

She Put the v in Roe v. Wade

A QUESTION OF CHOICE

By Sarah Weddington.

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By David J. Garrow

SARAH RAGLE WEDDINGTON was 26 years old in 1971, when she first argued Roe v. Wade before the United States Supreme Court. Raised in a succession of small Texas towns where her father was a Methodist minister, she graduated from a modest college in Abilene at the age of 19. Attached to the idea of attending law school in part because a college adviser had told her it would be too difficult for a woman, in 1965 she became one of about 40 women among the 1,600 students at the University of Texas Law School in Austin.

Two years later, after taking summer classes and working part-time to support her studies, she was about to graduate. But she and her boyfriend, Ron Weddington, an older Army veteran whom she would marry a year later, had made a mistake. Sarah was pregnant, and neither she nor Ron wanted to interrupt their schooling to become parents. Although "abortion was something I had never talked about with friends or family," Sarah had no doubt what they needed to do.

Abortion was illegal in Texas then, as in almost all states, unless a pregnancy threatened a woman's life. In a few Texas cities, midwives or even a doctor quietly offered abortions of uncertain safety, but across the border in Mexico, where abortion was also supposedly illegal, some skillful doctors ran thriving practices for American women. Ron Weddington spoke with some friends, made a few calls, and on a Friday morning in the fall of 1967 Sarah and Ron drove south to Eagle Pass, Tex., and crossed the border into the Mexican town of Piedras Negras to meet an unnamed man wearing brown pants and a white shirt. They followed him to a small clinic with clean facilities and a pleasant staff. Ms. Weddington recalls that her final memory, before waking up hours later after the anesthesia had worn off, was of thinking "I hope I don't die, and I pray that no one ever finds out about this."

The 25 years since that traumatic but successful visit to Mexico have offered Ms. Weddington scores of appropriate opportunities to tell her story, but not until the writing of this autobiographical memoir did she disclose her own abortion to any friend or relative aside from her now former husband. Her 1967 choice allowed her to complete law school as scheduled, but to her dismay no law firm offered her a position.

Through Ron, who was still completing his own law degree, Sarah met several women graduate students, all active members of the political community that revolved around Austin's "underground" newspaper, The Rag. The women were operating a birth control counseling and information project, and they also wanted to advise women with unwanted pregnancies about which Mexican clinics were reputable. They asked Sarah for free counsel as to whether they might be criminally liable for providing such advice. One of the women, Judy Smith, had been impressed by how easily The Rag had initiated a Federal court suit when the university had sought to prohibit distribution of the paper on campus, and she voiced a further question: Couldn't the Texas abortion law itself be challenged in Federal court?

Ms. Weddington wasn't sure, but she began checking, and called a former law school class-

mate, Linda Coffee, who had been a clerk for a Federal judge and was practicing law in Dallas. Ms. Coffee had already had the same idea after reading about new court decisions voiding anti-abortion statutes in California and the District of Columbia, and had discussed it with a lawyer friend who had recently filed a similar Federal constitutional challenge against the Texas sodomy statute. Ms. Coffee and Ms. Weddington agreed to join forces, and began looking for potential plaintiffs. Linda Coffee knew a young Dallas married couple who were willing, but then her Dallas friend called to recommend a young woman with an unwanted pregnancy, Norma McCorvey, who had unsuccessfully sought an abortion. Several weeks later, in early March 1970, Roe v. Wade was filed in Federal court in Dallas.

"A Question of Choice" is at its best and most informative in describing these early events. Once Roe actually gets into court, however, Ms. Weddington's narrative lags. Long summaries of hearings, briefs and the eventual Supreme Court ruling in January 1973 add little to the public record, and Ms. Weddington unfortunately does not have a particularly rich or detailed memory; with some embarrassment she confesses that for years she had misremembered how and where she had first heard about the Supreme Court's decision.

Ms. Weddington, who is now a lecturer and teacher, says relatively little about her subsequent experiences as a Texas legislator (1973-77) and a White House assistant to President Jimmy Carter (1978-81). She presents herself as a relentlessly serious and overworked person, but she does retell a joke that her one-time legislative assistant, Ann

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Richards — now the Governor of Texas — related to the humorist Molly Ivins: "It is not that Sarah has no sense of humor. It is just that you have to say to her, 'Sarah, this is a joke,' and then she will laugh."

As a memoir, "A Question of Choice" does not offer a full picture of the abortion rights movement in the late 1960's and early 70's, when more than a dozen court cases similar to Roe were also moving forward, including Georgia's Doe v. Bolton, which was heard and decided by the Supreme Court simultaneously with Roe. Ms. Weddington does, however, devote much of the final third of her book to a familiar and unoriginal summary of abortion case decisions and political developments since 1973, a summary that reflects little of the energy that is inherent in the story of Roe.

Sarah Weddington generously praises the Austin women who first sparked her involvement in Roe, but she is unduly harsh and dismissive toward her former client, Norma McCorvey, with whom she has since had differences. The dust jacket for "A Question of Choice" identifies Ms. Weddington as "the lawyer who won Roe v. Wade," but Ms. Weddington herself wisely disavows any such status: "No one person won Roe v. Wade." Indeed, constitutional recognition of a woman's right to choose abortion resulted from "the combined efforts of countless individuals," and only "a series of quirks" happened to place Ms. Weddington in the limelight. As she rightfully remarked back in 1973, "If I hadn't done it, someone else would have." □

David J. Garrow received a 1987 Pulitzer Prize for "Bearing the Cross: Martin Luther King Jr. and the Southern Christian Leadership Conference." His next book, "Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade, 1923-1973," will be published late in 1993.