

Roe v. Wade and the Implications

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What is Roe v. Wade

What: 1973 court case challenging a Texas law that permitted abortion only in cases where it was required to save the person's life.

Background: Linda Coffee and Sarah Weddington filed a claim for Norma McCorvey under the alias Jane Roe. This was McCorvey's third pregnancy. Her pregnancy had come to term before the court case was decided.

Decision: Ruled in her favor based on a concurrence in the Griswold v. Connecticut case that found a right to privacy based on the 9th Amendment (although many justices thought this to be based on the 14th Amendment). Today they focus on the 14th Amendment.

Implications: A person can choose to have an abortion up until the fetus is viable (ability to live outside of the womb - usually 24 to 28 weeks into the pregnancy).

How was it overturned?

In short, the court argued there is no constitutional right to abortion. But there are three main points the Alito opinion focuses the argument around:

1. Whether or not the 14th Amendment's reference to "liberty" protects a particular right (constitution makes no explicit reference to a right to abortion). Court precedents find that abortion is not a sex-based classification and thus not subject to heightened scrutiny. (This was never added to Roe v. Wade.)

How was it overturned?

2. Whether abortion is rooted in the Nation's history and tradition and if it is an essential component of "ordered liberty". They found that since the 14th Amendment was passed when abortion was outlawed to some degree in 2/3rds of states that the 14th Amendment must not apply to abortion.
3. Whether the right to abortion is part of an entrenched right supported by precedent. "Attempts to justify abortion through appeals to a broader right to autonomy and to define one's "concept of existence" prove too much.

The Court decision of Planned Parenthood v. Casey also weakened the holding of Roe v. Wade.

History of abortion in America

Abortion was not illegal in European colonies and commonly practiced. This continued post independence.

In the 1800s “methods were published for accomplishing abortion early in pregnancy”. Common law stated abortion was legal up until quickening (start of fetal movements, usually anywhere from 14-26 weeks post conception).

In 1821 Connecticut outlawed post-quickening abortion. In 1829 New York enacted an abortion regulation making post-quickening abortions a felony and pre-quickening ones are misdemeanor.

By 1866, when the 14th Amendment was passed, two thirds of states had made abortion a crime to some degree.

History of abortion in America

In 1965 Griswold v. Connecticut established the right to contraceptives for married couples.

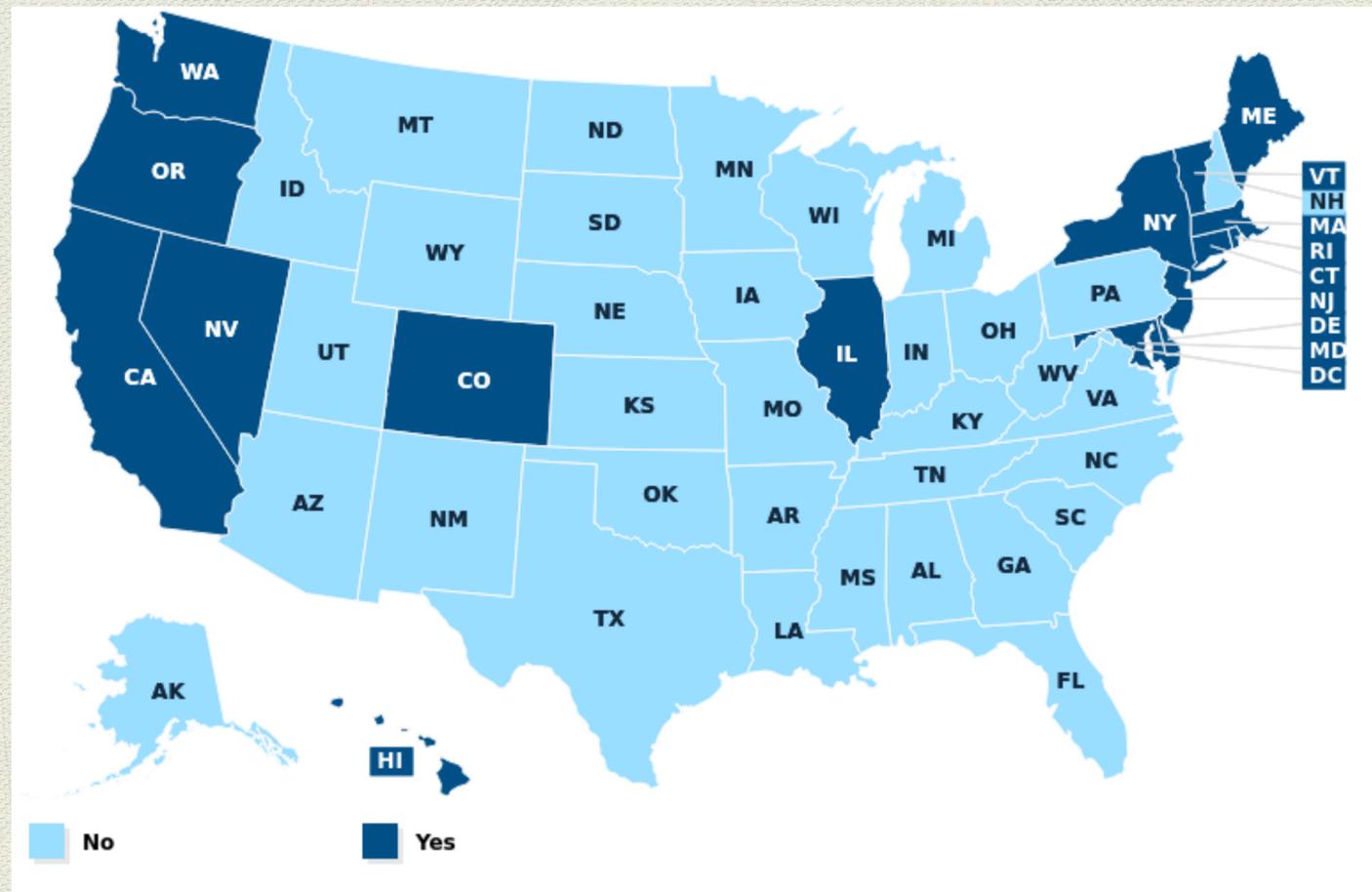
In 1972 Eisenstadt v. Baird established the right to contraceptives for unmarried people.

In 1973 Roe v. Wade conferred the right to pre-viability abortion. Pre-Roe, abortion was illegal in 30 states and legal to some degree in 20 states.

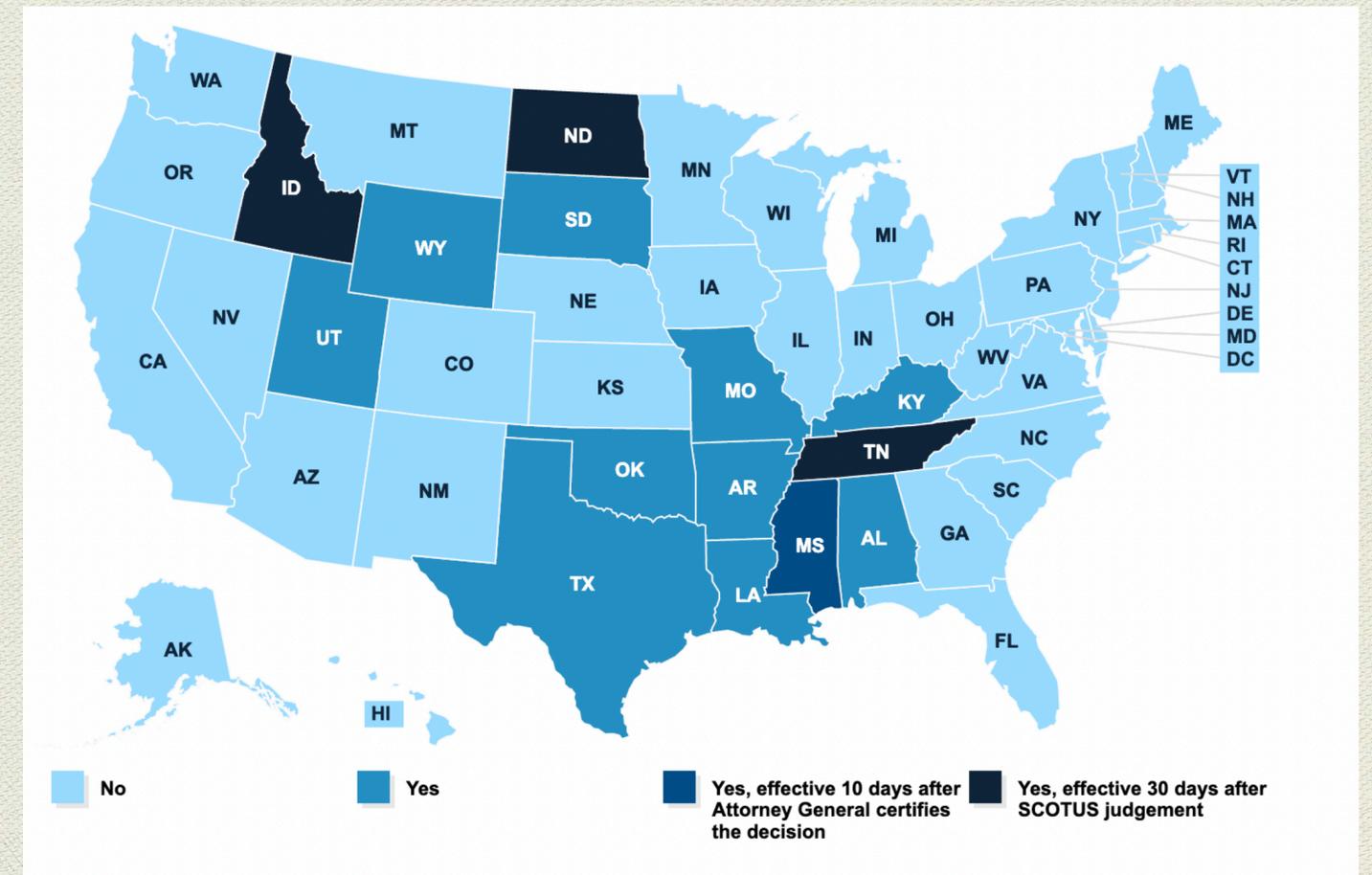
In 1991 Planned Parenthood v. Casey opened the discussion back to the states.

In 2022 SCOTUS overturned Roe v. Wade.

Present day abortion rights



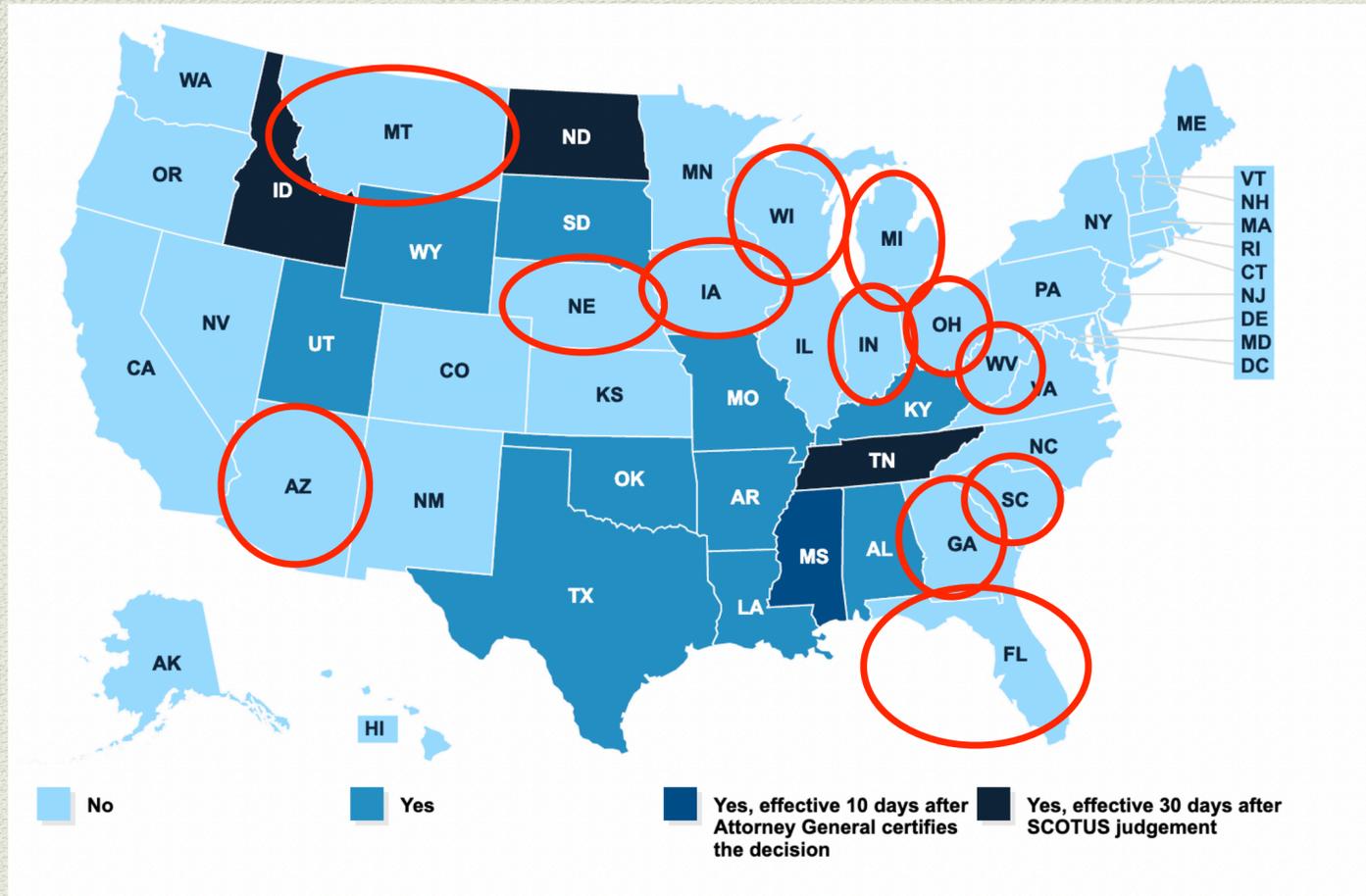
States where the right to abortion is legally protected.



States with trigger laws and/or abortion bans today.

Note: Most states like TX have exceptions for life endangering situations.

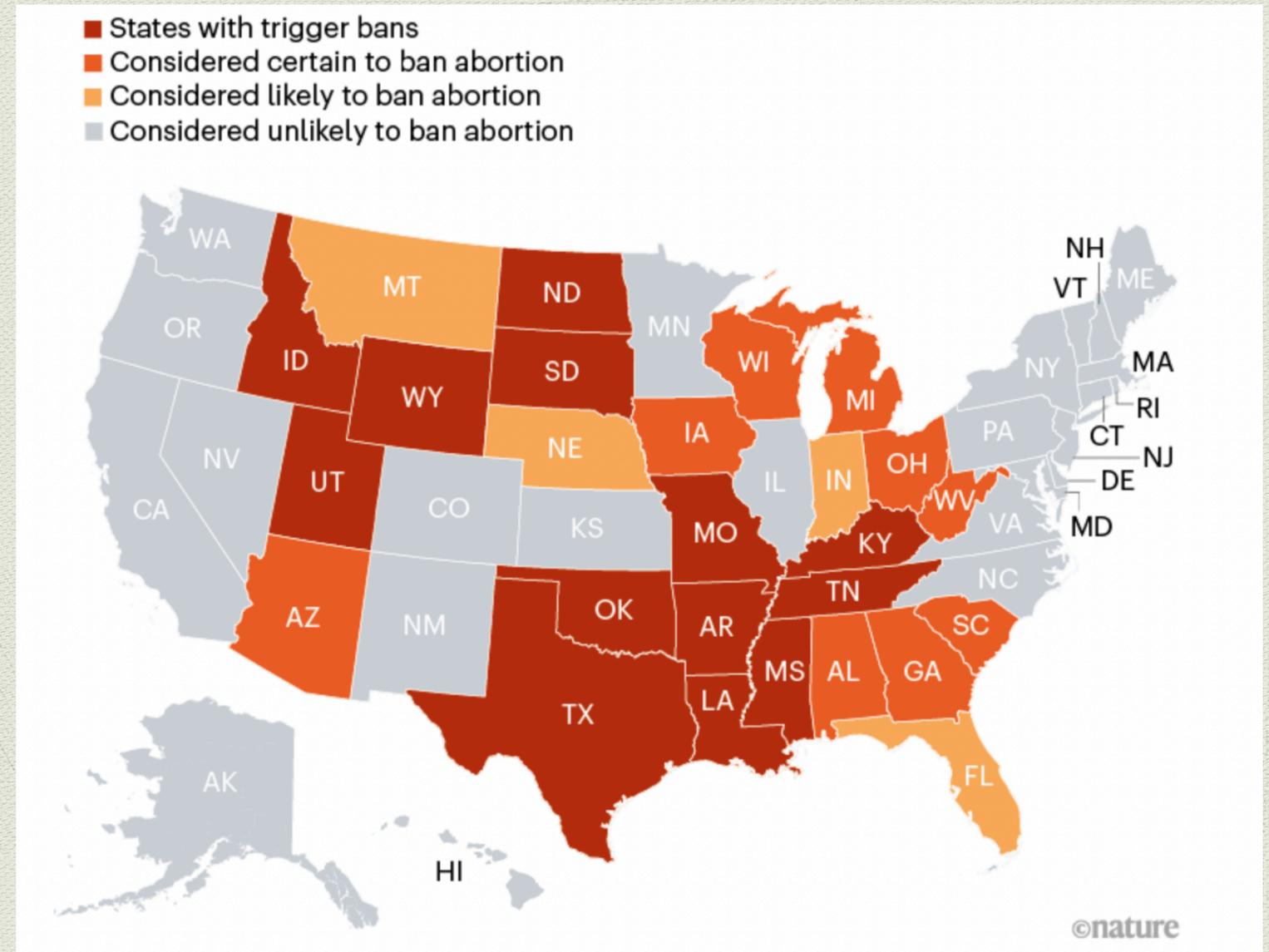
Potential Issues: Since this is ambiguous doctors can be scared to carry out the procedure due to potential legal repercussions. Due to them waiting, the patient's life is put at greater risk.



○ States planning or likely to implement bans.

States with trigger laws and/or abortion bans today.

More states will put bans on abortion.

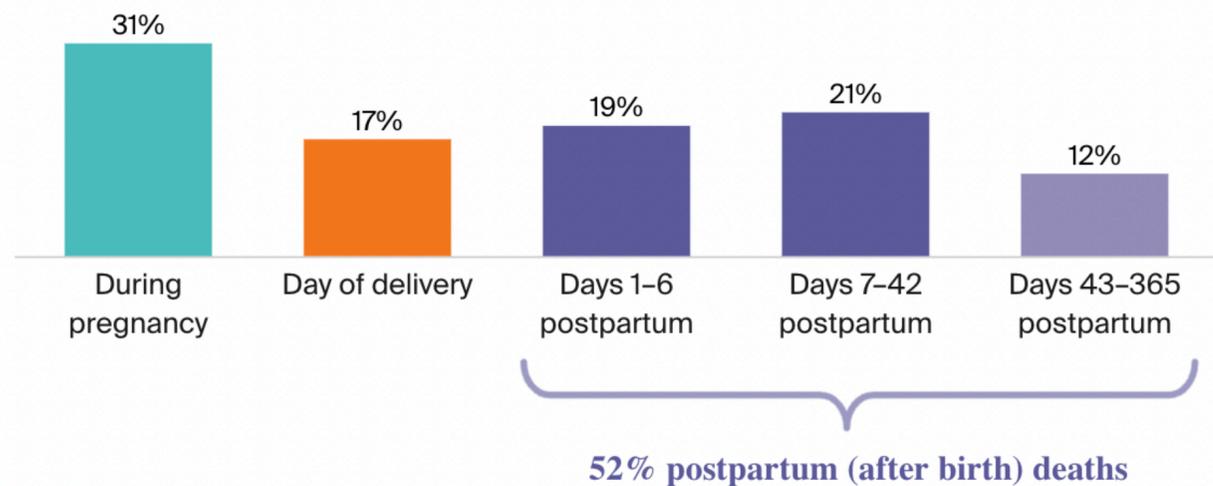


Likelihood of abortion being banned in the future.

Implications for society post-Roe

- ◆ America already had one of the highest maternity death rates of any high-income country.
- ◆ This is likely related to a smaller maternal health care workforce and the uncertainty of postpartum home visits being covered by insurance (this is an American healthcare issue).

When these deaths occur (2011-2015).



Deaths per 100,000 live births (2018+).



Notes: The maternal mortality ratio is defined by the World Health Organization as the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes.

Implications for society post-Roe

- ◆ The maternity death rate will rise (estimated 21% for all women and 33% for black women).
- ◆ Homicide is the leading cause of death for pregnant women in the US. (Pregnant women are 16% more likely to be killed than are women who are not pregnant.)
- ◆ Denying abortions leads to financial insecurity for those individuals (80% more debt and negative public records comparatively).

Implications for society post-Roe

◆ Abortions will continue...

- More unsafe abortions will be carried out.
- Travel to other states for abortions will lead to higher waiting times for everyone.

◆ Minorities are disproportionately affected (especially people of color who are more likely to be lower income and have a higher risk for pregnancy related health complications).

Implications for scientists

- ◆ Nearly 50% of women who have a child leave full-time STEM careers.
 - 23% of men will leave.
- ◆ While many scientists choose to have children, an unplanned pregnancy that an individual is forced to keep can push them out of the field.
- ◆ Many are persuaded to go into industry after having children due to the mental and financial stress of raising children in this country.

Implications for scientists

- ◆ Early career scientists are particularly at risk as low income workers.
 - Paid maternity leave is not always available or offered for a sufficiently long time for the individual (America is one of the only high-income countries where there is no nation mandated paid maternity leave).
 - A good and *affordable* health care plan is not always available.
- ◆ Early career scientists are likely to avoid certain states altogether to avoid losing their rights.

Discussion: How do we protect the vulnerable scientists in post-Roe America?

◆ Guiding questions:

1. What tools are already available to scientists to assist in a planned or unplanned pregnancy?
2. Are these tools widely available (e.g. at all institutions; to scientists at all stages in their career)?
3. How do we ensure the safety of scientists who work in a state where abortion is banned?