

Roe v. Wade/ Background •—Answer Key

As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

Between 1850 and 1950, many states in the United States passed laws that made it difficult for a woman to get an abortion. In most states it was illegal to get an abortion unless it was needed to save the mother's life. During this time, illegal abortions were common and dangerous for women.

In the second half of the 20th century, people's ideas about sexual relationships began to change and become more **liberal**. Women could get birth control more easily and some states made it easier to get **abortions**.

However, these changes also created problems. Some poor women who lived in a state that outlawed abortion could not afford to travel to get an abortion in another state. Some people said that this was not fair. Abortion laws were sometimes **vague**, so that doctors did not know when they were breaking the law. Also, some people said that the government should not tell people what to do in their own sexual matters. They said this was an invasion of **privacy**.

The U.S. Constitution does not say clearly that there is a right to privacy. However, the Supreme Court had said in other cases that a person has a right to privacy in particular places, like the home. In the case of *Griswold v. Connecticut* (1965), the Supreme Court said that Connecticut could not stop married couples from getting birth control. The Court said that families have a right to privacy in their decisions about having children and sexual relationships. The Court said that privacy is a basic value that is important for all the rights in the Bill of Rights.

Jane Roe (not her real name) lived in Texas. She wanted to have an abortion. According to Texas law, she could not have an abortion unless her life was in danger. Roe challenged the law by suing Wade, the district attorney where she lived.

Roe argued that she had a right to privacy and should be able to decide whether to have an abortion or not. She argued that the right to privacy comes from combining several other rights listed in the Bill of Rights. The state argued that "the right to life of the unborn child is superior to the right to privacy of the mother." The state also argued that this is a topic that should be left to the legislatures to decide how to handle. A three-judge federal District Court ruled the Texas abortion law **unconstitutional**. The case was then **appealed** to the U.S. Supreme Court.

Questions to Consider

1. What Texas law was Roe challenging?

Roe was challenging the Texas abortion law which made it a felony to abort or trying to abort a fetus unless “on medical advice for the purpose of saving the life of the mother.”

2. What were two problems with abortion laws?

Some abortion laws were vague, the laws were not consistent (could get an abortion in some places, but not in others) and therefore unfair, and some felt the laws were an invasion of privacy.

3. Where does the Constitution state that you have a right to privacy?

The right to privacy is not listed anywhere explicitly in the Constitution. However, Roe argued it was implied by several of the rights listed in the Bill of Rights.

4. What arguments did each side make?

Roe argued the abortion decision should be up to her and not the government. She argued that she has a right to privacy and the law violated that right. The state argued that the child's right to life is more important than the mother's privacy right. The state also argued that the legislatures should decide this issue.