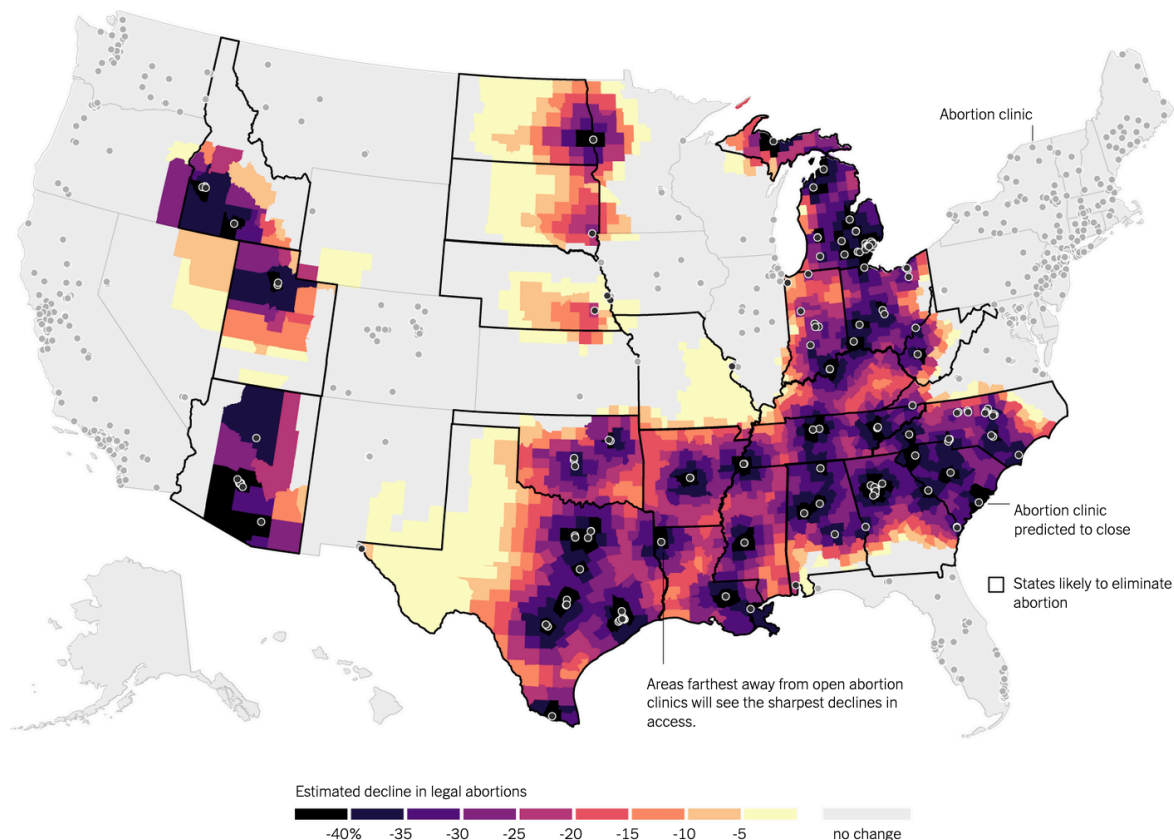


Roe v. Wade is Going Away

Where Abortion Access Would Decline if Roe v. Wade Were Overturned

States with trigger laws and others deemed likely to ban abortion are outlined.



Source: Estimates by a team from Middlebury College, the University of California, San Francisco, and the Guttmacher Institute

Note

The Supreme Court has voted to strike down the landmark *Roe v. Wade* decision, according to an [initial draft majority opinion](#) written by Justice Samuel Alito circulated inside the court and obtained by [POLITICO](#). The court's holding will not be final until it is published, likely in the next two months. This ruling comes from the case of [Dobbs v. Jackson Women's Health Organization](#).

Critical Analysis

1. Based on the map above, if Roe v. Wade is overturned, how many states are likely to eliminate abortion?
2. Describe the regions of the country where abortion would be least accessible if Roe v. Wade were overturned.
3. If the Supreme Court overturns Roe v. Wade, it would not outlaw abortion everywhere. Instead, states would be able to individually determine the procedure's legality. Thirteen states across the country have signaled their readiness to ban abortion by passing so-called [trigger laws](#), which would effectively ban abortions almost immediately after a decision from the Supreme Court to overturn Roe v. Wade. Does your state have a Roe trigger law?
4. Explain how this issue illustrates the concept of federalism.
5. Explain how this issue illustrates the concept of checks and balances.
6. Imagine that you were a member of the U.S. legislature opposed to the majority holding from [Dobbs v. Jackson Women's Health Organization](#). What could the U.S. Congress do to counter the ruling in [Dobbs v. Jackson](#)?
7. Imagine that you were a member of the state legislature opposed to the majority holding from [Dobbs v. Jackson Women's Health Organization](#). What could a state legislature do to counter the impact of the opinion from [Dobbs v. Jackson](#) in their own state?
8. Read the leaked [initial draft majority opinion](#) written by Justice Samuel Alito circulated inside the court and obtained by POLITICO. The crux of the majority's argument is that abortion is not protected by the Constitution and thus Roe and Casey (another pro-abortion rights SCOTUS ruling) are overturned. 'We hold that Roe and Casey must be overruled.' The opinion reads, "The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision, including the one on which the defenders of Roe and Casey now chiefly rely—the Due Process Clause of the Fourteenth Amendment. That provision has been held to guarantee some rights that are not mentioned in the Constitution," What might this ruling do to the idea of [stare decisis](#) (precedent)?
9. If the right to abortion is left to the states. Identify some other rights whose protection could be left to the states, and thus left unprotected in certain parts of our nation.
10. How will the ruling in [Dobbs v. Jackson Women's Health Organization](#) impact the 2022 midterm election and American politics in general?

Learning Extension

Read the [Politico article about the end of Roe v. Wade](#). And if you need it, here's a quick [primer from NPR](#) on how a case goes through the Supreme Court.

Action Extension

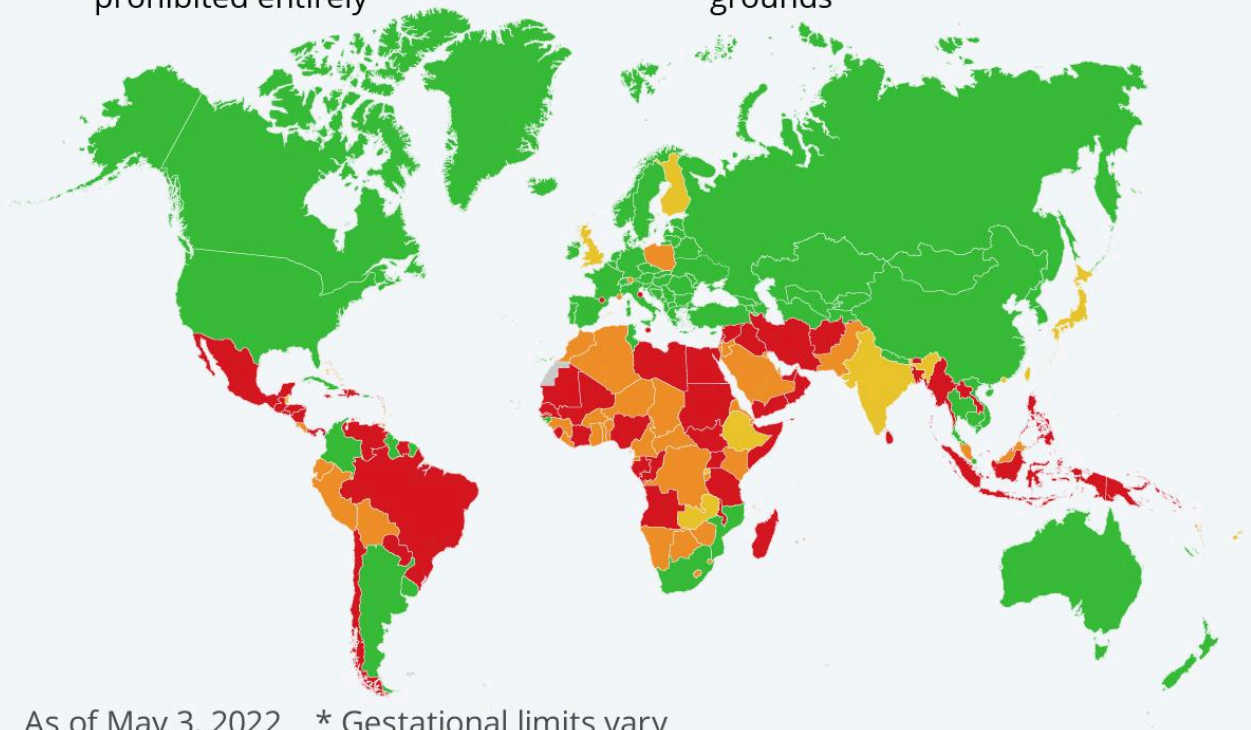
Express your opinion on this ruling to your [state legislators](#) and to your [U.S. Senators](#) and [U.S. Representatives](#).

Visual Extension

The Legal State of Abortion

International status of abortion law in 2022

- To save the woman's life/prohibited entirely
- To preserve health
- Broad socioeconomic grounds
- On request*



As of May 3, 2022 * Gestational limits vary
Source: Center For Reproductive Rights



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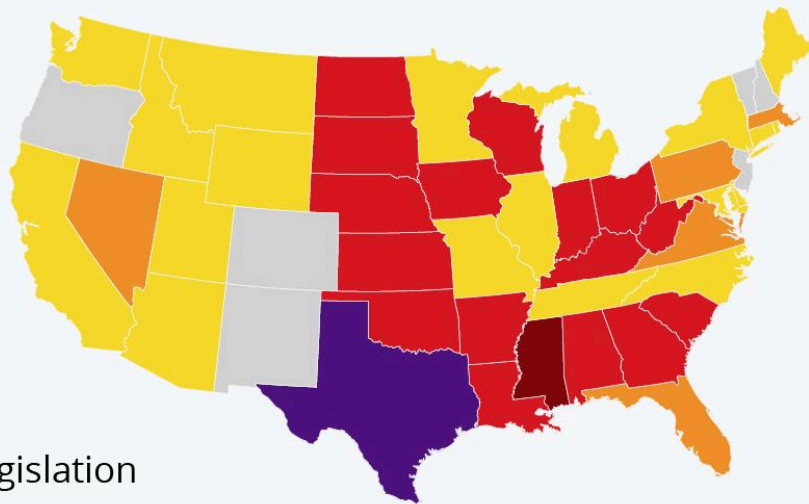
State-by-State Abortion Laws in the U.S.

Gestational age and other thresholds for legal abortions, by U.S. state (as of Sept 1, 2021)

■ Up until 6 weeks ■ Up until 20 weeks ■ Up until 22 weeks
■ Up until 24/26 weeks* ■ Before fetal viability**



■ No specific legislation



* 26 weeks: Virginia ** normally occurs at 24 weeks of gestation

Later abortions allowed in all states in case of danger to mother's life and/or health.

Source: Kaiser Family Foundation



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