

# Roe v. Wade Supreme Court Decision

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Adapted from: [http://womenshistory.about.com/od/abortionuslegal/p/roe\\_v\\_wade.htm](http://womenshistory.about.com/od/abortionuslegal/p/roe_v_wade.htm)

## 1. Complete the paragraph below:

Roe v. Wade is the \_\_\_\_\_ Supreme Court \_\_\_\_\_ **overturning** a Texas interpretation of abortion law and making abortion \_\_\_\_\_ in the United States. The Roe v. Wade decision held that a woman, with her doctor, could choose abortion in earlier months of \_\_\_\_\_ without legal restriction, and with restrictions in later months, based on the right to \_\_\_\_\_.

- Find a synonym for "overturn a law"=

## 2. Complete the date of the Roe v. Wade decision

\_\_\_\_\_ 22, 19\_\_\_\_\_.

## 3. Effect of the Roe v. Wade decision:

All state laws limiting women's access to abortions during the first trimester of pregnancy were **invalidated** by Roe v. Wade. State laws limiting such access during the second trimester were **upheld** only when the restrictions were for the **purpose** of protecting the health of the pregnant woman. Roe v. Wade legalized abortion in the United States, which was not legal at all in many states and was limited by law in others.

- Find synonyms for the words in **bold**:

## 4. Complete the basis of the Roe v. Wade decision:

The lower (Texas) court's decision in this case was that the Ninth Amendment, a part of the Bill of Rights, in stating that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," protected a person's right to privacy. The Supreme Court chose to base its decision on the \_\_\_\_\_ Amendment. Roe v. Wade was decided primarily on the \_\_\_\_\_ Clause of the \_\_\_\_\_ Amendment to the United States Constitution. A criminal statute that did not take into account the stage of pregnancy or other interests than the life of the mother was deemed a violation of Due Process.

## 5. Acceptable government regulation according to Roe v. Wade:

Different rules at different stages of pregnancy were considered appropriate:

- In the first trimester, the state (that is, any government) could treat abortion only as a medical decision, leaving medical judgment to the woman's physician.
- In the second trimester (before viability), the state's interest was seen as legitimate when it was protecting the health of the mother.
- After viability of the fetus (the likely ability of the fetus to be able to survive outside and separated from the uterus), the *potential* of human life could be considered as a legitimate state interest, and the state could choose to "regulate, or even proscribe abortion" as long as the life and health of the mother was protected.

1. Can a state regulate or restrict abortion in the first trimester of pregnancy?
2. Can a state ban abortion in the second trimester?
3. Can a state ban abortion in the third trimester?
4. True or false? State interference increases over the course of the pregnancy.

## 5. Complete who Roe and Wade were:

The a \_\_\_\_\_ "Jane Roe" was used for Norma McCorvey, on whose b \_\_\_\_\_ the s \_\_\_\_\_ was originally filed, alleging that the abortion law in Texas v \_\_\_\_\_ her constitutional rights and the rights of other women. The d \_\_\_\_\_ was the district a \_\_\_\_\_ of Dallas County, Texas, Henry B. Wade.

## 6. Complete who argued the case:

Sarah W \_\_\_\_\_ and Linda Coffee were the plaintiff's \_\_\_\_\_. John Tolle, Jay Floyd and Robert Flowers were the defendant's lawyers.

## 7. Who voted for and against the Roe v. Wade decision:

The majority: Harry Blackmun, William J. Brennan, Chief Justice Warren Burger, William O. Douglas, Thurgood Marshall, Lewis Powell and Potter Stewart. The dissent: William Rehnquist and Byron White. The majority opinion was written by Harry Blackmun. **Concurring** opinions were written by Potter Stewart, Warren Burger, and William O. Douglas. **Dissenting** opinions were written by William Rehnquist and Byron White.

1. How many justices voted for / against the decision? It was a \_\_\_\_ to \_\_\_\_\_ ruling.
2. Explain what the words in **bold** mean.

## 8. Pro-Life v. Pro-Choice

Following the decision in *Roe v. Wade*, nineteen states needed to rework their abortion laws while thirty-one, including Texas, saw their strict anti-abortion laws entirely struck down. Immediately, *Roe* opponents, "Pro-Life" groups, began their assault on the decision. Several constitutional amendments prohibiting abortions were introduced in Congress. When these failed, *Roe*'s opponents tried to organize the required thirty-four state legislatures to call for a constitutional convention but this also failed by the mid-1980s.

By the early 1980s the Republican Party adopted the Pro-Life position, gaining support of many religious leaders' but losing much support among women. Both Republican presidents, Ronald Reagan and President George Bush, asked the Supreme Court to overturn *Roe*. The Democratic Party, which supported *Roe*, benefitted from the women's vote as Bill Clinton, a supporter of a woman's right to choose, was elected president in 1992 and 1996.

By 1999, Gallup polls showed that 45 percent of Americans fell into the Pro-Choice camp, believing an abortion decision must be left to the woman and her physician. Forty-two percent considered themselves Pro-Life supporters. Pro-Lifers were well-organized, well-funded, and on occasion radical elements turned violent.

Following the *Roe* decision, many of the Supreme Court's more liberal members retired in the 1980s and 1990s. The more conservative Court steadily allowed the states more flexibility in regulating abortion and indicated a willingness to re-examine the *Roe* decision. Many predicted *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992) would overturn *Roe*, but the Court upheld *Roe*.

### True or false?

1. After *Roe v. Wade* abortion remained illegal in 31 states.
2. Pro life groups are in favor of abortion.
3. After *Roe v. Wade*, Congress passed a few laws that challenged the decision.
4. Democrats are generally pro-lifers.
5. Bush and Reagan were in favor of banning abortion.
6. The pro-choice camp represents a minority of the American population.
7. Since the 1990s, states have been gaining more power to interfere in a woman's pregnancy.
8. The *Casey* case is largely viewed as a major defeat for the pro-choice camp.