

## Twitter Thread by Kate Kelly, Juris Doctor



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The case **#RoeVWade** was decided January 22, 1973.

But, "Roe" aka Norma McCorvey never actually had an abortion.

Ever.

In 1973 Sarah Weddington, the young lawyer who argued the case, called Norma & said "We won!"

She replied: "No, you won. Why would I be excited? I had a baby."



The fact that Roe was no longer pregnant was an issue before SCOTUS.

But, Sarah Weddington had already modified the case to a class action— so even if Roe wasn't pregnant there was some woman somewhere in Texas pregnant who didn't want to be.

Fantastic move on her part!

Sarah Weddington, who argued *Roe v. Wade* before the Supreme Court at age 26, brought her parents & husband to oral argument.

Just like any mom— Sarah's asked if she could bring a camera & tape recorder. She had to tell her mom they weren't allowed in the courtroom.



Years before *Roe v. Wade*, Sarah Weddington, who remains the youngest person ever to have argued a successful Supreme Court case— had an illegal abortion herself, in Mexico.

No one knew this at the time. She said, "I secretly resolved to find a way to fix things in the future."

At the time, so many single women were on flights to El Paso, TX to cross the border to terminate their pregnancies, they called them "abortion flights."



After her illegal abortion, the idea for Roe v. Wade started at a garage sale in Texas.

It was a fundraiser for a local abortion referral group. In the driveway the women asked Sarah Weddington the initial legal questions they wanted answered— which eventually led to the case.

We now know "Roe" was Norma McCorvey... but, who was "Wade"?

Henry Wade was a Texas politician elected District Attorney in Dallas County. He was DA for 35 years & sent 29 people to death row.

So... not exactly "pro-life." ˘(■)˘



They initially won Roe v. Wade in federal district court, but luckily, Henry Wade was arrogant— he publicly stated that he refused to obey the decision & would keep prosecuting women & doctors for abortion in Texas.

His arrogance helped fast-track the case to the Supreme Court.



One, in footnote 96, became one of the most important parts of the brief.

**"Section 1 of the 14th Amendment of the United States Constitution refers to 'all persons born or naturalized in the United States.' There are no cases which hold that fetuses are protected by the 14th Amendment."**

The lawyers for Roe v. Wade argued that property rights were contingent on being born alive.

And, no benefits were given to fetuses for things like workman's comp where benefits are normally allowed for "children."

So... a fetus was *\*not\** actually a child under the law.

Sarah Weddington, the attorney behind Roe v. Wade & the one who argued it before the Supreme Court, was 25 years old when she first argued it in federal court— she had never before argued a single contentious case in her life.

Her age & gender led to a lot of discrimination.





Roy Lucas, a New York attorney, stepped in to help prepare Roe v. Wade for the Supreme Court— but, he sent a letter to the Court, BEHIND THE BACKS of the female attorneys who filed the case, saying HE would argue the case at the SCOTUS, in an attempt to steal it from them.

Luckily, the clients in the case have the final say about who argues it.

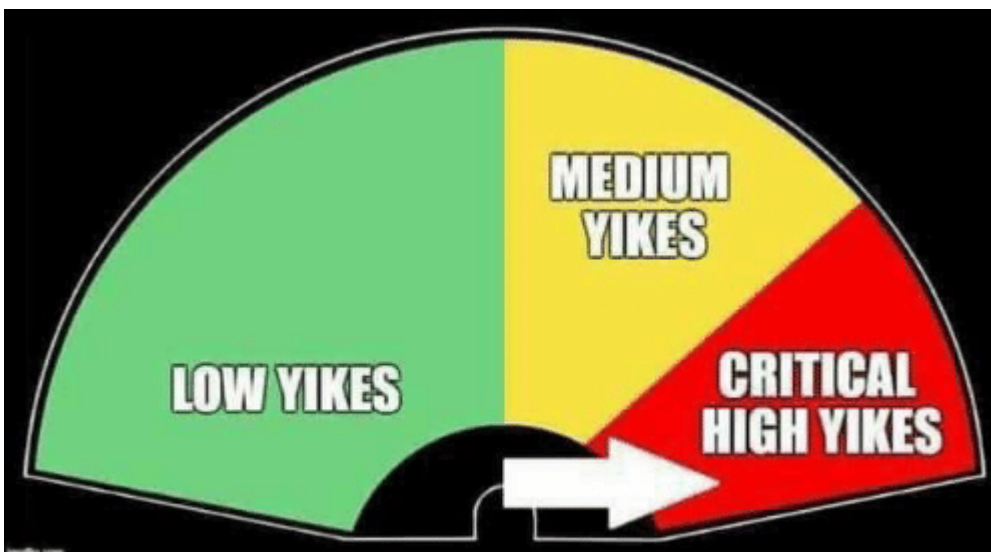
Linda + John Doe (the companion case) & Jane Roe wrote a letter to the Court informing them Sarah Weddington (not Roy Lucas who they had never met) would be presenting the oral argument in Roe v. Wade.



There were 2 cases December 13, 1971— a Texas case (Roe v. Wade) & a Georgia case (Doe v. Bolton).

3/4 attorneys arguing were women bc Georgia chose Dorothy Beasley, an assistant AG, to argue against abortion.

Supreme Court personnel referred to it as, "Ladies' Day."





These instructions were given to the attorneys arguing Roe v. Wade.

The Supreme Court only used male pronouns when referring to Counsel.

(This is from Sarah Weddington's book, "A Question of Choice"—where I'm getting all this trivia from. It's a fascinating read!)

Remain seated at reserved table behind Counsel's table throughout the argument of the case immediately preceding your case on the calendar, unless special arrangements have been made with the Clerk.

When Counsel's turn comes for argument **he** will proceed to the rostrum without being called. **He** should not begin until he has been recognized by the Chief Justice, then [should] open his argument with the usual, "Mr. Chief Justice, and may it please the Court—"

Counsel should compute their remaining time during argument. *Do not* make inquiry of the Chief Justice.

The lawyer for Wade (TX) in Roe v. Wade, Jay Floyd, started his oral argument before the Supreme Court w a "joke."

"When a man argues against two beautiful ladies like this— they're going to have the last word." ■

Literally no one in the courtroom laughed & it unnerved him. ■

In June 1972, Roe v. Wade was scheduled by the Supreme Court for RE-argument, which is extremely unusual.

Yep, Roe was argued TWICE.

A rumor as to why was Nixon did not want the Court— sometimes called "The Nixon Court"— to decide the case WHILE he was running for a 2nd term.

In 1971 & 1972 when she argued the case (twice) they didn't even have a women's bathroom in the Supreme Court "lawyer's lounge" & Sarah Weddington said when she went back in 1992— over 20 years later— they STILL DIDN'T.

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