Professor Savanna Nolan, and Bernard Schwartz, in his [book](#), *Decision: How the Supreme Court Decides Cases*, Douglas circulated among the justices a draft

memorandum dissenting from the decision to rehear the *Roe* case, and threatened to publicly release it. His dissent also strongly criticized Chief Justice Burger's assignment of the case since he was not in the majority at the time. Justice William Brennan, also solidly in favor of *Roe*, worried about publicly revealing internal acrimony if Douglas' dissent on rehearing the case went public, and he persuaded him to stand down. When the Court announced on June 26, 1972 that it would rehear *Roe v. Wade* in the fall, the public record only showed that Justice Douglas dissented, with no written statement.

Eight days later, on July 4th, the *Washington Post* story appeared about Justice Douglas objecting to Chief Justice Burger's actions on the *Roe* case. Some authors, including Mary Meehan, [writing](#) in the *Human Life Review* in 2004, suspect the source of the leaked story was Justice Potter Stewart, who was a vote in favor of *Roe* and shared Douglas' frustrations with Burger. Also, Bernard Schwartz in his book, *Decision*, quotes from a memo from Justice Brennan that [described](#) how Stewart "expressed his outrage at the high-handed way things are going, particularly the assumption that a single justice ... [the Chief Justice] can order things his own way ... Potter wants to make an issue of these things—maybe fur will fly this afternoon."

Lastly, Bob Woodward, co-author of *The Brethren*, made this [observation](#) in the *Washington Post* on January 22, 1989, the 16th anniversary of the *Roe v. Wade* decision, regarding the decision-making by the Court: "Legal criticism of *Roe v. Wade* certainly isn't new...many of the 1973-era law clerks were surprised to see the justices accepting an opinion that reflected medical and social policy rather than constitutional law. Within the court, some called the opinion itself an 'abortion.' But while writing [*The Brethren*], we did not have access to the newly released memos showing Blackmun and Stewart explicitly talking about 'arbitrary' or 'legislative' decision-making."

## Family Members of Supreme Court Justices



**Movie Claim:** At the time the Supreme Court was hearing and deciding on *Roe v. Wade*, family members of some Supreme Court justices were volunteering for Planned Parenthood, the abortion provider and advocate for full legalization of abortion, or pushing to legalize abortion.



**Facts:** Sarah Weddington, one of the attorneys representing "Jane Roe," wrote in her [book](#), *A Question of Choice*, that her side "heard that [Justice] Stewart's wife was a Planned Parenthood volunteer; we hoped that was a good omen."

Sally Blackmun, the daughter of Justice Blackmun, revealed in an interview with [WomensENews.org](#), that her father canvassed his family. "It was a case that he asked his daughters' and wife's opinion about." Around this period, Sally was in the midst of divorcing her first husband whom she had married six years earlier upon learning she was pregnant, according to the website.

Justice Blackmun told Sally when the *Roe v. Wade* decision would be announced so she could attend the Court session. She described it this way: "We didn't know how he was going to come down on it. And I was very pleased with the decision and the fact that it gave women that right of choice" she told *WomensEnews.org*. "Dad always felt that it was the right thing to do and the necessary thing to do toward the full emancipation of women in this country. So we certainly were in favor of what he did."

In 2000, Ms. Blackmun joined the board of the Planned Parenthood of Greater Orlando, leading a \$3 million campaign to build a new facility in Central Florida. In 2004, a former chairperson of the board, Rita Lowndes, said, "Our local chapter is filling a huge need. Sally sees it as a way to honor her father's legacy."


Sally Blackmun's recounting of the period leading up to the *Roe* decision contradicts claims made previously by her father. According to Woodward and Armstrong in *The Brethren*, Justice Blackmun "presumed that his three daughters felt that early abortions should be allowed. He claimed to be



unaware of his wife Dottie's position. But she told one of his clerks who favored lifting the restrictions that she was doing everything she could to encourage her husband in that direction. 'You and I are working on the same thing,' she said. 'Me at home and you at work.'"

## Margaret Sanger's Views of African-Americans

 **Movie Claim:** Margaret Sanger, the founder of Planned Parenthood Federation of America, is shown speaking at a meeting of the Ku Klux Klan with a burning cross nearby, and making racist statements.


 **Facts:** The Planned Parenthood released an 8-page paper in October 2016 entitled, *Opposition Claims about Margaret Sanger*, which acknowledged Ms. Sanger's bigotry, and confirmed that she spoke at this KKK meeting. Nonetheless the organization tried to rationalize her conduct: "[I]t is true that Margaret Sanger made a speech on birth control to a women's auxiliary branch of the Ku Klux Klan in Silver Lake, New Jersey, in 1926. Sanger's passion to spread and mainstream birth control led her to speak to any group interested in learning how to plan their reproduction."


This same paper also praised Sanger's "many visionary accomplishments as a social reformer" and sought to contextualize her support for the eugenics movement.

In July 2020, as reported by CNN and numerous other media outlets, Planned Parenthood of Greater New York announced it would remove Margaret Sanger's name from its health center in Manhattan.

Karen Seltzer, the chairperson of the chapter's board, **said**, "The removal of Margaret Sanger's name from our building is both a necessary and overdue step to reckon with our legacy and acknowledge Planned Parenthood's contributions to historical **reproductive harm** within communities of color... Margaret Sanger's concerns and advocacy for reproductive health have been clearly documented, but so too has her **racist legacy**" (emphasis added).

## The Fundraiser at the Playboy Mansion

 **Movie Claim:** A brief scene is shown at the home of Hugh Hefner (the "Playboy Mansion"), the founder and longtime editor-in-chief of *Playboy* magazine, which portrays a fundraising event for the abortion legalization effort.


 **Facts:** *Playboy* magazine in the 1960's was the flagship publication of the pornography industry that **exploits** young women and inflicts psychological damage. Writer Mitchell Sutherland **noted** that Hefner was an advocate and fundraiser for abortion. In 1965, the magazine came out for abortion legalization. That same year, Hefner created the Playboy Foundation that has since donated to numerous organizations advocating for abortion, including the National Abortion Rights Action League (NARAL), the "Clergy Consultation Service" that connected women to abortion providers, and the American Civil Liberties Union's "Women's Rights Project."

Abortion activist and author, Suzanne Staggenborg, in her **book**, *The Pro-Choice Movement: Organizations and Activism in the Abortion Conflict*, writes that the Playboy Foundation contributed various resources, including grants and "use of the Playboy Mansion in Chicago for fundraisers." She continues, "Although many women's movement organizations have refused to accept Playboy money, NARAL and its affiliates took from the start a pragmatic attitude toward accepting support from the Playboy Foundation."

Another of many **examples** of the pornography industry's funding abortion groups was written by journalist Elizabeth Moore in the November 1979 edition of *All About Issues*, which mentioned a fundraiser held on October 20, 1979 for NARAL at the Chicago Playboy Mansion. Hefner's daughter, Christie, hosted the event, which was co-sponsored by television personality, Phil Donohue.

## Betty Friedan's Position on Abortion

 **Movie Claim:** Betty Friedan is shown holding the position that abortion rights should not be a priority for the women's movement that she was leading as founder and the first president of the National Organization for Women (NOW). She also is portrayed as looking askance that men were leading the abortion rights effort.


 **Facts:** Betty Friedan's famous best-selling book, *The Feminine Mystique*, makes **no mention** of abortion in its first edition, published in 1963. Though an advocate for legalizing abortion, she was concerned the issue would split the women's movement that was fighting against sex discrimination in the workplace and in higher education, and for equal pay, among other issues.


At a National Abortion Rights Action League **conference** held on October 13, 1989, Ms. Friedan said that it is “not that abortion is a great thing; it's an uneasy question.”

Ms. Friedan went on to recount her involvement in the early efforts to legalize abortion. As founding president of NOW in 1966, she was persuaded at the time that abortion was “too controversial to take on” and that “it might split this burgeoning women's movement.” She said the men who were leading efforts to legalize abortion, including Lawrence Lader and “doctors” (i.e., she omitted mention of Dr. Bernard Nathanson), “got a sense somehow that the women's movement might make everything different... they kept nagging at me to do something.” But, Friedan said, “It was clear that NOW wasn't going to in those first years.”

Ms. Friedan recalled the founding of NARAL in 1969, that the attendees at its first convention in Chicago were mostly men, and that the conference was focused more on their interests until she intervened. She said abortion was not about “the right of doctors to be able to make some money off it without going to jail.”

## Working vacations to St. Croix to discuss abortion strategy


 **Movie Claim:** Dr. Bernard Nathanson and Lawrence Lader, on a trip to the Caribbean island of St. Croix, discussed strategy to target the Catholic Church and use fabricated statistics on abortion.


 **Facts:** Dr. Nathanson's 1979 **book**, *Aborting America*, and Lader's 1974 **book**, *Abortion 2: Making the Revolution*, confirm they took working vacations to St Croix for strategy sessions, which also was **reported** by writer Joe Klein in *New York* magazine (Jan. 7, 1985). Also, in Dr. Nathanson's 1983 **book**, *The Abortion Papers: Inside the Abortion Mentality*, he wrote of the “Catholic strategy” developed by Lader and NARAL, the executive committee on which sat he and Lader. The strategy was “carefully crafted bigotry,” Nathanson wrote, and capsulized in a NARAL statement issued in May 12, 1972, which he described as “venomous” toward the Catholic Church, in particular the “Catholic hierarchy.” Since the Church would vigorously oppose abortion, Nathanson wrote, they set out to “use anti-Catholicism as a political instrument, and for the manipulation of Catholics themselves by splitting them and setting themselves against each other . . . The more vigorously the Church opposed, the stronger the appeal of the anti-Catholic line became to the liberal media, [and] to the northeastern political establishment.”

Dr. Nathanson also writes about their abortion data deceptions : “Knowing that if a true poll were taken we would be soundly defeated, we simply fabricated the results of fictional polls,” in one instance saying that 60 percent of Americans favored abortion.

Lader and Nathanson also lied about the number of illegal abortions done annually in the U.S. Although the actual figure was about 98,000, Nathanson said, “The figure we gave to the media repeatedly (and the figure in Lader's book) was one million.” They also lied about the number of women dying each year from illegal abortions. While the real number averaged about 250, the number they fed to the media was up to 10,000. The false narrative was spread by a willing news media and never questioned, according to Dr. Nathanson.

## Dr. Bernard Nathanson's change of mind on abortion and subsequent religious conversion

 **Movie Claim:** Dr. Bernard Nathanson was a national leader in the effort to legalize abortion, conducted thousands of abortions, then renounced the practice and became a pro-life activist, and later converted to Catholicism.


 **Facts:** Dr. Bernard Nathanson, portrayed in the film by its producer, Nick Loeb, has written extensively on his life's journey as an abortion legalization activist, abortion doctor, his change of mind and heart on the abortion issue, and his subsequent religious conversion.


In 1984, Dr. Nathanson narrated the documentary film, *Silent Scream*, in which he showed what occurs during an abortion and described that a living person is in every pregnant mother's womb. "This is the silent scream of a child threatened imminently with extinction," Dr. Nathanson said.

In his [memoir](#), *The Hand of God*, published in 1996 shortly after his conversion to Catholicism, Dr. Nathanson [described](#) the powerful impact of the ultrasound machine, "Abortion is a blind procedure. The doctor does not see what he is doing... [I] was shaken to the very roots of my soul by what I saw," upon viewing the procedure. Significantly, his change from pro-abortion to pro-life was an [empirical](#) experience, sparked by ultrasound technology. His religious conversion came nearly two decades later.

Dr. Nathanson also [described](#) his conversion to Catholicism, which included observing pro-life demonstrators praying: "I began to entertain seriously the notion of God—a god who problematically had led me through the proverbial circles of Hell, only to show me the way to redemption and mercy through His grace... Someone had died for my sins and my evil two millennia ago." Dr. Nathanson was baptized into the Catholic Church on December 8, 1996 at St. Patrick's Cathedral in New York City.

## Norma McCorvey's ("Jane Roe") role in legalizing abortion


 **Movie Claim:** Norma McCorvey was lied to and exploited by her attorneys, Sarah Weddington and Linda Coffey.


 **Facts:** Norma McCorvey changed her views on abortion and became a pro-life activist in the 1990's until her [death](#) in 2017, despite claims to the contrary by some pro-abortion activists.

In 1994, in an interview with *New York Times*, Ms. McCorvey [said](#), "Sarah [Weddington] sat right across the table from me at Columbo's pizza parlor, and I didn't know [then] that she had had an abortion herself. When I told her then how desperately I needed one, she could have told me where to go for it. But she wouldn't because she needed me to be pregnant for her case. I set Sarah Weddington up on a pedestal like a rose petal. But when it came to my turn, well, Sarah saw these cuts on my wrists, my swollen eyes from crying, the miserable person sitting across from her, and she knew she had a patsy. She knew I wouldn't go outside of the realm of her and Linda [Coffey]. I was too scared. It was one of the most hideous times of my life."

In 1998, Ms. McCorvey appeared before the U.S. Senate in opposition to abortion where she [described](#) her exploitation by her attorneys during the *Roe v. Wade* litigation, "Sarah Weddington and Linda Coffey needed an extreme case to make their client look pitiable."

## The television sitcom, *Maude*, extolls abortion.

 **Movie Claim:** Dr. Mildred Jefferson mentions that the producers of the TV series, *Maude*, were paid by activists \$10,000 for an episode favorable to abortion.


 **Facts:** The organization, Zero Population Growth (ZPG), co-founded in 1968 by Stanford University Professor Paul Ehrlich, author of the book, *The Population Bomb*, was a leading advocacy organization for abortion. It remains so under its current name, Population Connection. In 1972, ZPG announced it would **award** a \$10,000 prize for a television comedy show to infuse the message of population control. Prof. Ehrlich at the time **predicted** global food shortages and mass starvation by the late 1970s due to population growth (his predictions proved spectacularly wrong).

Norman Lear, one of the producers of *Maude*, decided to have “Maude,” the show’s lead character, become unexpectedly pregnant and have an abortion. “Maude’s” daughter in the show first raised the idea of abortion, and was portrayed as strongly in favor.

The two-part episode entitled, “Maude’s dilemma,” aired November 14 and 21, 1972. The show won the prize from ZPG. The episode was highly controversial. When the rerun appeared in August 1973, after the *Roe v. Wade* decision, the CBS network received more than 17,000 protest letters. The rerun had not a single corporate commercial sponsor and 20 percent of CBS affiliates refused to air, **according** to Lewis Beale, writing in the *Chicago Tribune*.

## Involvement of clergy and rabbis in enabling illegal abortions

 **Movie Claim:** Numerous Rabbis and Protestant clergy are shown promoting abortion and enabling illegal abortions.

 **Facts:** An organization called the Clergy Consultation Service began in New York City in May 1967 to refer pregnant women to illegal abortion providers, or to legal practitioners overseas. The organization was initially comprised of 21 ministers.

By 1973, the year *Roe v. Wade* was decided by the Supreme Court, the group expanded to 40 states and **comprised** more than 1,400 clergy and rabbis. As noted above, the group was a recipient of philanthropic support from the Playboy Foundation. The National Association to Repeal Abortion Laws, NARAL’s original name, had numerous rabbis and clergy on its board of directors, as shown by the minutes of its Executive Committee in June 1970.

In January 1970, after an eight-month investigation by the Oakland County, Michigan prosecutor’s office of an international system of abortion referrals, an arrest warrant was issued for Rabbi Max Ticktin of Chicago. Prosecutor Thomas Plunkett said the referrals involved “many clergymen and doctors around the nation,” as **reported** by the *National Catholic Reporter*. Rabbi Ticktin was a member of the local Clergy Consultation Service, which was organized locally by Rev. E. Spencer Parsons, the dean of the Rockefeller Memorial Chapel at the University of Chicago. Rev. Parsons said at the time that the Chicago chapter was comprised of 24 Protestant clergy and six rabbis.



### ABOUT THE AUTHOR

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