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The Case: **Roe v. Wade**, 410 U.S. 113 (1973)

Key facts, or a Short Summary:

- Jane Roe wanted the right to abort a pregnancy
- Doe family suing for the right to have an abortion, since the chemical imbalances due to pregnancy could cause damage to the woman, but she is also advised to not take birth control for the same reason.
- Previous case referenced: Griswald v. CT., privacy for women's decisions (14th amendment)
- 9th Amendment
- 10th Amendment

The Central Question in the Case:

- Does the Constitution recognize a woman's right to terminate her pregnancy by abortion?

How the Case Answered the Question:

- 7-2 for Roe - abortion is legal within the constitution up until the end of the 1st trimester, then allowed during the 2nd trimester it is allowed, but more power of regulation by states, in 3rd trimester states can choose to ban abortion unless the mothers life is in danger
- 3 Concurrences, 2 Dissents

Key Quote(s) from the Majority Decision:

- "... When a man argues against two beautiful ladies like this, they're always going to have the last word...", Opening message from Justice Burger *(not transcribed)
- "An act of raw judicial power." - Justice White

Concurrences and Dissents?

- Rehnquist (Dissent): 'Manipulating the 14th amendment to fit your case'
- White (Dissent): 'Should be entirely up to the States'
- Stewart (Concurrence): 'Constitution does not necessarily deem the right to an abortion, but is not an unreasonable interpretation'
- Burger: (Concurrence): Thought that decision should have included ability for states to have 2 licensed physicians to approve abortion
- Douglas (Concurrence): 'Decision should have been based on the 9th amendment rather than the 14th amendment'

Important Takeaway, or Why This Case Matters:

- Ethically, women's right to decision making for their own bodies, the health of pregnant women (baby + woman)

- Constitutionally, shows the ambiguity of the laws and how we have to modernize the constitution, shows power of the federal government and Supreme Court
 - Entirely depends on who's sitting in the seat

Unanswered Questions from the Group:

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Find at least 2 Scholarly Articles or Books on this case:

Hull, N. E. H. 2010. Roe v. Wade : The Abortion Rights Controversy in American History / N.E.H. Hull and

Peter Charles Hoffer. University Press of Kansas.

<https://discovery.ebsco.com/linkprocessor/plink?id=65cd9839-5f17-3cb4-a762-467c50db3134>.

Dinh, Bao, Helen Chin, Nicholas Bloom, and Myicia Wheat. "Roe v. Wade (1973)." US Conlawpedia. 2017.

[https://sites.gsu.edu/us-constipedia/roe-vs-wade-1973/#:~:text=Concurring%20Opinion%20\(Douglas\)&text=Connecticut%2C%20the%20Supreme%20Court%20held,Rights%20and%20zones%20of%20privacy](https://sites.gsu.edu/us-constipedia/roe-vs-wade-1973/#:~:text=Concurring%20Opinion%20(Douglas)&text=Connecticut%2C%20the%20Supreme%20Court%20held,Rights%20and%20zones%20of%20privacy).