

Reproductive Rights in America

January 22, 1973—US Supreme Court’s 7-2 decision on **Roe v. Wade** ruled that the Constitution of the United States, specifically the Due Process Clause of the Fourteenth Amendment, protects a pregnant woman’s right to choose to have an abortion under a “right to privacy.”

Specifics:

During the first trimester of pregnancy, states cannot prohibit abortions at all

During the second trimester of pregnancy, governments can require reasonable health regulations

During the third trimester of pregnancy, abortions can be prohibited entirely with the exceptions of saving the life or health of the mother.

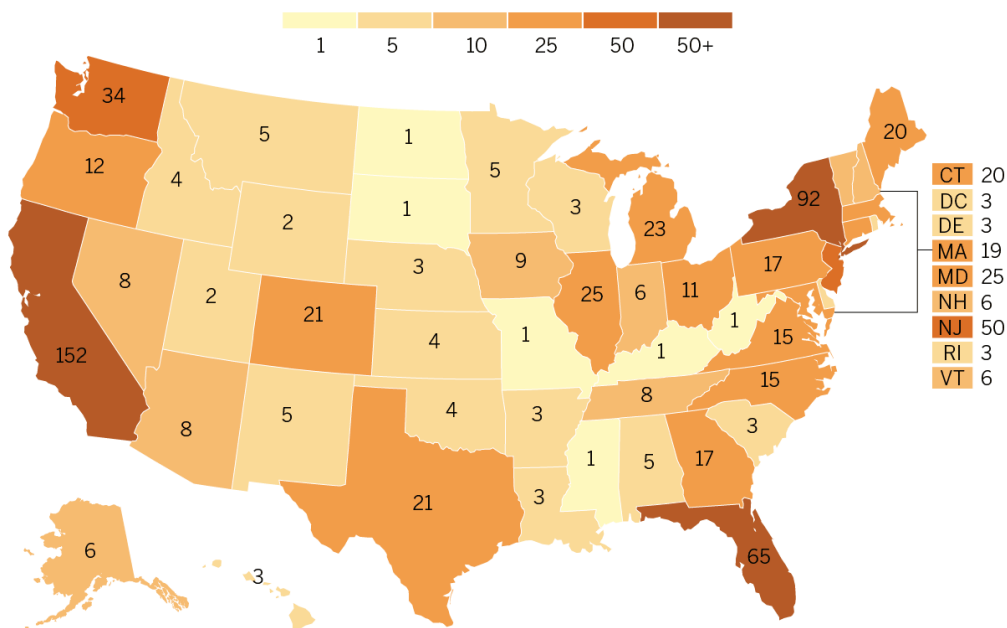
The court classified the right to choose to have an abortion as “fundamental,” and any challenge to that right by a state regulation would be looked at with “strict scrutiny,” the highest and most stringent standard of judicial review, so a judge can strike it down unless a government can present a “compelling state interest.”

In **1992** the Supreme Court revisited **Roe v. Wade** in the case of **Planned Parenthood v. Casey**. The Court reaffirmed Roe’s holding that a woman’s right to choose is constitutionally protected. However, the trimester framework was abandoned in favor of a standard based on fetal viability (its ability to live outside the womb). Also, the strict scrutiny standard was removed.

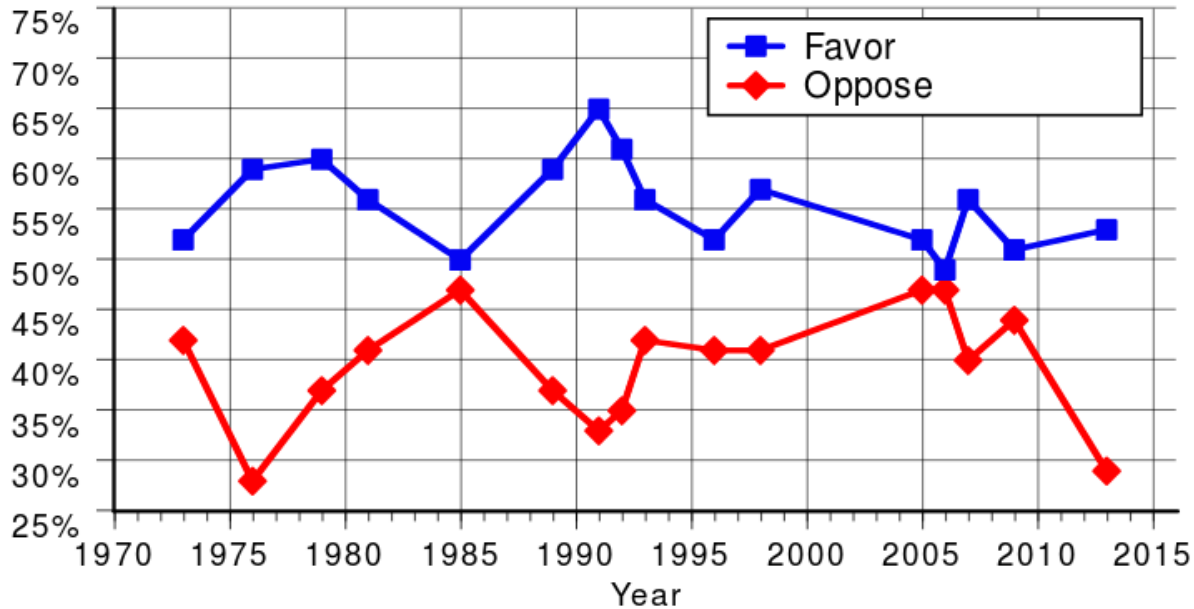
In **2016** in the case of **Whole Women’s Health v. Hellerstedt**. A Texas TRAP law (Targeted Regulations of Abortion Providers) would have required abortion providers to have admitting privileges and meet requirements of ambulatory surgical centers. The Supreme Court took away forms of state restrictions on the way abortion clinics can function, saying there was no evidence that restrictions in Texas protected women’s health. However, overwhelming evidence suggested such restrictions would be a burden on women because so many health clinics would be forced to close.

Judges in lower courts in some states increasingly ignoring the **Whole Woman’s Health** ruling and upholding laws nearly identical to the one in Texas, forcing more clinics to close.

Abortion facilities per state (2018) (Wyoming now has 1)



Public Support for Roe v. Wade



Some beliefs of those in favor of upholding *Roe v. Wade*:

- Believe it's a constitutional right for a woman to choose what happens to her body.
- Personhood begins after a fetus is able to survive outside the womb, not at conception.
- Access to legal, professionally-performed abortions reduces maternal injury and death caused by unsafe, illegal abortions.
- Women denied abortions are more likely to become unemployed, to be on public assistance, to be below the poverty line, to be victims of domestic violence.
- Reproductive choice protects women from financial disadvantage.
- A baby should not come into the world unwanted.
- Shutting down health clinics that perform abortions takes away the many other services offered women (and men), such as affordable birth control.

Some beliefs of those wanting to overturn *Roe v. Wade*:

- Abortion is murder. It defies the word of God.
- Life begins at conception, so fetuses have a right to life under our country's Constitution.
- Abortions cause psychological damage.
- Women use abortion as a form of birth control.
- Abortions reduces the number of adoptable babies.
- If women become pregnant, they should accept the responsibility that comes with it.

Other issues for women in the United States:

- US is the only developed country with no universal health coverage
- US has no guaranteed paid maternity leave for women
- President Obama's Affordable Care Act required employers to offer insurance that covered contraception for women; under President Trump, companies can now refuse to cover the cost of birth control by seeking religious or moral exemptions. On hold for now because California and Pennsylvania blocked the regulation.