



Roe Reality Check #5

Supreme Court justices have criticized
Roe v. Wade.

"I find nothing in the language or history of the Constitution to support the Court's judgment" in *Roe v. Wade*.¹

- Justice Byron White

"This Court's abortion decisions have already worked a major distortion in the Court's constitutional jurisprudence....no legal rule or doctrine is safe from ad hoc nullification by this Court ... in a case involving state regulation of abortion."²

- Justice Sandra Day O'Connor

Roe v. Wade "destroyed the compromises of the past, [and] rendered compromise impossible for the future... [T]o portray *Roe* as the statesmanlike 'settlement' of a divisive issue...is nothing less than Orwellian."³

- Justice Antonin Scalia

Roe v. Wade "was grievously wrong."⁴

- Justice Clarence Thomas

"*Roe v. Wade*...ventured too far in the change it ordered and presented an incomplete justification for its action."⁵

- Justice Ruth Bader Ginsburg

¹ *Doe v. Bolton*, 410 U.S. 179, 221-22 (1973) (White, J., with whom Rehnquist, J., joins, dissenting).

² *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747, 814 (1986)

(O'Connor, J., with whom Rehnquist, J., joins, dissenting) (internal citation omitted).

³ *Planned Parenthood v. Casey*, 505 U.S. 833, 995 (1992) (Scalia, J., with whom Rehnquist, C.J., White and Thomas, JJ., join, concurring in the judgment in part and dissenting in part).

⁴ *Stenberg v. Carhart*, 530 U.S. 914, 980 (2000) (Thomas, J., with whom Rehnquist, C.J., and Scalia, J., join, dissenting).

⁵ Ruth Bader Ginsburg, "Some Thoughts on Autonomy and Equality in Relation to *Roe v. Wade*," *North Carolina Law Review* 63 (1985): 375-386, at 376.

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