

**Real World Graduation: Question 56: Roe v. Wade**

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Question 56

The Supreme Court legalized abortion nationwide in 1973 in a ruling called the Roe v. Wade decision. Since then, many people who are opposed to abortion have been trying to get either a) the Supreme Court to reverse itself and overturn Roe v. Wade, or b) have the U. S. Congress pass legislation to negate the ruling. If the Supreme Court or Congress simply overturned or negated the Roe v. Wade decision, i.e., as though the decision had never been handed down, what would be the net effect?

- a) It would be illegal for anyone to be in favor of abortion rights
- b) Women could be prosecuted under existing federal law for having an abortion
- c) Doctors who performed abortions could be tried for murder under existing federal law
- d) Women would be required to report pregnancy to the federal government so they could be monitored until giving birth
- e) Both b) and c).

### Answer to Question 56

This is a trick question. All of the answers are false.

If Roe v. Wade were overturned or negated as described, the abortion issue will return to legislation in the respective 50 States, as it was before the 1973 decision. Prior to 1973, abortion was legal in some States, illegal in others, and a variety of regulations were in place at the State level. Overturning Roe v. Wade in and of itself will not create new federal crimes as in b) and c). Answer a) is wrong because everyone is free to be in favor of or opposed to anything they choose. This may be proven by the simple fact that abortion is legal due to Roe v. Wade, but no one is being prosecuted for opposing abortion (although some Democrats would prefer it otherwise). No one will be prosecuted for favoring abortion if Roe v. Wade were overturned. Answer d) is wrong because reporting of pregnancy was never required in any State, and will not be required if Roe v. Wade is simply overturned.

The important point here is to consider the factual chain of events that would occur if a law or ruling were overturned, instead of relying on what propagandists claim might happen. With no other modifiers, the situation would return to what was before the law or ruling was passed. In the case of Roe v. Wade, the States would resume regulation of abortion, as it was before. Likewise, if the federal narcotics laws were repealed, the States would be free to regulate them as they did before.