



STUDENT WORK

A SCOTUS Case – Editorial Assignment

1 comment

Roe v. Wade was a landmark decision of the U.S. Supreme Court in 1973. The Court ruled that the Constitution of the United States protects a pregnant woman’s liberty to choose to have an abortion without excessive government restriction. On May 2, 2022, Politico published an article stating that “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” (Gerstein and Ward par. 1) Alito believes that Roe v. Wade was a wrong decision from the start. According to the New York Times without Roe v. Wade, abortion would be banned in 13 states immediately. States such as Kentucky, Louisiana, Oklahoma, South Dakota, and more. 5 states have a pre-Roe abortion ban. Such as Michigan, Wisconsin, West Virginia, Arizona, and Alabama. 14 states could restrict abortions to 22 weeks or earlier. Such as Nebraska, Iowa, Indiana, Georgia, and more. (McCann and Taylor Johnston, 2022) According to the New York Times “If Roe is overturned abortion wouldn’t become illegal everywhere in the United States. Individual states would decide whether and when abortions would be legal” (Miller and Sanger- Kartz par. 2) However, this is a right that every woman across the United States should be entitled to have. This is why I argue that the Supreme Court should not overturn Roe v. Wade.

Abortion is a matter of “right to privacy” and “liberty”, abortion is protected by the Constitution under the Fourteenth Amendment. The Due Process Clause protects a pregnant woman’s choice of whether to have an abortion. The Court’s opinion on Roe v. Wade states that during the first months of the pregnancy the state may not regulate the abortion decision; only the pregnant woman and her attending physician can make that decision. The Court established that when we use the word “person” the unborn baby does not count. Therefore, he does not have federal protection under the Constitution. According to the Cornell Law School website “the Court announced that the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action includes a right of personal privacy or a guarantee of certain areas or zones of privacy and that this right of privacy . . . is broad enough to encompass a

woman's decision whether or not to terminate her pregnancy." (par. 2) Before the Fourteenth Amendment, the Fourth Amendment established the idea of privacy. It guarantees "the right of the people to be secure in their persons, houses, papers, and effects." (The United States Constitution) The idea of liberty that is in the Due Process clause, is also in the Fifth Amendment, "no state could deny a person life, liberty, or property without due process of law." Liberty and the right to privacy are fundamental values in the Constitution. If we truly believe in those values which abortion falls under, then abortion should be legal. Overturning *Roe v. Wade* would be unconstitutional since it will go against the liberties that the Constitution grants.

Roe v. Wade didn't invent abortions, it made abortions legal in the 50 states. The Constitution mentions equality numerous times and overturning the Supreme Court ruling would make abortion legal for others and illegal for others. How come some women get to have the right to abort and others don't? It simply doesn't make sense, we are all supposed to be equal under the law according to the Fourteenth Amendment. Making abortions illegal in some states won't stop them, the same way it didn't stop women before 1973. There are always other ways, such as traveling to other states. Furthermore, people can abort illegally or do it themselves which increases the risk of death for women. Women would try to harm themselves in order to kill an unwanted baby. An example would be the woman in Virginia who shot herself to kill her unwanted baby. (Ruiz, Setrakanian, 2006) Some women would go to extreme measures by even killing their babies. It becomes dangerous and a health issue too.

Lastly, being a parent, and being a mother should be a choice. You can force a woman to have a baby. However, you cannot force someone to love and raise a child in a positive environment. This is essential for children, to feel that they are loved and appreciated. A child growing up without love will be miserable, feeling like he wasn't wanted. Both the mother and the child will be miserable.

We often hear "my body, my choice" which is a known slogan. Abortion should only concern those who get pregnant, it is a women's issue. It should be decided by women and the government shouldn't try to infringe our liberties and rights. Justice Samuel Alito does not only want to overturn *Roe v. Wade* but he also wanted to overturn *Planned Parenthood v. Casey*. According to Politico, he stated that "We hold that *Roe* and *Casey* must be overruled," and "It is time to heed the Constitution and return the issue of abortion to the people's elected representatives." (Gerstein and Ward par. 3) Banning abortion is a violation of our liberty under the Constitution, this is why abortion should stay legal across the 50 states. You can't ban abortions, you can only ban safe abortions!

Work Cited

McCann, Alison. Johnston, Taylor. "Where Abortion Could Be Banned Without *Roe v. Wade*". *The New York Times*, May 3, 2022

<https://www.nytimes.com/interactive/2022/us/abortion-bans-restrictions-roe-v-wade.html>

Miller, Clair Cain. Sanger Kartz, Margot. "What Would the End of Roe Mean? Key Questions and Answers." *The New York Times*, May 3, 2022



<https://www.nytimes.com/2022/05/03/upshot/abortion-united-states-roe-wade.html>

Gerstein, Josh. Ward, Alexander. "Supreme Court has voted to overturn abortion rights, draft opinion shows" *Politico.com*, May 2, 2022

<https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>

"Roe v. Wade." *Oyez organization*, Accessed 6 May. 2022.

www.oyez.org/cases/1971/70-18.

"Right to an Abortion." Cornell Law school website, Accessed May 6, 2022

H <https://www.law.cornell.edu/constitution-conan/amendment-5/right-to-an-abortion>

Ruiz, Lillian. Setrakanian, Lara. "Judge Dismisses Charges Against Woman Who Killed Her Unborn Child" *abc.com*, October 19, 2006

<https://abcnews.go.com/US/LegalCenter/story?id=2585102&page=1>



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