

“Mary Doe” of Doe v. Bolton: Why Her Life Matters Now More Than Ever

Her name is not known to most Americans. A few might recognize “Mary Doe” of the famous U.S. Supreme Court case, *Doe v. Bolton*; Sandra Cano was that “Mary Doe.” This case and its more well-known companion case *Roe v. Wade* were used by the Supreme Court 43 years ago in January to legalize abortion in all 50 states.

Doe v. Bolton legalized abortion on demand up to the moment of birth, creating a health exception justifying abortion for any cause the pregnant mother may name. It has resulted in ending millions of babies’ lives.

But there was little real, and much deception, about the “Mary Doe” made up in the *Doe v. Bolton* court case, which brought constitutionally protected abortion to America. I knew Sandra for 14 years, serving as her lawyer from 2000-2014, in her efforts to overturn her own case at the Supreme Court.

She felt *Doe v. Bolton* was a “doom upon her shoulders.” When I first met her, she told me she never wanted an abortion and that the legal papers in the court were a fraud upon the court. In fact, rather than wanting an abortion, she fled to Oklahoma during the pendency of her own case to avoid being forced to have an abortion.

She never wanted an abortion and believed the taking of an innocent life was wrong. For years she suffered in silence—as her affidavit filed in federal court in 2003 makes clear.

In 1988, after seeing the people of Operation Rescue in Atlanta show a willingness to be arrested to protect children in the womb, she felt she had to come forward. Yet with only

an eighth grade education, she struggled to prove she was the real “Mary Doe” of *Doe v. Bolton*.

Her first lawyer battled against her, but Sandra (with the help of her attorneys at the time, Wendell Bird and Michael Farris) finally opened the records and proved she was the plaintiff in *Doe*. She began to speak out for life and never gave up.

In 2000 The Justice Foundation began to represent Sandra in a Rule 60 Motion to reopen her case and set aside the *Doe v. Bolton* judgment as no longer just. We began to collect legally admissible testimonies of women hurt by abortion—to show the court that not only does abortion take a human life, it hurts the people it was supposed to help: women.

Her case went to the Supreme Court in 2006; at last, the official records filed with the United States Supreme Court showed the fraud upon the court and cleared Sandra’s name. While the Supreme Court declined to take her case, Sandra never gave up.

In 2005, Sandra testified before the Senate Judiciary Committee about the fraud of abortion and the fraud in her case. “Though I have lived what many would consider an unstable life, and have overcome devastating circumstances, at no time did I ever have an abortion, I did not seek an abortion, nor do I believe in abortion,” Cano stated. She was absolutely persistent.

In 2007, The Justice Foundation helped Sandra, together with 180 women hurt by abortion, file a Friend of the Court brief at the Supreme Court supporting the federal ban on partial birth abortion.

The Supreme Court listened to Sandra and cited her brief twice in upholding the ban on partial-birth abortion, specifically the testimonies of women hurt by abortion who chronicled how abortion causes severe depression and loss of self-

esteem. Because she never gave up, the Supreme Court proclaimed her name—Sandra Cano—on the pro-life side of an important victory.

Still not satisfied, she filed a brief in 2014 in the United States Court of Appeals for the Eighth Circuit supporting the constitutionality of the North Dakota law banning abortions when a baby's heartbeat can be detected.

This brief, and Sandra's tireless pro-life efforts, including her motion to overturn her own case, were recently cited by the 8th Circuit Court in a unanimous decision asking the Supreme Court to re-evaluate its abortion jurisprudence and uphold the North Dakota law banning abortion after six weeks.

That case is now pending before the U.S. Supreme Court, as North Dakota asks the court to take the case. Sandra never gave up.

Sandra never gave up, but her Lord Jesus Christ took her home to be with Him on Sept. 30, 2014. Her memorial service was a beautiful testament to her life and journey.

Her dying wish was to see abortion made illegal and *Doe v. Bolton*, the case that she felt ruined her name, totally and permanently annulled and cancelled by the Supreme Court. Her name is still in the documents in the North Dakota case.

Another aspect of Sandra's legacy is being featured in a documentary entitled *The Gift of Life*, which tells her story while examining the harms of abortion and revealing why our society must uphold the value of every life.

If the saints in heaven can still pray for us, then I am sure Sandra Cano (1948-2014) has not given up praying. In Isaiah 28, we read a prophecy that echoes today: "I will make justice a measuring line and righteousness a plumb line. ... Your treaty with death will be wiped away. Your agreement with the grave will not stand." The Lord gave Sandra and me this promise the

first weekend we ever spoke together.

Will you be one who never gives up on the pro-life cause? Will you join us in praying that the “covenant with death, the agreement with the grave” that are *Roe v. Wade* and *Doe v. Bolton* will not stand any longer before the U.S. Supreme Court?

The season between now and June 30 is critical to the history of the United States, as the Supreme Court considers abortion again. As people of faith, we must speak up and be engaged when nine justices shape public policies that affect the future of more than 300 million people across our land.

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