

ROE v. WADE I.Q. TEST

This test is designed to determine what Americans know about the 1973 *Roe v. Wade* abortion decision. Please take the test from start to finish without researching the answers to give an accurate picture of what you know about the details of this historic decision.

NOTE: The U.S. Supreme Court's control over abortion laws is significantly influenced by two 1973 decisions: *Roe v. Wade* (*Roe*) and *Doe v. Bolton* (*Doe*). To keep things simple, this I.Q. Test considers both rulings but refers to the better known of the two cases, *Roe*. So, *Roe* represents both *Roe* and *Doe* in the questions.

1) **Which most accurately describes when a woman may have an abortion under *Roe*?**

- a. Anytime during the first three months (first trimester) of her pregnancy
- b. Anytime during the first six months (second trimester) of her pregnancy
- c. Anytime during her entire pregnancy
- d. Anytime during the first three months, but can have an abortion later if the pregnancy resulted from rape or incest.

ANSWER = C

Under *Roe*, the Supreme Court gave free reign for abortion in the first trimester, but seemed to rule that abortion could be restricted significantly or prohibited in the second and third trimesters. However, the court said that later regulations must allow for abortions needed to protect the woman's health. *Roe's* companion case, *Doe v. Bolton* (issued on the same day as *Roe*) defined maternal "health" as: "all factors – physical, emotional, psychological, familial, and the woman's age – relevant to the well-being of the patient." These factors are so vague and open-ended that almost any reason can be and is cited to allow abortion in the second and third trimesters. **SOURCES:** *Roe v. Wade*, 410 U.S. 113, 164 (1973); *Roe*, 410 U.S. at 164; *Roe*, 410 U.S. at 164-5; *Doe v. Bolton*, 41 U.S. 179, 192 (1973).

2) **Which best describes the limitations *Roe* places on why a woman may have an abortion?**

- a. No limitations
- b. Only in case of rape, incest, or when the woman's life is in danger
- c. No limitations during the first three months of pregnancy, but only medically necessary abortions after that.

ANSWER = A

A woman can have an abortion for practically any reason during her pregnancy, as long as the abortion is deemed medically necessary as defined by *Doe v Bolton* as "all factors – physical, emotional, psychological, familial, and the woman's age – relevant to the well-being of the patient." **SOURCES:** *Roe v. Wade*, 410 U.S. 113, 164 (1973); *Roe*, 410 U.S. at 164; *Roe*, 410 U.S. at 164-5; *Doe v. Bolton*, 41 U.S. 179, 192 (1973).

3) **True or False: *Roe* allowed late-term abortions.**

ANSWER = TRUE

Under *Roe* and *Doe*, there were no restrictions on how late into pregnancy a woman could have an abortion or what abortion method could be used. **SOURCES:** *Roe v. Wade*, 410 U.S. 113 (1973); *Doe v. Bolton*, 41 U.S. 179 (1973).

- 4) **True or False: If Roe were overturned by the U.S. Supreme Court, abortion would immediately become illegal in the United States.**

ANSWER = FALSE

Before *Roe*, the issue of abortion was decided by state legislatures and some states allowed abortion in certain circumstances. A Supreme Court decision overruling *Roe* would return the legalization and regulation of abortion back to the elected legislatures, as it was before. Prior to *Roe*, 30 states had laws criminalizing abortion. In 2006, *USA Today*, using data from Planned Parenthood's research arm, The Alan Guttmacher Institute, speculated that if *Roe* were overruled; 22 states would impose "significant" restrictions on abortion; 16 states would maintain the status quo of abortion available on demand; and 12 states would impose some restrictions on abortion. Pro-life groups have estimated that abortion would be legal in 43 states if *Roe* were overturned. SOURCE: Susan Page, "Roe v. Wade: The Divided States of America," *USA Today*, April 17, 2006, Americans United for Life, *Defending Life 2007*, p. 59.

- 5) **According to the Center for Disease Control and Prevention, about how many abortions have been performed in the United States since the Roe decision in 1973?**

- a. Less than 10 million
- b. 10-19 million
- c. 20-29 million
- d. 30-39 million
- e. 40-49 million
- f. 50-59 million
- g. More than 60 million

ANSWER = E

While various sources place the number of abortions anywhere between 40-48 million, the Centers for Disease Control and Prevention would approximate the number of abortions performed since 1973 to be 40,944,029. SOURCE: Centers for Disease Control and Prevention, *Abortion Surveillance – United States, 2003, Morbidity and Mortality Weekly Report*, Vol. 55, No. SS-11, November 24, 2006.

- 6) **At what age does Roe require minor girls to have parental notification before an abortion?**

- a. Parental notification is not required
- b. Girls 18 and younger
- c. Girls 16 and younger
- d. Girls 13 and younger

ANSWER = A

Although 78 percent of Americans favor parental notification laws and 72 percent support parental consent laws, under *Roe*, there is no required parental notification, regardless of age. In several cases after *Roe*, the Supreme Court cited *Roe* to strike down state laws that tried to ensure parents would be involved if their minor daughters had abortions. SOURCES: *Rust v. Sullivan*, 500 U.S. 173 (1991); *Opinion Dynamics Poll*, April 27, 2005.

- 7) **True or False: Roe allowed sex-selection abortions – abortions performed because of the sex of the baby (For example: parents wanting a boy instead of a girl – and vice-versa).**

ANSWER = TRUE

Under *Roe* and *Doe*, there are no apparent restrictions on sex-selection abortions. Instead, *Doe*'s protection of abortion for a woman's health explicitly includes "emotional, psychological, [or] familial" health, which would allow a woman to decide that having a child of a particular gender would be unhealthy for her or her family. SOURCES: *Roe v. Wade*, 410 U.S. 113 (1973); *Doe v. Bolton*, 41 U.S. 179 (1973).

8) **What percentages of abortions are performed because of rape or incest?**

- a. More than 16 percent
- b. 11-15 percent
- c. 6-10 percent
- d. 2-5 percent
- e. Fewer than 1 percent

ANSWER = E

Fewer than 1 percent of abortions are done because of rape and incest. **SOURCES:** A. Torres and J. Forest, "Why Do Women Have Abortions?" *Family Planning Perspectives*, 20:4 (July/August 1988, 169-76; A. Bankole, et al., "Reasons Why Women Have Induced Abortions: Evidence from 27 Countries," *Family Planning Perspectives*, 24:3 (August 1998), 117-25, 152.

9) **Which of our nation's founding documents contains the phrase "right to an abortion"?**

- a. Declaration of Independence
- b. U.S. Constitution
- c. Bill of Rights
- d. None of the Above
- e. All of the Above

ANSWER = D

None of the founding documents contains the phrase "right to an abortion." The "right of privacy" that was used to justify *Roe*, came out of the 1965 U.S. Supreme Court decision *Griswold v. Connecticut*, when the court wrote: "The 'right' of privacy is based on the Bill of Rights [which] have penumbras, formed by emanations from those guarantees that help give them life and substance." A penumbra is defined by the Encarta Dictionary as a "partial outer shadow that is lighter than the darker inner shadow umbra, e.g. the area between complete darkness and complete light in an eclipse." **SOURCE:** *Griswold v. Connecticut*, 381 U.S. 479, 484 (1965).

10) **Which Supreme Court Justice said the following about *Roe*: "*Roe v. Wade* ... ventured too far in the change it ordered and presented an inadequate justification for its action."**

- a. Justice Samuel Alito
- b. Justice Ruth Bader Ginsburg
- c. Justice Sandra Day O'Connor
- d. Justice Antonin Scalia
- e. Justice Clarence Thomas

ANSWER = B

The answer is Associate Justice Ruth Bader Ginsburg, one of the court's most liberal members and former counsel with the American Civil Liberties Union. **SOURCE:** Ruth Bader Ginsburg, "Some Thoughts on Autonomy and Equality in Relation to *Roe v. Wade*," *North Carolina Law Review*, 63 (January 1985); 375-386, at 376.

11) **Which country's laws make it easiest to have an abortion?**

- a. Finland
- b. Great Britain
- c. Ireland
- d. United States
- e. Mexico

ANSWER = D

Finland does not allow abortion on demand but only under certain circumstances such as life of the woman, as well as rape and incest. [including "health" may be confusing in light of Doe; this change is still consistent with the reference graph] Great Britain does not allow abortion on

demand, or for rape and incest. Abortions for other reasons such as the life and health of the woman are only legal in the first six months of pregnancy. Ireland only allows abortion if the life of the woman is in danger; abortion is illegal under all other circumstances. Mexico only allows abortion during the first trimester, and then only under special circumstances (life of the woman, rape, incest, and birth defects). Abortion in the United States is legal for practically any reason throughout all nine months of pregnancy. SOURCE: "Summary of Abortion Laws Around the World," <http://www.pregnantpause.org/lex/world02.htm>.

12) Under Roe, which of these are allowed to perform abortions?

- a. Licensed physician
- b. Nurse practitioner
- c. Resident assistant
- d. Registered nurse
- e. All of the above

ANSWER = E

Roe does not specify who can or cannot perform abortions. SOURCES: *Roe v. Wade*, 410 U.S. 113 (1973); *Doe v. Bolton*, 41 U.S. 179 (1973).

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