

Committee: Human Rights

Topic: Implications of the reversal of Roe v Wade

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Summary

On Friday, June 24, 2022, the U.S. Supreme Court overturned Roe v. Wade, the almost 50-year-old decision that affirmed a constitutional right to abortion.

Roe v Wade was a Supreme Court case in 1973 that legalised abortion through all nine months. Therefore, if it's reversed it will lead to abortion's legality to be up to each individual state in the United States of America, causing some states to be pro-life or pro-abortion, as it follows Mississippi's ban on abortion after 15 weeks. Many people around the USA are protesting as they want to keep abortion legal, since it could lead women to use different types of methods which harm their health.

The US Supreme Court has given permission for individual states to ban or severely restrict the ability for pregnant women to get abortions. Abortion will not automatically become illegal in the US but individual states will now be allowed to decide if and how to allow abortions

Definition of key terms

Abortion - the termination of a pregnancy after, accompanied by, resulting in, or closely followed by the death of the embryo or foetus.

14th amendment - The 14th Amendment to the U.S. Constitution and guaranteed all citizens "equal protection of the laws." Section One's clause was: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." This amendment has been used for cases involving the use of contraceptives.

Reproductive rights - a woman's right to choose whether or not she will have a baby

Supreme Court - the highest judicial tribunal in a political unit (such as a nation or state)

Background information

In 1969, a 25-year-old single woman, Norma McCorvey using the pseudonym "Jane Roe", challenged the abortion laws in Texas, in which abortion was set as unconstitutional, except in cases where the mother's life was in danger. Defending the anti-abortion law was Henry Wade the district attorney for Dallas County, resulting in "Roe v Wade". She was pregnant with her third child when she filed the case, stating that she had been raped, but the case was rejected and she was forced to give birth. By a vote of seven to two, the Supreme Court justices ruled that governments lacked the power to prohibit abortions. They judged that a woman's right to terminate her pregnancy was protected by the US constitution.

Abortion before Roe v Wade:

In the 1820s and 1830s the regulations for abortion, this being dealt with the sale of dangerous drugs that women used to induce abortions. In 1869, the Catholic Church banned abortion at any stage of pregnancy. In 1873, Congress passed the Comstock law, making it illegal to distribute contraceptives and abortion-inducing drugs through the U.S. mail. By the 1880s, abortion was outlawed across most of the country.

In 1965, the U.S. The Supreme Court made a law banning the distribution of birth control to married couples, since the law violated their implied right to privacy under the U.S. Constitution.

In 1970, Hawaii became the first state to legalise abortion even though it only applied to the state's residents. The same year, New York legalised abortion, without a residency requirement.

In 1972, the Supreme Court struck down a law prohibiting the distribution of contraceptives to unmarried adults.

By the time of Roe v Wade in 1973, abortion was also legally available in Alaska and Washington.

After Roe v Wade

In 1992, litigation against Pennsylvania's Abortion Control Act reached the Supreme Court in a case called Planned Parenthood of Southeastern Pennsylvania v. Casey. The court allowed states to pass more abortion restrictions as long as they did not pose an "undue burden."

The court divided pregnancy into three trimesters declaring that the choice to end a pregnancy in the first trimester was up to the woman. In the second trimester, the government could regulate abortion, although not ban it, in order to protect the mother's health. In the third

trimester, the state could prohibit abortion to protect a foetus that could survive on its own outside the womb, except when a woman's health was in danger.

Restrictions:

From conception

State	Exceptions
Alabama	Save the health or life of the mother or in cases where the child is unlikely to survive after birth
Arkansas, Oklahoma, North Dakota, South Dakota, Tennessee, Texas, Wisconsin	Save life of the mother
Idaho, Mississippi, Utah	Save life of the mother or in documented cases of rape or incest
Louisiana	Save health or life of mother or in cases where the child is unlikely to survive
Michigan, Kentucky, Ohio, Missouri	Save life or prevent severe physical harm to the mother
Wyoming	Save the life or prevent physical harm to mother, in cases of rape or incest

From 6 weeks

State	Exception
Georgia	to save the life or prevent severe physical harm to the mother, or cases of rape or incest before 20 weeks
Iowa, South Carolina	to save the life of the mother, cases of rape or incest, or if the child is unlikely to survive after birth

From 13 weeks

State	Exceptions
Arizona, North Carolina, West Virginia	Save the life or prevent physical harm to the mother
Florida	Save health or life of the mother or in cases where the child is unlikely to survive after birth

Conclusion

By the USA making this decision it will make abortions less safe. The reversal also prevents doctors from providing basic care. Finally this also leads to a form of discrimination; the committee for the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, has consistently stated that restrictive abortion laws constitute discrimination against women.

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