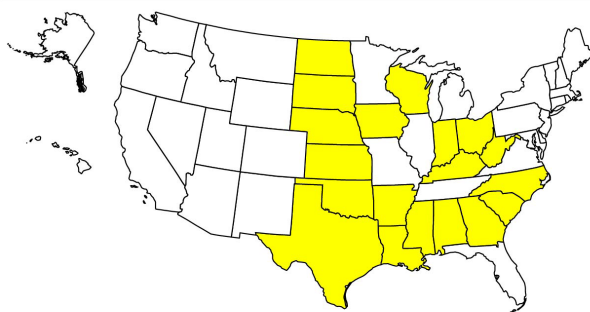
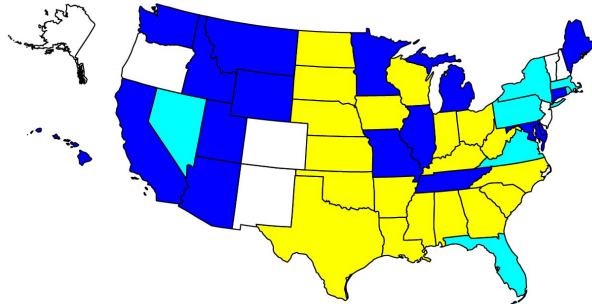


Roe v. Wade / Impact Data Analysis Activity— Answer Key

Years after the Supreme Court's ruling in *Roe v. Wade*, the right to an abortion is still controversial in the United States. Many states have continued to pass stricter restrictions on abortion. Consider the following data (*current as of May 2019*):

**Abortion is legal in
all 50 states.**

**43 states prohibit abortion
after a certain point in a
pregnancy.**

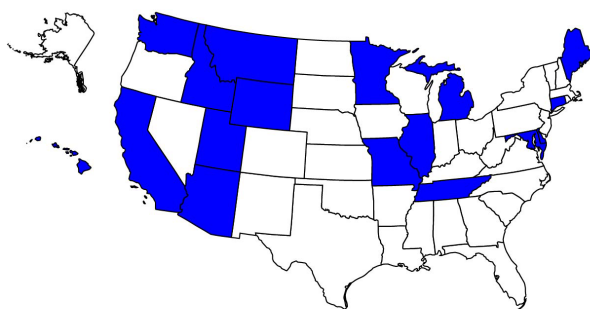
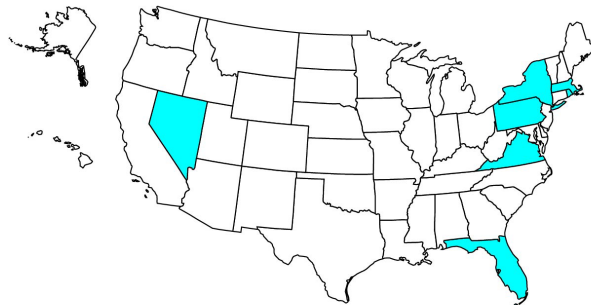


**19 states restrict abortion
after 20 weeks.**

Alabama	Louisiana	South Carolina
Arkansas	Mississippi	South Dakota
Georgia	Nebraska	Texas
Indiana	North Carolina	West Virginia
Iowa	North Dakota	Wisconsin
Kansas	Ohio	
Kentucky	Oklahoma	

**7 states restrict abortion
after 24 or 25* weeks.**

Florida
Massachusetts
Nevada
New York
Pennsylvania
Rhode Island
Virginia*



**17 states ban or
restrict abortion after
the fetus is viable.**

Arizona	Illinois	Montana
California	Maine	Tennessee
Connecticut	Maryland	Utah
Delaware	Michigan	Washington
Hawaii	Minnesota	Wyoming
Idaho	Missouri	

Source: Anne Godlasky, Nicquel Terry Ellis, and Jim Sargent, "Where is abortion legal? Everywhere. But ..." *USA Today*, May 24, 2019, <https://www.usatoday.com/in-depth/news/nation/2019/05/15/abortion-law-map-interactive-roe-v-wade-heartbeat-bills-pro-life-pro-choice-alabama-ohio-georgia/3678225002/>.

In addition to these restrictions on when an abortion may be performed, some states have passed legislation on the following topics:

- Requiring parental approval if the patient is a minor
- Requiring counseling prior to an abortion
- Requiring a wait period (after counseling)
- Restricting public funding
- Requiring a sonogram (medical procedure)
- Requiring more than one doctor
- Requiring doctors have admitting privileges at a nearby hospital
- Requiring abortions to be performed at a hospital
- Allowing doctors to refuse to perform an abortion

Questions to Consider

1. Using the information in the maps on page 1, list **your state** and two other states that place limits on abortion rights, and briefly explain what those limits are.

State	Limits on the right to an abortion
	Student answers will vary.

2. What conclusions can you draw from the data in the maps on page 1?
 Student answers will vary but may include restrictions vary greatly showing that states have a choice in the restrictions they place on abortions. They may also note that the vast majority of states prohibit abortion after a certain point in a pregnancy, and that very few have few or no restrictions.
3. What does this data tell you about federalism?
 The data reflects that although the decision in *Roe v. Wade* sets national/federal guidelines for access to abortion, state legislation defines restrictions within states. Therefore, abortion access is not consistent across the nation, but rather reflects the priorities of the state legislatures. Within the parameters set out in *Roe v. Wade* and subsequent decisions by the Supreme Court of the United States, states retain autonomy over this issue.

4. Why do you think states have been able to place the limits on abortion you identified in #1 and still comply with the requirements of *Roe v. Wade*?

Roe v. Wade struck down abortion bans in the first trimester of pregnancy. The ruling in *Roe* did not establish restrictions in the second and third trimester of pregnancy, leaving this decision up to the states. States with anti-abortion legislatures have been able to enact some restrictions on abortion.

5. How might changes in the political landscape lead to challenges to *Roe v. Wade*?

Answers will vary. As more states place restrictions on a woman's right to an abortion, those restrictions are likely to be challenged in court. With medical advances, there are changes in "viability" of a fetus. If viability is earlier in a pregnancy due to medical advances, that might cause some to argue that *Roe v. Wade* needs to be re-examined. In *Roe v. Wade*, the lack of viability of the fetus was a consideration when banning abortions early in a woman's pregnancy.

A change in the composition of the Supreme Court may also increase challenges to *Roe v. Wade*. If more conservative justices join the Court, it may encourage challenges in the hopes that the precedent in *Roe v. Wade* will be overturned.