

## 36<sup>th</sup> Annual Attorney General's Cup Speech Competition

### Topic: Abortion

The United States Supreme Court's decision in *Roe v. Wade*, is a landmark decision issued in 1973. The Court ruled as unconstitutional a Texas law that banned abortion unless to save a women's life. The Court held that a woman's right to an abortion was implicit in the right to privacy protected by the 14th Amendment of the United States Constitution. The decision effectively legalized abortion across the United States.

Prior to *Roe v. Wade*, abortion was illegal throughout most of the United States. The Court's decision has proved to be contentious dividing Americans on the issue of whether women should have the right to choose to have an abortion. After *Roe v. Wade*, many states enacted state laws placing restrictions on abortion rights.

This year the Supreme Court will take up a Louisiana case which require doctors performing abortions to have admitting privileges at a local hospital within 30 miles of the facility where the abortion is performed.

A growing number of citizens, organizations including members of the United States Congress have filed amici curiae briefs urging the Court to overturn its decision in *Roe v. Wade* and allow states to regulate abortions including the option of allowing abortions to be performed in limited circumstances.

The foregoing events are occurring against the backdrop of the 100<sup>th</sup> anniversary of the ratification of the 19<sup>th</sup> Amendment to the United States Constitution giving all women the right to vote in elections in 1920. The anniversary coincides with the Virginia Legislature's approval of the Equal Rights Amendment (also known as the ERA) to the United States Constitution long after the deadline for the ratification of the ERA as set by Congress had passed. The ERA would enshrine women's equality in the Constitution by prohibiting discrimination against women.

In your presentation, please answer the following questions:

1. What is the source of the constitutional protection of abortion rights under the United States Constitution as provided in *Roe v. Wade*?
2. Is the Commonwealth Constitution inconsistent with *Roe v. Wade* as provided in Section 12 of Article I which prohibits abortions in the

Commonwealth except as provided by? What effect, if any, does the Right to Privacy provided in Section 10 of Article I, have on abortion rights in the Commonwealth?

3. Should the United States Supreme Court overturn *Roe v. Wade*?
4. What impact would a Supreme Court decision on abortion have on women's rights?