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THE PLAY

Roe v. Wade is one of the most well-known and controversial Supreme Court cases to date. The decision in this case made abortion legal, to a point, in every state. But what happened behind the headlines of this case? Whose story is it?

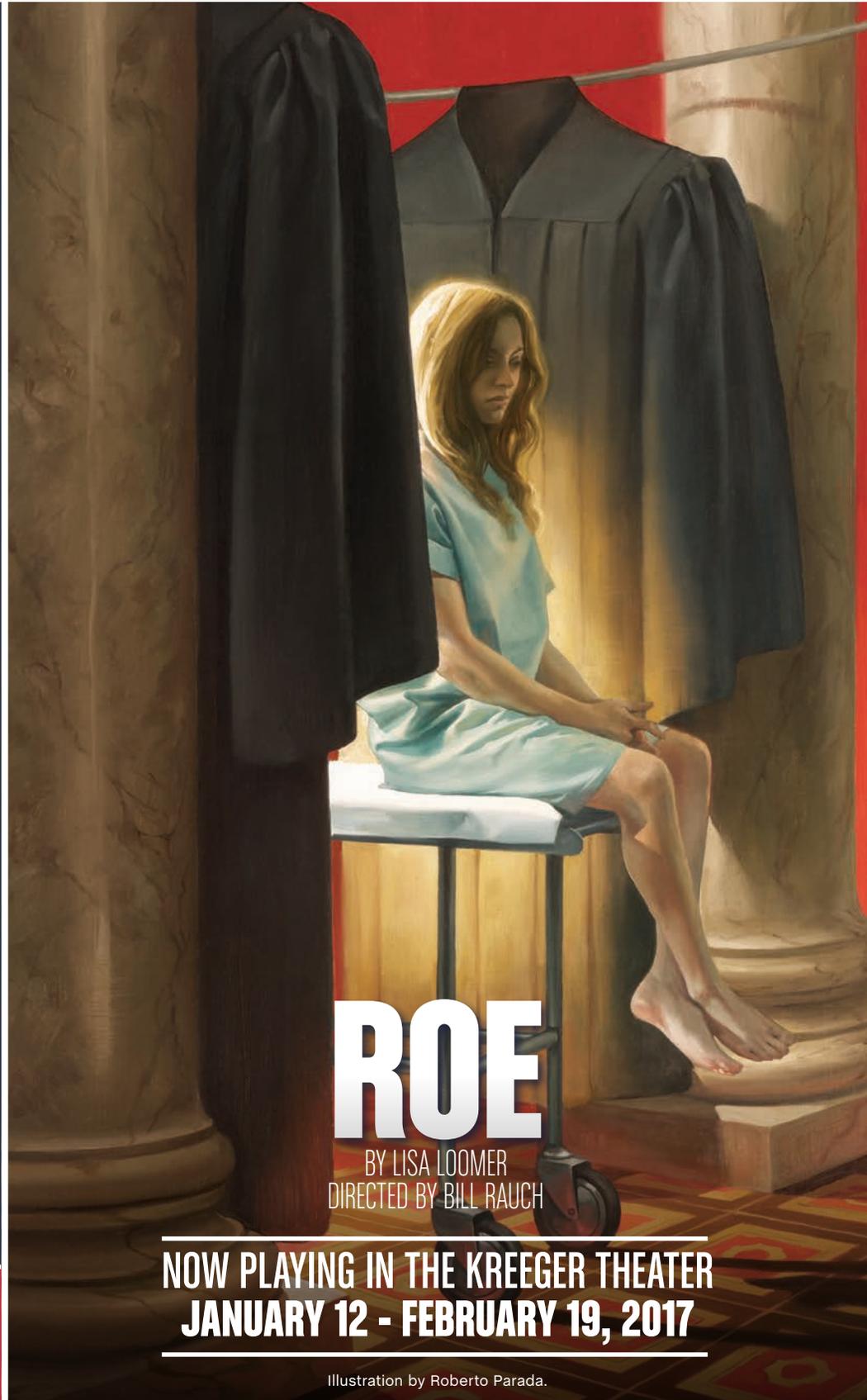
Norma McCorvey is desperately seeking a way to end an unwanted pregnancy. Abortion is illegal under Texas law, making Norma's options limited. She can put the child up for adoption or raise the child. If she sought an abortion, she would have to leave the state or undergo an illegal and, likely, dangerous procedure.

Norma's adoption lawyer puts her in touch with **Linda Coffee**, who might be able to help her. She also meets **Sarah Weddington**, a lawyer who is only a few years out of law school. Sarah and Linda have been looking for a pregnant woman who wants an abortion to challenge Texas' abortion laws. They ask Norma to assume the anonymous identity of "Jane Roe" and be the plaintiff in their case, *Roe v. Wade*.

Eventually, *Roe v. Wade* heads to the Supreme Court of the United States. Media outlets begin clamoring for access to "Roe." Norma decides to step into the public eye, which raises questions about her, her past, her beliefs and involvement in the case.

"...POINT IS THAT IT'S REALLY
HARD TO TALK OBJECTIVELY ABOUT
HISTORY, ABOUT THE 'TRUTH'."

— Linda Coffee



ROE

BY LISA LOOMER
DIRECTED BY BILL RAUCH

NOW PLAYING IN THE KREEGER THEATER
JANUARY 12 - FEBRUARY 19, 2017

Illustration by Roberto Parada.

Roe is generously sponsored by Susan and Steven Bralove.
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MEET THE PLAYWRIGHT



“I SEE THEATER AS PEOPLE SITTING TOGETHER IN THE DARK TO LOOK AT THE HUMAN CONDITION.” — Lisa Loomer

Lisa Loomer was born in New York in 1956. Before becoming a playwright, Loomer was an actress who wrote her own comedic pieces. After completing multiple playwright residencies, Loomer found success with her most well-known play, *The Waiting Room*. She later found fame in Hollywood by co-writing the screenplay for *Girl, Interrupted* which starred Angelina Jolie, Winona Ryder and Brittany Murphy.

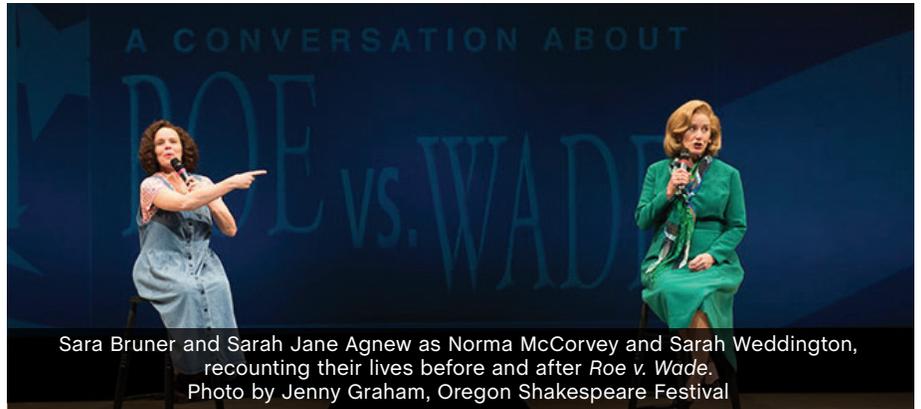
In an interview with the *Chicago Theater Blog*, Loomer was asked about the themes in her plays. She said, “I seem to have written a lot about balance or the need for balance — the balance of masculine versus feminine, nature versus science, Anglo culture versus Latino culture, the powerful versus the powerless, life versus art.”

Loomer is the recipient of many awards including the American Theatre Critics Award and the Kennedy Center Fund for New American Plays Award. She is praised for the gripping topics covered in her plays. Loomer’s next project is writing the book for a Broadway musical.

Research at least 25 people’s reasons for being pro-choice or pro-life. Find as many different points of view as possible from a range of people. What factors influence a person’s stance on this issue?



THE SPARK OF INSPIRATION



Sara Bruner and Sarah Jane Agnew as Norma McCorvey and Sarah Weddington, recounting their lives before and after *Roe v. Wade*. Photo by Jenny Graham, Oregon Shakespeare Festival

When Lisa Loomer was asked to write a play about *Roe v. Wade* for the Oregon Shakespeare Festival by its artistic director, Bill Rauch, she was less than enthused.

In an interview with *The New York Times* she stated, “My first reaction was: ‘A court case? I don’t know, that sounds kind of dry.’”

After doing significant research on the case and the parties involved, Loomer realized how wrong her first assumption was. She discovered it was a compelling story. The stark character differences between Sarah Weddington and Norma McCorvey added depth and controversy to the case.

Loomer went on to say, “Sarah Weddington, when she approaches the subject of *Roe v. Wade*, it’s about the law. It’s about choice; it’s about doing something to impact the lives of all women. For Norma McCorvey, *Roe* is about her. It’s utterly personal.”

GLOSSARY



ABORTION is the termination of a pregnancy through the induced expulsion of a fetus.

CONCEPTION occurs when a sperm fertilizes an egg. The resulting zygote is implanted in the female’s uterus.

TRIMESTERS are the three-month stages of a human pregnancy. There is a first, second and third trimester in a typical nine-month pregnancy.

VIABILITY is reached when a fetus can survive outside its mother’s body.

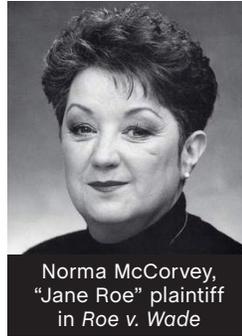
PRO-CHOICE means being in favor of abortion being legal, and **PRO-LIFE** means believing abortion should be illegal. Pro-choice does not necessarily mean “pro-abortion.” For example, a person may want women to be able to legally have an abortion, but might not agree with late-term abortions or want to have one herself. Similarly, a person who is generally pro-life might think there should be exceptions made to save the life of the mother or in cases of rape and incest.

ROE V. WADE: THE FACTS OF THE CASE

Roe v. Wade began in 1970 in Dallas, Texas when Norma McCorvey wanted to end an unwanted pregnancy.

In 1970, abortion was regulated by individual states, and was illegal in most states. In Texas, abortion was illegal unless a woman's life was in danger. Women who couldn't afford to travel to another area for a legal abortion often resorted to dangerous, illegal, in-state abortions. These were not usually performed by doctors.

McCorvey's lawyers, Sarah Weddington and Linda Coffee, hoped to use her case to challenge and overturn the Texas criminal abortion laws. They argued the case against the county's district attorney, Henry Wade, in U.S. District Court. As the district attorney, it was Wade's job to enforce the laws.



Norma McCorvey, "Jane Roe" plaintiff in Roe v. Wade



Sarah Weddington and Linda Coffee, Roe v. Wade plaintiff lawyers

The judge ruled that the Texas laws did violate the Constitution, and Roe won her case.

However, Wade declared he would not honor the court's decision. He planned to continue convicting any doctor who performed an abortion. Wade's defiance prompted Weddington to take the case to the Supreme Court. She hoped to end all state jurisdiction over abortion through a federal ruling.

By this time, it was too late for McCorvey to get an abortion herself. However, the decision could affect others in the future. Ordinarily, for a case to move forward to other judicial levels, the "controversy" — in this case McCorvey's pregnancy — must still exist. However, the justices agreed to hear the case. They acknowledged that, otherwise, "pregnancy litigation would seldom survive beyond the trial stage ... Our law should not be that rigid."

In 1973, the justices decided 7-2 in favor of Roe. The justices cited the clause in the 14th Amendment which states, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law."

They determined "liberty" included a person's right to privacy, which was broad enough to include a woman deciding whether or not to bring a child into the world.

Though Weddington argued for "an absolute right that bars any state imposition of criminal penalties in the area," the ruling did impose limits.

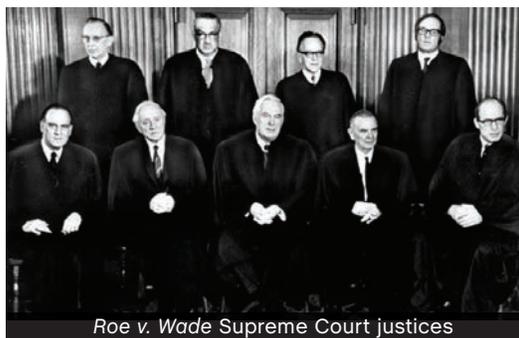
During the first trimester, the decision is left to the medical judgment of the woman's doctor. During the second trimester states can only make abortion regulations that protect the health of the mother.

However, at the end of the second trimester, a fetus could live outside its mother. From this point of viability, the state's right to protect potential life becomes compelling enough to supersede the rights of the mother.

With this decision, a woman being able to obtain an abortion without undue interference from federal, state or local government became a matter of constitutional law.



Henry Wade, Dallas District Attorney



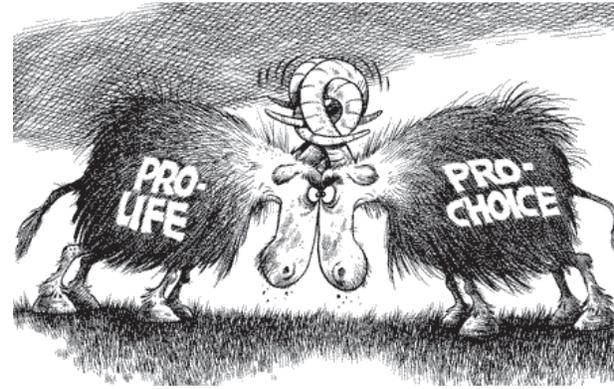
Roe v. Wade Supreme Court justices



Listen to the arguments in the Supreme Court case *Roe v. Wade*: tinyurl.com/listenroevwade



Read the complete decision in *Roe v. Wade*: tinyurl.com/readroevwade



Although abortion is legal in the United States, currently, there are no abortion providers in 87 percent of counties.

ROE V. WADE: THE SENSITIVITY OF THE CASE

In delivering the ruling, Justice Harry Blackmun acknowledged that abortion is a complex and controversial issue:

"We forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, of the vigorous opposing views, even among physicians, and of the deep and seemingly absolute convictions that the subject inspires. One's philosophy, one's experiences, one's exposure to the raw edges of human existence, one's religious training, one's attitudes toward life and family and their values, and the moral standards one establishes and seeks to observe, are all likely to influence and to color one's thinking and conclusions about abortion.

"In addition, population growth, pollution, poverty, and racial overtones tend to complicate and not to simplify the problem.

"Our task, of course, is to resolve the issue by constitutional measurement, free of emotion and of predilection. We seek earnestly to do this."

TIMELINE OF RELEVANT LAWS AND CASES

Court decisions are based on laws and cases that have come before them. Judges and justices will consider this existing caselaw before ruling. Here are cases that have become before and after *Roe v. Wade*, concerning the state's interest in regulating privacy and abortion.

1965

Griswold v. Connecticut overturns laws that made it illegal for married couples to use contraceptives (birth control).

1967

Abortion is a felony in 49 states and Washington, D.C.

1970

Hawaii repeals criminal abortion laws by allowing abortions up to 20 weeks. *Roe v. Wade* declares Texas abortion laws unconstitutional.

1973

With *Roe v. Wade*, the Supreme Court rules state abortion laws unconstitutional, and, to a point, bans state interference in a woman obtaining a legal abortion (see article).

1976

Planned Parenthood v. Danforth determines that it is unconstitutional to have spousal laws, like mandatory consent from a husband before getting an abortion. A woman must be fully informed of the procedure and other options before consenting to an abortion.

1979

The decision in *Bellotti v. Baird* states that in some cases parental consent is not required for a minor to receive an abortion.

1980

Federally funded healthcare, like Medicaid, cannot be used to fund an abortion.

1992

In the case of *Planned Parenthood of Southeastern Pennsylvania v. Casey*, Pennsylvania's law stands. This makes waiting periods, parental consent and giving information about the procedure and alternatives to those considering terminating a pregnancy mandatory.

LEARN MORE

Books

I Am Roe by Norma McCorvey
Won by Love by Norma McCorvey
Question of Choice: Roe V. Wade 40th Anniversary by Sarah Weddington

On the Web

Norma McCorvey on *Nightline*
tinyurl.com/nightroe
Norma McCorvey: Roe No More
tinyurl.com/roenomore

THREE BIG QUESTIONS

1

What rights should a person have?

2

What influences your stance on controversial issues?

3

How can we talk objectively about history?

HELPFUL HINTS FOR THEATER AUDIENCES

As an audience member at the theater, YOU are part of the show! Just as you see and hear the actors onstage, they can see and hear you in the audience. To help the performers do their best, please remember the following:

- Arrive at least 15 minutes early.
- Visit the restroom before the show starts.
- Sit in the exact seat on your ticket. Ask the usher for help finding it.
- Before the show begins, turn off your phone, watch alarms and any other electronic devices. If anything rings by accident, turn it off immediately.
- Do not use your phone for texts, calls, games or pictures.
- You cannot take pictures or make recordings in the theater, even before or after the play.
- There is no food allowed in the theater.
- Do not talk, whisper, sing or hum, unless invited by the performers to do so.
- Keep your feet on the floor and off the seat in front of you.
- Avoid getting up during a show. If you must leave, wait for a scene change and exit quietly and quickly.
- Respond to the show; you can laugh, cry and gasp. However, don't repeat lines out loud or talk to the performers on stage.
- Be sure to applaud at the end!

RESOURCES

Interview: Playwright Lisa Loomer
Chicago Theater Beat | tinyurl.com/chibeat

Lisa Loomer
Oregon Shakespeare Festival
tinyurl.com/osfloomer

"A Playwright Finds Drama, and Humor, in *Roe v. Wade*" *The New York Times*
tinyurl.com/nytimesroe

"A Play Called 'Roe'" *Ms. Magazine*
tinyurl.com/roemsm

"Timeline of Abortion Laws and Events,"
The Chicago Tribune | tinyurl.com/roechi

"*ROE V. WADE*" Texas State Historical Association | tinyurl.com/tshao

"Landmark Cases: *Roe v. Wade* (1973)"
Supreme Court History: Expanding Civil Rights"
PBS | tinyurl.com/pbsroe



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