

Roe v. Wade

Grade: 11.2

Laws pertaining to **abortion** did not exist in the United States until the 1800s when the American Medical Association (AMA) and religious leaders began advocating for laws prohibiting abortion. Laws were passed that outlawed abortion except in cases where the woman's life was in danger if she carried out the pregnancy. This led to women pursuing illegal abortions that were dangerous because the lack of regulations resulted in operations that were performed under unsanitary conditions.

Throughout the twentieth century, women's groups fought for the right to have an abortion as part of the right to liberty granted by the Fourteenth Amendment to the United States Constitution. The right to liberty has been interpreted as including the right to privacy, which extends to women who are choosing whether or not to terminate a pregnancy. This amendment played a key role in the Supreme Court case of Roe v. Wade, which established the abortion laws observed in America today. The results of this landmark case continue to spark debate between **pro-life** and **pro-choice** citizens.



Norma McCorvey (left), also known as "Jane Roe," fought for the right to terminate her pregnancy.

Facts

Writing

Skills: Informative, Writing Conventions

- Explain the primary beliefs and attitudes of pro-choice and pro-life groups. Support your explanations with evidence from the text.

Reading

Skills:

- RI.3: Analyzing Connections
- RI.4: Word Meaning & Choice

RI.3: Analyzing Connections

Why did Norma McCorvey sue Henry Wade? Select all that apply.

She had been given the wrong name of "Jane Roe" at birth.

She wanted to terminate her pregnancy but Texas law did not allow this.

She was tired of seeing pregnant mothers get abortions and wanted to put a stop to it.

She wanted to challenge Texas abortion law and Wade was the district attorney of Dallas County.

Jane Roe was the alias given to Norma McCorvey, a resident of Texas who sought to terminate her pregnancy in 1970. However, Texas law declared abortion to be a felony unless it was for the purpose of saving the mother's life in cases where carrying out the pregnancy could be fatal. To challenge this law, Roe filed a lawsuit against Henry Wade, the district attorney of Dallas County where Roe lived during this time.

Roe was represented by Linda Coffee and Sarah Weddington, who claimed that the anti-abortion laws in Texas violated the Fourteenth Amendment right to personal liberty and the right to privacy. Representatives from the state of Texas argued that the right to liberty also extends to the unborn child's right to life. The federal district court decided that Texas law regarding abortion did violate a woman's constitutional rights, so Henry Wade appealed this decision to the United States Supreme Court.

The case was first argued in the Supreme Court in 1971, but as no initial decision was made, it was later revisited in 1972. The Supreme Court finally reached a decision on January 22, 1973. By then, Roe had already given birth to the child she was carrying, and it had been adopted by another family.

What was the court being asked?

Does the United States Constitution acknowledge a woman's right to terminate her pregnancy by having an abortion?

Decision

The Court ruled 7-2 in favor of Jane Roe, deciding that the right to an abortion fell under the Fourteenth Amendment's protection as this amendment grants citizens the right to privacy.

RI.3: Analyzing Connections

What effect did the Roe v. Wade decision have on abortions?

The decision allowed Norma McCorvey to have an abortion but did not affect other women.

The decision allowed all the women in Texas to have abortions but did not affect the rest of the U.S.

The decision outlawed abortions across the United States, regardless of state laws.

✓ The decision allowed all women in the country to have abortions, regardless of state laws.

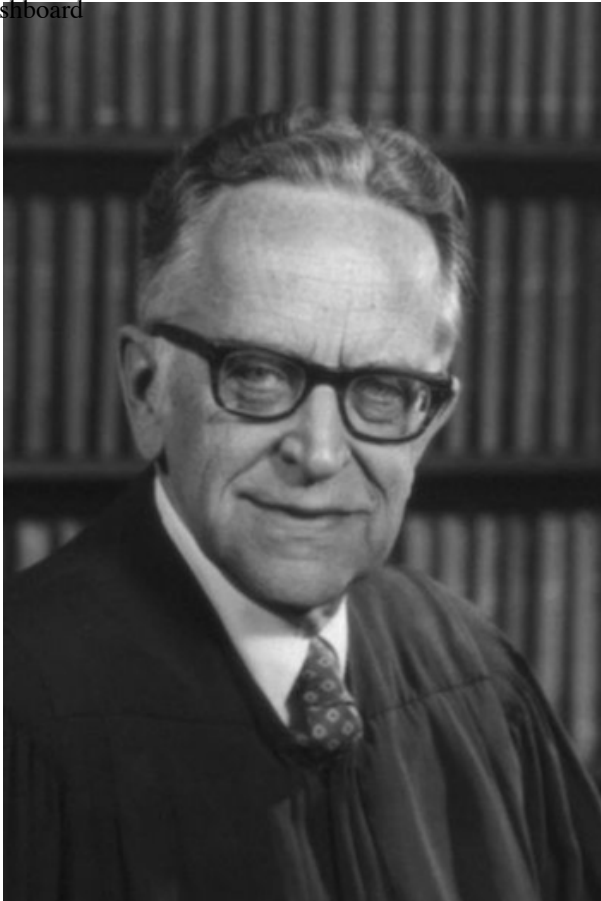
RI.4: Word Meaning & Choice

Why does the author use the phrases **pro-choice** and **pro-life** to describe supporters and opponents of abortion? Select all that apply.

✓ The author uses **pro-choice** to describe supporters that are focused on the mother's options.

The author uses **pro-choice** to describe opponents that are focused on the unborn child's options.

The author uses **pro-life** to describe supporters that are focused on the life of the mother.



Justice Harry Blackmun wrote the Court's opinion.

The Majority Said...

The majority opinion was written by Justice Harry A. Blackmun, who stated that the Texas laws regarding abortion violated a woman's right to privacy as granted by the Constitution. However, the Supreme Court did not agree with Roe's claim to the right to terminate a pregnancy at any time. Blackmun explained that there should be state regulations placed on abortion to balance the rights of the mother with the potentiality of human life, or the rights of the fetus.

This raised the question of *when* the state should step in to protect the fetus. To clarify this, Blackmun presented a three-tiered framework for deciding the legality of abortion within a pregnancy. Under this framework, a woman has the right to abort a pregnancy until around the third trimester in which the fetus is **viable**, or able to survive outside the mother.

The Minority Said...

Supreme Court Justices William Rehnquist and Byron White made up the minority in the case of Roe v. Wade.

✓ The author uses **pro-life** to describe opponents that are focused on the unborn child's life.

RI.4: Word Meaning & Choice

What is the author's tone in the section titled **Effects of the Decision**?

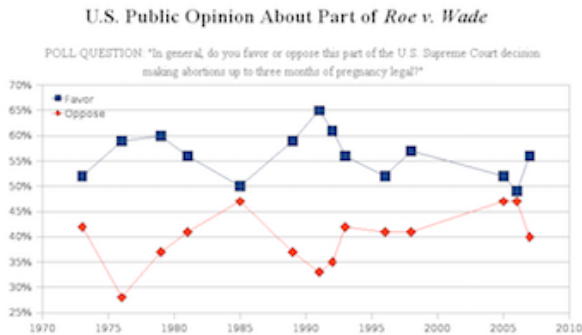
The author's tone is dismissive.

✓ The author's tone is balanced.

The author's tone is outraged.

The author's tone is apologetic.

They argued that abortion is not a matter of privacy, and therefore not protected under the right to privacy that has been interpreted from the Constitution. Additionally, they acknowledged that the Constitution does not ever use the word "privacy" when describing the rights granted to American citizens. They felt that the amendments the majority was referring to with regard to the right to privacy were unclear, and should not be used to make a decision in this particular case.



Public support and opposition of the decision has varied over the decades since the case.

Effects of the Decision

The decision reached in the case of *Roe v. Wade* gave women the freedom to choose whether or not to carry out a pregnancy. Nationwide, supporters of the decision celebrated this milestone in protecting individual rights for women, but opponents cited religious concerns regarding the rights of the unborn.

Nearly fifty years later, the nation is still divided over the results of *Roe v. Wade*. Pro-life activists continue to fight for the rights they feel should be granted to unborn children, while those who are pro-choice argue that the right to privacy and freedom of choice should be upheld. Abortion remains a major issue in the political world today as elected officials campaign for the side they agree with. The decision reached in the case of *Roe v. Wade* will likely be discussed for years to come.

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