

UNDER THE RADAR

Thirty years after *Roe v. Wade*, the White House is pressing its case against **ABORTION** delicately. An inside look at the strategy

By **KAREN TUMULTY** and **VIVECA NOVAK**

GEOERGE W. BUSH'S FIRST WORKDAY was also the day that tens of thousands of antiabortion activists gathered in Washington for their annual protest against the landmark Supreme Court decision guaranteeing a woman's right to abortion. So new was the Bush team on Jan. 22, 2001, that most officials hadn't yet been issued their White House telephone extensions. Kansas Senator Sam Brownback frantically dialed cell-phone numbers from the rally's stage beneath the Washington Monument. When he finally reached Tim Goeglein of the Office of Public Liaison, Brownback put his request for a show of support bluntly: "If you're going to take this position, now's the time to announce." Less than an hour later, it was Brownback's cell phone that rang. In his first reversal of Clinton Administration policy, the new President—who had downplayed abortion during his campaign—said he would block federal money from international family-planning organizations that offer or counsel abortion. The crowd roared when Brownback delivered the news.

Two years later, as the 30th anniversary of *Roe v. Wade* is marked this week, the anti-abortion movement finds itself at a moment of both possibility and tension. Some think Bush has lived up to the promise of that early victory. "He's been a star," says Republican Congressman Chris Smith of New Jersey, one of the House's leading abortion foes. But others say the President is in danger of squandering what they see as the biggest opportunity abortion opponents have had since *Roe* to severely restrict—maybe even ban—abortion. "He has tremendous political capital, and I wish he had said more to America and not just to us," says Gary Bauer, a conservative activist who ran against Bush for the C.O.P. nomination. "They've made a calculation: take action, but with the least discomfort to other portions of the coalition—

some of the more moderate suburban women who don't react to this with the same enthusiasm I might."

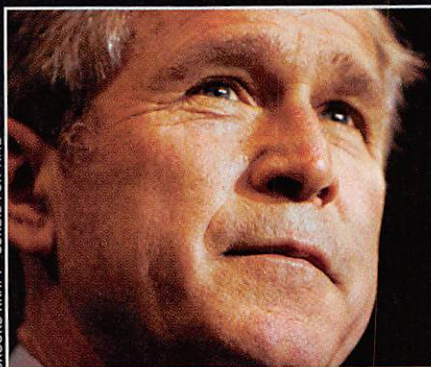
Abortion is on the decline in this country, no matter how you measure it: in total numbers, the rate at which women choose abortion or the percentage of pregnancies that end in abortion. Between 1990 and 2000, the number of abortions dropped 18%, from an estimated 1.6 million a year to 1.3 million, according to the Alan Guttmacher Institute, a non-profit research organization that both sides of the debate rely on for data. Twelve years ago, about 27 women out of every 1,000 of child-bearing age had had an abortion; by 2000, the number fell to just over 21. And whereas 28% of those who found themselves pregnant in 1990 had an abortion, the number dropped below 25% two years ago.

Meanwhile, there are fewer and fewer doctors willing to perform the procedure. The number of physicians providing abortion is down to 1,800 nationally, from nearly 2,400 in 1992, and 87% of U.S. counties have none at all, according to the Guttmacher Institute. Another indicator: this month the National Abortion and Reproductive Rights Action League, the abortion-rights movement's

leading organization, officially changed its name for the fourth time, to NARAL Pro-Choice America, dropping the word abortion and adopting the acronym instead.

With Congress and the White House in C.O.P. hands, abortion foes will push this

53% OF WOMEN BETWEEN THE



BROOKS KRAFT—CORBIS FOR TIME

KEY DECISIONS UNDER THE B

Some ignited controversy and major headlines

- Made "unborn children" eligible for coverage under the Children's Health Insurance Program as part of an effort to establish the fetus as a person
- Nominated strongly antiabortion advocates such as Attorney General John Ashcroft to high-level positions
- Filed lower-court brief supporting Ohio's ban on "partial birth" abortions



MARKING AN ANNIVERSARY

Brandi Swindell, leader of a group of young antiabortion activists, at a candlelight vigil in Boise, Idaho. The crosses are designed to represent the number of abortions that take place daily

AGES OF 18 AND 39 SAY THEY CONSIDER ABORTION AN ACT OF MURDER

year to get a ban on the late-term procedure they call partial-birth abortion passed (as it has been twice already) and signed into law (President Bill Clinton vetoed it both times). But G.O.P. strategists concede it is unlikely that other measures—like a bill to make it a

separate crime to injure a fetus during an attack on a pregnant woman or legislation making it illegal to evade state parent-notification laws by taking a minor across state lines—will become priorities for the President or get through the closely divided Senate. “If all they can muster is the elimination of one abortion method, that’s a loss,” says former antiabortion lobbyist Teresa Wagner, editor of a new book of essays about the movement. “It’s a catastrophic loss.”

For its broader goals, the antiabortion movement still can’t make the political math work. The Senate has a Republican majority, but at least 53 Senators are on record as favoring *Roe*. And the public is not prepared to see it overturned. In the latest TIME/CNN poll, 55% of respondents said they support a woman’s right to have an abortion in the first three months of pregnancy.

At the same time, 60% of those polled said it has become too easy to obtain an abortion, which helps explain why opponents have been so effective in nibbling at the edges of the abortion question. Ever since a 1992 Supreme Court decision, *Planned Parenthood v. Casey*, opened the door for states to impose greater limits on the right to an abortion, activists have taken up the fight state by state, measure by measure. In the past seven years, 335 new restrictions have been put on the books around the country, according to NARAL. Most common are parent-notification laws, required waiting periods, and state-mandated lectures and literature about fetal development and alternatives to abortion such as adoption. In Alabama, women have to get sonograms before they can end their pregnancies. While a few states such

USH ADMINISTRATION

; others slipped under the radar

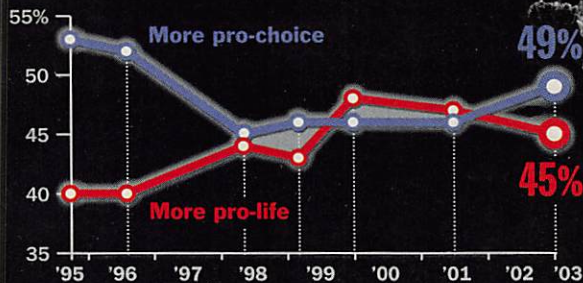
- Nixed taxpayer funding for additional stem cells to be extracted from embryos and used to research cures for diseases
- Reimposed global gag rule barring international organizations receiving U.S. funds from providing abortion services
- Revised government website to include suggestion of a link between abortion and breast cancer, which is not yet proved

“God willing, the human-life amendment will someday become the law of the land.”

—REPRESENTATIVE CHRIS SMITH
Republican, New Jersey

TIME/CNN POLL

■ Would you describe yourself as being more pro-choice—supporting a woman’s right to have an abortion—or more pro-life—protecting the rights of unborn children?



as California have liberalized their laws, the trend is very much in the other direction.

As Bauer noted, the White House strategy seems to be to push many of its abortion actions under the radar, where they will not be noticed by moderate women voters. True, Bush made headlines with his nomination of the staunchly evangelical, anti-abortion John Ashcroft for Attorney General and the decision not to provide taxpayer funds to develop additional fetal-stem-cell lines for medical research. But other moves barely made a ripple by comparison. A year ago, the Administration filed a brief supporting Ohio’s partial-birth-abortion ban in an appellate court (not waiting, as it normally would, for the case to hit the Supreme Court). A few months later, it quietly removed from a government website information saying that abortions do not increase the risk of breast cancer. (A replacement fact sheet suggests a possible

link, though major studies turn up no evidence for one.) Last March the Administration made fetuses eligible for the Children’s Health Insurance Program, keying off the anti-abortion groups’ strategy of establishing “fetal rights” as a way of eventually undermining *Roe*. And just three weeks ago, the State Department sent a cable to its Agency for International Development (AID) offices worldwide urging them to ensure that U.S. funds weren’t going to groups that provide abortion services—and suggesting that the AID offices surf the websites of funded groups as a way of checking.

Bush has also issued avowals that he will veto appropriations bills when the Senate has threatened to repeal existing restrictions on abortions. As recently as last Friday, he warned Congress that if a catchall spending bill under consideration omits even one existing curtailment of federal funds for abortion, his advisers

would recommend a veto. “It’s a mistake to underrate his focus,” says Democratic Congresswoman Zoe Lofgren, an abortion-rights advocate who has found herself on the losing side of the abortion wars. “They are persistent, and they are insistent.”

The partial-birth ban, if enacted, would be the biggest federal antiabortion initiative since the mid-1970s, when the government banned use of federal funds to provide abortions for poor women. But it is certain to face a legal challenge, and has lost in the courts before. In 2000 the Supreme Court knocked down all state partial-birth bans because they defined the procedure in ways that also included the most common type of second-trimester abortion and offered no exception to preserve a woman’s health or life.

Court rulings like that have raised the stakes in what promises to be the real test of Bush’s antiabortion agenda: his Supreme

Choice and the Post-*Roe* Generation

When pro-choice activists agonize over the teetering support for reproductive rights, they don’t just mention the names George W. Bush and John Ashcroft. High on their worry list are people like Katie Schiller, 19, a government major at the University of Texas at Austin. Like many in her age group, she leans left on social issues such as the death penalty and gay rights. But she is deeply torn about abortion. Yes, she supports a woman’s right to choose, but only in tightly prescribed instances, such as if a woman is raped or if a child might be born with a handicap. “Everyone wants this to be a black-and-white thing,” she says, “but it’s not.”

In that view, she is also typical of her peers. While their parents may have reflexively worn the pro-choice or pro-life label, the children of the post-*Roe* generation have more nuanced views on the issue. As a group, they tend to be more conservative about it. In a poll published last fall by the Survey Research Center at the University of California, Berkeley, 44% of 15- to 22-year-olds approved of placing some restrictions on abortion, while just 34% of those ages 27 to 59 did. Abortion-rights advocates are no more encouraged by their own data. A confidential report prepared by the Pro-Choice Public Education Project showed that from 1998 to 2001 there was a 7%

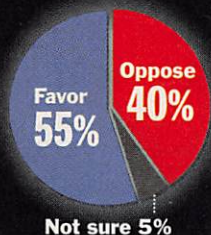
decrease, to 57%, in women ages 16 to 25 who described themselves as pro-choice. “All [young people] hear is from the other side,” says Kate Michelman, president of NARAL Pro-Choice America. “We could show pictures of women dead or dying from illegal abortions, but we don’t.”

So how do you rally a generation that has known nothing other than legally sanctioned abortion? For starters, you hold rallies. While pro-life groups have marched on Washington on Jan. 22 for each of the past 29 years, it has been more than a decade since pro-choice groups descended on the Mall in Washington. “They just assumed the post-*Roes* would be on their side,” says

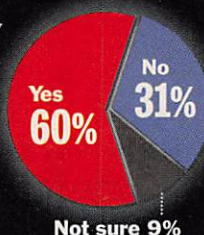
Derrick Jones, the outreach coordinator for National Teens for Life, which was formed in the mid-’80s and has been drafting young members ever since. The pro-life cause has also received a boost from technology. The morning-after pill and new forms of contraception like Depo-Provera have made surgical abortion that much rarer, and high-resolution sonogram images have made an embryo’s first moments that much more real.

At the same time, the iconography of the abortion-rights movement is fading from memory. Indeed, pro-choice stalwarts pitched themselves to a younger audience more than four years ago with a multimillion-dollar campaign in which some of the ads featured coat hangers. To some of the movement’s newest members, the message

■ Do you favor the Supreme Court ruling that women have the right to an abortion during the first three months of their pregnancy?



■ Is it too easy for women today to get an abortion?



Results of a TIME/CNN poll conducted Jan. 15-16, 2003, among 1,010 adult Americans age 18 or older. The margin of error is ±3.1%

“This Administration and Congress are weaving a pernicious web of anti-choice initiatives.”

—GLORIA FELDT
President, Planned Parenthood

Court nominations. What keeps *Roe* standing is the razor-thin five-vote majority that has stood by the decision. If Bush replaces anti-*Roe* Chief Justice William Rehnquist (rumored to be retiring this year) with another like him, it won't change the calculus, though abortion will still loom huge in confirmation hearings. But when it's Sandra Day O'Connor's turn to go or that of any of the others who have upheld *Roe*, the stakes will be enormous. If *Roe* is overturned,

NARAL predicts that 12 states are likely to ban abortion in all or most circumstances, and five others might.

With so much at stake, NARAL is spending \$2.5 million this year on print and television ads, unprecedented for the group in a year with no presidential elections. On Tuesday night, every contender for the 2004 Democratic nomination is expected to appear at a NARAL dinner in Washington. And to make sure that abortion foes are not

the only ones making a show of force in Washington, a big march is planned for before the presidential election.

So for now, 30 years after *Roe*, abortion has become a war of small skirmishes—but with both sides on high alert. “I think that this Administration and Congress are weaving a pernicious web of anti-choice initiatives that taken together strangle reproductive rights,” says Gloria Feldt, president of the Planned Parenthood Federation of America. And that's one point on which the two sides can agree. “God willing, the human-life amendment [which would ban abortion in all cases except to save the mother's life] will someday become the law of the land,” says Congressman Smith. “But meanwhile we are using every modest and incremental approach possible.”



VINCENT NUSI—AURORA FOR TIME

RALLYING SUPPORT: Choice USA supporters in Washington make banners for a pro-*Roe* demonstration

seemed almost laughably out of touch. “I've been in meetings where feminist activists make no attempt to really listen to young women,” says Jennifer Baumgardner, an active Planned Parenthood member and the co-author of *Manifesta: Young Women,*

Feminism and the Future (Farrar, Straus & Giroux). “The women making all the decisions are in menopause.”

That is beginning to change. At one Planned Parenthood branch outside San Francisco, a Post-*Roe* Committee of twenty- and

thirtysomethings was host to a happy hour called Planet Love: Sex, Choices and Microbrews. Among other activities, organizers gave away safe-sex kits, which included flavored condoms. To mark this week's anniversary, the Feminist

Majority Foundation is playing host to a Never Go Back student-leadership conference in Washington. The movement's Old Guard will be on hand to offer advice—but only at the invitation of the younger recruits.

Some of the younger pro-choice prospects don't need an invitation to take up the cause. “I feel like choice is an issue where there is a challenge right now, and that's got me going,” says Hannah Stein, a law student at the University of Minnesota. She started a pro-choice campus group after the G.O.P. swept last November's elections. “People don't realize it's endangered.” —By Jodie Morse. With reporting by Julie Rawe/ New York, Sarah Sturmon Dale/Minneapolis and Avery Holton/Austin