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**Justice Sandra Day O'Connor - II**

**Lead: While she generally sided with the conservatives on the Supreme Court, at times Sandra Day O'Connor was fully willing to depart from orthodoxy. Consider her approach to abortion.**

**Intro.: *A Moment in Time* with Dan Roberts.**

**Content: The preamble to the 1986 Missouri law declared that “the life of each human being begins at conception.” It went on to severely restrict reproductive services at public hospitals and required costly tests to determine fetal viability if the woman**

appeared to be 20 weeks pregnant. This seemed to violate the core principles of *Roe v. Wade* the 1973 Court decision denying states jurisdiction over abortion and, thus permitting abortions prior to the third trimester of pregnancy. The lower courts eviscerated the Missouri law.

Nevertheless, the Supreme Court heard the Missouri appeal, and to some observers a majority appeared to favor jettisoning or at least scaling back *Roe*. The deciding vote would probably be Justice O'Connor, the only of the nine to have given birth. Rehnquist, Scalia, White, and Kennedy either favored returning the matter to the states or believed that there was no constitutional right to an

**abortion. Blackmun, Brennan, Marshall and Stevens voted against the Missouri law and were staunchly in favor of *Roe*.**

**It came down to O'Connor. In previous cases she had been critical of *Roe* and in arguments seemed likely to uphold the Missouri law. Would she do more? In a complicated concurrence, she sided with Missouri, but refused to review *Roe*. Unlike Rehnquist and the other conservatives, O'Connor wanted to retain the essential core of a woman's right to choose: "...there will be time enough to reexamine *Roe*. And to do so carefully." From that point, O'Connor, while siding with her rightest brethren on most matters,**

**remained a bulwark against the review  
of *Roe*.**

**From Richmond Virginia, this is  
Dan Roberts.**

## Resources

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