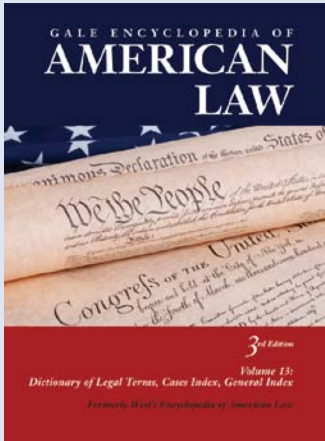


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14 ABORTION



Pro-life supporters march past the Supreme Court during the annual March for Life event. AP/PHOTOS

laws regarding abortion. In Japan and Eastern Europe, abortion was available on demand, and in much of Western Europe, abortion was permitted to protect the mother's health.

Public awareness of the abortion issue also increased through two incidents in the early 1960s that caused a greater number of children to be born with physical defects. In 1961 the drug thalidomide, used to treat nausea during pregnancy, was found to cause serious birth defects. A three-year (1962-1965) German measles epidemic caused an estimated 15,000 children to be born with defects. Pregnant women who were affected by these incidents could not seek safe abortions because of the strict laws then in existence.

Reacting to these and other developments, and inspired by the successes of the civil rights movement of the 1950s and 1960s, women's rights organizations, including the NATIONAL ORGANIZATION FOR WOMEN (NOW), formed in 1966, sought to reform abortion laws through legislative and lawsuits. The organization hoped to educate a male-dominated legal and judicial profession about this important issue for women. This effort, supported by such groups as the AMERICAN CIVIL LIBERTIES UNION (ACLU), quickly began to have an effect.

Between 1967 and 1970, 12 states adopted abortion reform legislation. However, abortion activist groups began to see the abortion issue as a question of social justice and to press for more than reform. Under the rallying cry of "reproductive freedom," they began to demand an outright repeal of existing state laws and unrestricted access for women to legal abortion.

The increase in abortion-related cases before the courts eventually resulted in the need for clarification of the law by the Supreme Court. After considering many abortion-related appeals and petitions, on May 31, 1973, the Court accepted two cases, *ROE V. WADE*, 410 U.S. 113, 93 S. Ct. 705, 35 L. Ed. 2d 147 (1973) and *DOE V. BELLON*, 410 U.S. 179, 93 S. Ct. 739, 35 L. Ed. 2d 201 (1973), for hearing.

Roe v. Wade and Doe v. Bolton

Although the two cases before the Court appeared by their titles to involve the fates of two individuals, *ROE* and *DOE*, in reality both suits were brought by many people representing many different interests. *Roe v. Wade* was argued on behalf of all women of the state of Texas in legal terminology, it was a class action suit. Thirty-six abortion reform groups filed briefs, or reports, with the Court on *Roe's*

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ABOLITION 11



Members of the Pennsylvania Abolition Society (seated, far right, William Lloyd Garrison, founder of the Liberator, an abolitionist newspaper). NATIONAL ARCHIVES

and moderates. The motives of the abolitionists spanned a broad spectrum, from those who opposed slavery as unjust and inhumane to those whose objections were purely economic and focused on the effects that an unpaid Southern workforce had on wages and prices in the North.

Efforts to abolish slavery in America began well before the Revolutionary War and were influenced by similar movements in Great Britain and France. By the 1770s and 1780s, many antislavery societies, largely dominated by Quakers, had sprung up in the North. Early American leaders such as BENJAMIN FRANKLIN, ALEXANDER HAMILTON, JOHN ADAMS, and THOMAS PAINÉ made known their opposition to slavery.

The early abolitionists played an important role in outlawing slavery in Northern states by the early nineteenth century. Vermont outlawed slavery in 1777, and Massachusetts declared it inconsistent with its new state constitution, ratified in 1780. Over the next three decades, other Northern states, including Pennsylvania, New York, and New Jersey, passed gradual emancipation laws that freed all future children of slaves. By 1804, every Northern state had enacted some form of emancipation law.

In the South, where slavery played a far greater role in the economy, emancipation moved at a much slower pace. By 1800 all Southern states except Georgia and South Carolina had passed laws that ended the practice of private manumission—or the freeing of slaves by individual slaveholders. Abolitionists won a further victory in the early 1800s when the United States outlawed international trade in slaves. However, widespread manumission of slaves continued.

During the first three decades of the 1800s, abolitionists continued to focus largely on gradual emancipation. As the nation expanded westward, they also opposed the introduction of slavery into the western territories. Although abolitionists had won an early victory on this front in 1787, when they succeeded in prohibiting slavery in the Northwest Territory, their efforts in the 1800s were not as completely successful. THE MISSOURI COMPROMISE OF 1820 (3 Stat. 545), for example, stipulated that slavery would be prohibited only in areas of the TERRITORY PURCHASE north of Missouri's southern boundary, except for Missouri itself, which would be admitted to the Union as a slave state. Slavery in the territories remained

one of the most divisive issues in U.S. politics until the end of the civil war in 1865.

Beginning in the 1830s, evangelical Christian groups, particularly in New England, brought a new radicalism to the cause of abolition. They focused on the sinfulness of slavery and sought to end its practice by appealing to the consciences of European Americans who supported slavery. Rather than endorsing a gradual emancipation, these new abolitionists called for the immediate and complete emancipation of slaves without compensation to slaveowners. Leaders of this movement included WILLIAM LLOYD GARRISON, founder of the abolitionist newspaper *the Liberator*; FREDERICK DOUGLASS, a noted African American writer and orator; the sister Sarah Moore Grimké and Angelina Emily Grimké, lecturers for the American Anti-Slavery Society and pioneers for women's rights; Theodore Dwight Weld, author of an influential antislavery book, *American Slavery as It Is* (1839); and later, HARriet BECHER STOW, whose 1852 novel *Uncle Tom's Cabin* was another important abolitionist tract.

In 1833 this new generation of abolitionists formed the American Anti-Slavery Society (AASS). The organization grew quickly, particularly in the North, and by 1840 had reached a height of 1,650 chapters and an estimated 150,000 to 170,000 members. Nevertheless, abolitionism remained an unpopular cause even in the North, and few mainstream politicians openly endorsed it.

To achieve its goals, the AASS undertook a number of large projects, many of which were

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Resident aliens receive citizens through naturalization. Karimdar Singh (left) and Rajiv Kumar take an oath of citizenship during a naturalization ceremony in Seattle, Washington.

hearing in court after taking an oath of allegiance to the United States. Between 2006 and 2008 naturalizations grew at a record pace, reaching a total of 2.4 million immigrants who became new United States citizens.

Deportation

Deportation is the expulsion of an alien from the United States. In theory, it is a civil proceeding rather than a punishment, though those who are deported may certainly see it as a punishment. It is designed to remove undesirable as defined under the INA. As in most aspects of immigration law, the Supreme Court has left total authority over deportation to Congress. Merely allowing aliens to enter the country “as a matter of permission and tolerance,” the Court has said, leaving the

government free rein “to terminate hospitality” (*Harris v. Shulgasser*, 343 U.S. 583, 72 S. Ct. 512, 96 L. Ed. 586 [1952]). Deportation provisions apply to all aliens whether they have legally or illegally entered the country, with several specific exceptions ranging from ambassadors to employees of international organizations such as the United Nations. Citizens cannot be deported, but denaturalization proceedings can be brought against a naturalized citizen and can then lead to deportation.

Five major broad categories of grounds for deportation cover (1) being inadmissible at the time of entry or adjustment of status; (2) committing criminal offenses; (3) failing to register and falsifying documents; (4) posing a security risk and related grounds; and (5) becoming a public charge of the state. Many more grounds for deportation follow from these: the first category alone establishes nine classes of aliens inadmissible at the time of entry. Since the Technical Amendments Act of 1991, these grounds have expanded with the addition of attempting or conspiring to commit a crime. Deportation is far-reaching in additional ways: Frequently the ICS applies the statutes retroactively, so that aliens may be deported for conduct that was not a ground for deportation at the time they committed the act. Many of the provisions also depend on when the alien entered the United States, and still others make aliens deportable for acts they committed prior to entry.

The mechanism of deportation involves broad official powers. Officers of the Bureau of Border Security Enforcement have considerable power to investigate without search warrants, arrest, and detain suspects within 100 miles of the U.S. border. Aliens then receive a deportation hearing conducted by an immigration judge. They are entitled to legal counsel—though not at government expense—and the basic rights of due process, as well as the rights to examine evidence, present new evidence, and cross-examine witnesses. If the judge finds an alien deportable, various avenues of relief are available, including administrative and judicial appeals. Furthermore, several forms of discretionary relief may entitle the alien to leave voluntarily, claim suspension of deportation, apply for an adjustment of status, seek asylum as a refugee, or pursue numerous other options.

Deportation often causes the U.S. citizen children of aliens to leave the United States.

showing that laws that discriminated between men and women were often based on stereotypes that were unfair to both sexes. In the early to mid-1970s, Ginsburg argued six women's rights cases before the U.S. Supreme Court, winning five of them.

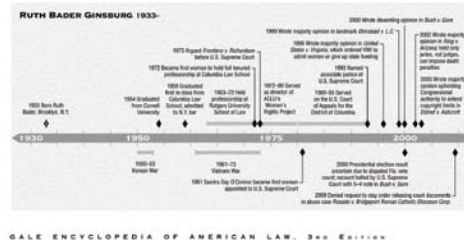
FRONTERA V. RICHARDSON, 411 U.S. 657, 93 S. Ct. 1784, 36 L. Ed. 2d 583 (1973), illustrates the type of cases Ginsburg argued before the Court. In *Frontiera*, a female Air Force officer successfully challenged statutes (10 U.S.C.A. §§ 1072, 1076; 37 U.S.C.A. §§ 401, 403) that allowed a married serviceman to qualify for higher housing benefits even if his wife was not dependent on his income, while requiring a married servicewoman to prove her husband's dependence before receiving the same benefits. The Supreme Court voted 8–1 to overturn the law.



Ruth Bader Ginsburg, 1976. PETERSON COLLECTION OF THE SUPREME COURT OF THE UNITED STATES

President **RONALD REAGAN** appointed Ginsburg to the U.S. Court of Appeals for the District of Columbia Circuit in 1980. In this position Ginsburg proved to be a judicial moderate, despite her reputation as a women's rights advocate. She supported a woman's right to choose to have an abortion, but disagreed with the framework of *ROE V. WADE*, 410 U.S. 113, 93 S. Ct. 705, 35 L. Ed. 2d 147, the 1973 decision that gave women that right. She generally sided with the government in criminal cases, but supported civil rights issues. She was a model of judicial restraint, preferring legislative solutions to social problems, instead of judge-made solutions.

President Clinton nominated Ginsburg to the Supreme Court in 1993, and she was easily confirmed. Her tenure on the High Court has been consistent with her service on the court of appeals. She has remained a judicial moderate with a strong emphasis on protecting civil rights. In *UNITED STATES V. VIRGINIA*, 533 U.S. 515, 118 S. Ct. 2304, 135 L. Ed. 2d 735 (1996), Ginsburg wrote the majority opinion, which ordered the all-male Virginia Military Institute (VMI) to admit women or give up state



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