

Doe v. Bolton

Oral Reargument – October 11, 1972

Warren E. Burger

We'll hear arguments next in number 70-40, Doe against Bolton.

Mrs. Hames, you may proceed whenever you're ready.

Margie Pitts Hames

Thank you.

Mr. Chief Justice and may it please the Court.

This is an appeal from a decision in the Northern District Court of Georgia where the three-judge Court below held portions of a Model Penal Code type abortion statute unconstitutional and upheld other provisions, and refused to issue an injunction in support of a declaratory judgment.

The case was filed on behalf of Mary Doe a pregnant woman, doctors, nurses, ministers, social workers, and family planning organizations as a class action seeking declaratory and injunctive relief.

The District Court found that the right of privacy there did include the right to terminate an unwanted pregnancy without hanging the case on any particular provision in the constitution that rely primarily on this Court's decision in Griswold.

The Court found that the specification of three reasons for abortion in our statute was unduly restrictive and overbroad.

Mary Doe was given a declaratory judgment.

However, the physicians and other parties, even though said to have sufficient standing, lacked sufficient collision of interests and, therefore, the case was dismissed as to them.

This case stands on similar jurisdictional grounds as the Roe versus White case which we just heard.

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