

FOUNDATION BREAKFAST SERIES CONTINUES
WITH DR. SARAH WEDDINGTON

By Marilyn C. Kunstler

In recognition of the 35th anniversary of the landmark decision in Roe v. Wade, the New York Women's Bar Association Foundation, Inc. was honored to host Dr. Sarah Weddington, who successfully argued the case before the Supreme Court, as its guest speaker on March 6, 2008. This was the tenth event in the Foundation's highly acclaimed Breakfast Speaker Series, and one of its most successful.

Before a rapt capacity audience, Dr. Weddington vividly described arguing the case in the Supreme Court when she was only 26 years old. She arrived at the Court, only to find that there was no ladies' room the lawyer's lounge, a situation that was not corrected until Ruth Bader Ginsburg was appointed years later. This was especially significant because the lawyers arguing both sides of the companion case to Roe, Doe v. Bolton, were women. Dr. Weddington actually had to argue the case twice, because there were only seven sitting justices when the case was first heard in December 1971. At the first hearing, the lawyer representing the state of Texas began his remarks by joking that it was unfair that he had to argue between two attractive women -- an attempt at humor that, fortunately, fell flat. Notably, when the case was argued the second time, in the fall of 1972, a different attorney represented the state of Texas.

Chief Justice Burger assigned the decision to his long-time friend and colleague from Minnesota, Justice Blackmun. It is thought that Justice Blackmun was chosen because of his experience with medical issues as a result of representing the Mayo Clinic.

Although Chief Justice Burger joined the majority opinion, their friendship nevertheless later ended as a result of the decision.

Dr. Weddington was only 27 when the decision was issued on January 22, 1973, and is believed to be the youngest person to argue successfully before the Supreme Court. She first learned that the case had been decided when her office received a call from reporters seeking comment. In the days before e-mail and faxes, she did not know how the case had come out, and called an acquaintance in Washington, D.C., to run to the Courthouse and read the decision. Finally she received a telegram from the Clerk of the Court (a photo of which appears in her book), saying she had won. The telegram was sent collect.

Dr. Weddington's path to the Supreme Court was not easy or straightforward. Her high school guidance counselor told her law school would be too difficult for a girl, but she applied anyway. When she graduated from the University of Texas Law School in 1967, she was not offered a position at a law firm. Three years later, she had only handled a few family law matters when she teamed up with Linda Coffee to file Roe v. Wade in Texas federal court. Had she known at the time that she would have to argue the case before the Supreme Court, she said, she never would have taken the case.

Dr. Weddington was very encouraging to the young lawyers in the audience and spoke of the importance of Women's Bar Associations. After her remarks, Dr. Weddington stayed to sign copies of her book, A Question of Choice. The Foundation was also pleased that, through the generosity of its supporters, five students from the Law and Public Service Program at Washington Irving High School were able to attend this important event.

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The Foundation's breakfasts are fundraising events, with the proceeds of ticket and book sales going to support the Foundation's fellowship programs for local area law school students, who spend a semester at inMotion, Sanctuary for Families, or Human Rights First. Previous breakfasts have featured well-known authors Linda Fairstein, Kati Marton, Gail Collins, Beth Harpaz, Martha Burk, Linda Greenhouse, Joan Biskupic, Lynn Sherr and Margaret Heffernan. Look for the announcement of the next breakfast in the fall.