

Wade → District attorney (Texas)

Roe → Anonymous plaintiff

District court → Lack of injunctive relief
Appeal to supreme court

Right to
privacy
(Griswold)

VS

State's
interest
(Federalism)

↓

Protecting life
& health of mother

14th amendment - no deprivation of liberty without due process

	Legislature	Executive	Judiciary
Federal			Roe vs Wade (1973) - Dissent: no text : not our job Federalism - state's interest
State	Narrowly tailored to further a <u>compelling</u> state interest ↳ 1. Trim ↳ 2. Trim ↳ 3. Trim (viability)		
Municipal			

justiciability

Capacity to claim a right before a tribunal. (Mine) jeux de casino en ligne bonus sans depot gratuit
 "Social rights are rarely justiciable" An other definition: "remedial legal protection" (Matti Mikkola)

Overview	pro life	pro choice
before 1973	state abortion bans	
1973		Roe vs Wade
since 1973	trigger/TRAP laws	
since 1976	Hyde amendment	
1992	Planned Parenthood (undue burden test)	

↳ Henry Hyde (Illinois)

- Hyde amendment → federal statute to prevent Medicaid funds from being used for abortions.
- Trigger laws (laws not in line with waiting for Roe vs Wade to be overturned)
- Prohibition of certain procedures
- Line between contraceptives and abortion inducer
- Regulating clinics (TRAP)

1
 Targeted regulation on abortion provider,

Examples of State Trigger Law

TRAP Laws

Planned Parenthood v. Casey (Pennsylvania Governor)

- Against TRAP Laws
 - "Undue burden test" \Rightarrow places a substantial obstacle
(lacks a logical or reasonable justification) - Concurring opinion
strict scrutiny - Concurring
- Reaffirmed Roe's central holding

Context (Pennsylvania abortion control act)

- Informed consent
- Issue state-published information
- Minor - parent must give informed consent
- Married - notify husband - **only unconstitutional provision**
- Providers must keep records & report information

Roe's holding is wrong - Dismissing

1. Right to abort nonviable fetuses

Originalism vs Textualism



return to
the date of
the constitution