

Roe v. Wade and 14th Amendment Personhood

June 15, 2011

Cases & Briefs Attempting to Overturn *Roe v. Wade* and/or arguing 14th Amendment Personhood

[Ordered by date of USSC disposition with most recent first]

1. *Acuna v. Turkish*, 192 N.J. 399 (2007), *cert. denied*, 129 S.Ct. 44 (2008).

2. *Gonzales v. Carhart*, 550 U.S. 124 (2007).
 - a. Briefs arguing that *Roe* should be overturned:
 - i. Parties
 - ii. Amici Curiae
 1. Brief of Right to Life Advocates, Inc.
 - b. Briefs arguing 14th Amendment personhood:
 - i. Parties
 - ii. Amici Curiae
 1. Brief of Professor Hadley Arkes and the Claremont Institute Center for Constitutional Jurisprudence
 2. Brief of Faith and Action, Institute in Basic Life Principles, International Reapers Foundation, The National Clergy Council and Illinois State Senator David Syverson
 3. Brief by Legal Defense for Unborn Children
 - c. Briefs arguing both positions:

3. *Cano v. Baker*, 435 F.3d 1337 (11th Cir. Ga. 2006), *cert. denied*, 127 S.Ct. 387 (2006)
 - a. Briefs arguing that *Roe* should be overturned:
 - i. Parties
 - ii. Amici Curiae
 1. Brief of J. Budziszewski
 2. Brief of Fetal Pain

3. Brief of Texas Black Americans for Life and The Life Education and Resource Network (L.E.A.R.N.)
 4. Brief of the Nurturing Network, Heartbeat International, Inc., Care Net, The National Institute of Family and Life Advocates (NIFLA), The Abortion Recovery International Network (ARIN), and the Christian Legal Society (CLS)
 - b. Briefs arguing 14th Amendment personhood:
 - c. Briefs arguing both positions:
4. *McCorvey v. Hill*, 385 F.3d 846 (5th Cir. 2004), *cert. denied*, 543 U.S. 1154 (2005)
 - a. Briefs arguing that *Roe* should be overturned:
 - b. Briefs arguing 14th Amendment personhood:
 - c. Briefs arguing both positions:
 - i. Amici Curiae
 1. Brief of Margie Reiley and Laurette Elsberry, individual activists
 5. *Marie v. McGreevey*, 314 F.3d 136 (3d Cir. 2002), *cert. denied*, 539 U.S. 910 (2003)
 - a. Claim precluded by *Alexander v. Whitman*, 114 F.3d 1392 (3d Cir. 1997).
 6. *Stenberg v. Carhart*, 530 U.S. 914 (2000)
 - a. Briefs arguing that *Roe* should be overturned:
 - i. Parties
 - ii. Amici Curiae
 1. Brief of Agudath Israel of America
 - b. Briefs arguing 14th Amendment personhood:
 - i. Parties
 - ii. Amici Curiae
 1. Brief of Texas Black Americans for Life and the Life Education and Resource Network (L.E.A.R.N.)
 2. Brief of James J. Clancy
 3. Brief of the Knights of Columbus
 4. Brief of the American Center for Law and Justice (ACLJ) and the Thomas More Center for Law and Justice
 5. Brief of Right to Life Advocates (requests that *Roe* be overruled, but argues that *Roe* does not apply in the specific case)
 - c. Briefs arguing both positions:
 - i. Parties
 - ii. Amici Curiae
 1. Brief of the National Association for the Protection of Unborn Children

2. Brief of Legal Defense for Unborn Children

7. *Alexander v. Whitman*, 114 F.3d 1392 (3d Cir. 1997), *cert. denied*, 522 U.S. 949 (1997)
8. *Krail v. New Jersey*, No. 93-1149 (necessity defense), *cert. denied*, 510 U.S. 1165 (1994)
9. *Loce v. New Jersey*, No. 93-1148 (father's rights case), *cert. denied*, 510 U.S. 1165 (1994)
Question Presented: "Whether the human being, whose life begins at conception as demonstrated by scientific and medical consensus, is also a legally protected person from fertilization through adult death"

Briefs arguing Personhood

Brief Amicus Curiae of University Faculty for Life & Members of Congress

10. *J.M. v. V.C.*, No. 92-1934 (guardian *ad litem* for unborn child), *cert. denied*, 510 U.S. 907 (1993)
Question Presented: "Whether the human being, whose life begins at conception as demonstrated by scientific and medical consensus, is also a legally protected person from fertilization through adult death"

a. Briefs arguing Personhood

i. Amicus Curiae

1. Brief of University Faculty for Life, et al.

11. *J.M. v. V.C.*, No. 91-2034 (father's rights case), *cert. denied*, 506 U.S. 829 (1992)
12. *Jane L. v. Bangertter*, 809 F.Supp. 865 (D. Utah 1992), (ban on previability abortions before 21 weeks unconstitutional), *aff'd in part, rev'd in part*, 61 F.3d 1493 (10th Cir. 1995), judgment summarily *rev'd* and *rem'd sub nom.*, *Leavitt v. Jane L.*, 116 S.Ct. 2068 (1996)
13. *Sojourner v. Roemer*, 772 F. Supp. 930 (E.D. La. 1991) (Louisiana's anti-abortion statute of 1991 unconstitutional), *aff'd sub nom.* *Sojourner v. Edwards*, 974 F.2d 27 (5th Cir. 1992), *cert. denied sub nom. Connick v. Sojourner T.*, 507 U.S. 972 (1993).

14. *Ada v. Guam Society of Obstetricians & Gynecologists*, 962 F.2d 1366 (9th Cir. 1992) (abortion prohibition with limited exceptions unconstitutional), *cert. denied*, 506 U.S. 1011 (U.S. November 30, 1992)

15. *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)

a. Briefs arguing that *Roe* should be overturned:

i. Parties

1. Brief for Respondents

ii. Amicus Curiae

1. Brief of the United States

2. Brief of American Association of Pro-life Obstetricians and Gynecologists (AAPLOG) and the American Association of Pro-life Pediatricians (AAPLP)

3. Brief of Certain American State Legislators

4. Brief of Hon. Henry J. Hyde et al.

5. Brief of the Southern Center for Law and Ethics

6. Brief of Texas Black Americans for Life

7. Brief of the United States Catholic Conference et al.

8. Brief of University Faculty for Life

9. Brief for Focus on the Family, Family Research Council, The Lutheran Church – Missouri Synod, and American Family Association Law Center

10. Brief for the Southern Center for Law & Ethics

11. Brief of the American Academy of Medical Ethics

12. Brief of National Right to Life, Inc.

13. Brief of Agudath Israel of America

14. Brief of Life Issues Institute

b. Briefs arguing 14th Amendment personhood:

i. Parties

ii. Amici Curiae

c. Briefs arguing both positions:

i. Amici Curiae

1. Brief of Legal Defense for Unborn Children by Alan Ernest

2. Brief of Catholics United for Life et al.

3. Brief of America 21, Family Values for the Twenty-First Century

4. Brief of the Knights of Columbus

5. Brief of James J. Crook

16. *Hodgson et al. v. Minnesota et al.*, 497 U.S. 417 (1990)

a. Briefs arguing that *Roe* should be overturned:

- i. Amici Curiae
 - 1. Brief for the United States
 - 2. Brief of The Hon. Christopher H. Smith and other Members of the Congress of the United States

17. *Webster v. Reproductive Health Services*, 492 U.S. 490 (1989)

- i. Briefs arguing that *Roe* should be overturned: Parties
 - 1. Jurisdictional Statement of the State of Missouri
- ii. Amici Curiae
 - 1. Brief of the United States
 - 2. Brief of the Lutheran Church-Missouri Synod, the Christian Life Commission of the Southern Baptist Convention, and the National Association of Evangelicals
 - 3. Brief of the Catholic Health Association of the United States (CHA)
 - 4. Brief of Focus on the Family and the Family Research Council of America
 - 5. Brief of Certain Members of the General Assembly of the Commonwealth of Pennsylvania
 - 6. Brief of the American Family Association, Inc.
 - 7. Brief of the Southern Center for Law & Ethics
 - 8. Brief of Christian Advocates Serving Evangelism (CASE)
 - 9. Brief of Feminists for Life of America (FFLA) et al.
 - 10. Brief of Free Speech Advocates
 - 11. Brief of Covenant House and Good Counsel, Inc.
 - 12. Brief of the Rutherford Institute and the Rutherford Institutes of Alabama et al.
 - 13. Brief of the Center for Judicial Studies and Certain Members of Congress
 - 14. Brief of Missouri Catholic Conference
 - 15. Brief of the United States Catholic Conference (USCC)
 - 16. Brief of the National Right to Life Committee, Inc. (NRLC)
 - 17. Brief of Certain American State Legislators
- b. Briefs arguing 14th Amendment personhood:
 - i. Amici Curiae
 - 1. Brief of James Joseph Lynch
 - 2. Brief of the National Legal Foundation
 - 3. Brief of Right to Life Advocates, Inc.
 - 4. Brief of the Knights of Columbus
 - 5. Brief of Doctors for Life, Missouri Doctors for Life, Missouri Citizens for Life, Missouri Nurses for Life, and Lawyers for Life, Inc.
 - 6. Brief of Larry Joyce
 - 7. Brief of Bernard N. Nathanson, M.D.

8. Brief of the Right to Life League of Southern California, Inc.
 9. Brief of 127 Members of the Missouri General Assembly
 10. Brief of Edward Allen
 11. Brief of the American Association of Pro-life Obstetricians and Gynecologists (AAPLOG) and the American Association of Pro-Life Pediatricians (AAPLP)
 12. Brief of Paul Marx
 13. Brief of the Catholic Lawyers Guild of the Archdiocese of Boston, Inc.
 14. Brief of Alabama Lawyers for Unborn Children, Inc. (Alaw-Life)
 15. Brief of American Life League (ALL)
 16. Brief of Human Life International (HLI)
 17. Brief of the International Right to Life Federation
 18. Brief of the Southwest Life and Law Center, Inc.
 19. Brief of the Attorney-General of Louisiana
- c. Briefs arguing both:
- i. Amici Curiae
 1. Brief of the New England Christian Action Council
 2. Brief of the Holy Orthodox Church
 3. Brief of Legal Defense for Unborn Children
 4. Brief of the Association for Public Justice and the Value of Life Committee, Inc.
 5. Brief of Hon. Christopher H. Smith et al.
 6. Brief of Birthright, Inc.
 7. Brief of Catholics United for Life (CUL) et al.

18. *Thornburgh v. American College of Obstetricians & Gynecologists*, 476 U.S. 747 (1986)
- a. Briefs arguing that *Roe* should be overturned:
 - i. Amici Curiae
 1. Brief of the United States
 - b. Briefs arguing 14th Amendment personhood:
 - i. Amici Curiae
 - c. Briefs arguing both:
 - i. Amici Curiae
 1. Brief of U.S. Sen. Gordon J. Humphrey (R-N.H.), U.S. Sen. Orrin G Hatch (R-Utah), et al.

19. *Colautti v. Franklin*, 439 U.S. 379 (1979)
 - a. Briefs arguing that *Roe* should be overturned:
 - b. Briefs arguing 14th Amendment personhood:
 - i. Amici Curiae
 1. Brief of the United States Catholic Conference (USCC) (probable jurisdiction was noted *sub nom. Beal v. Franklin*, 435 U.S. 913 (1978))
 2. Brief of Legal Defense Fund for Unborn Children by Alan Ernest
20. *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976)
 - a. Briefs arguing personhood:
 - i. Amici Curiae
 1. Brief of Dr. Eugene Diamond and Americans United for Life
 2. Brief of USCC
21. *Doe v. Israel*, 358 F.Supp. 1193 (D.R.I. 1973), affirmed, 482 F.2d 156 (1st Cir. 1973), cert. denied, 416 U.S. 993 (1974)
 - a. Briefs arguing Personhood
 - i. Parties:
 1. Petition for writ of certiorari of Rhode Island
22. *Roe v. Wade*, 410 U.S. 113 (1973)
 - a. Briefs arguing 14th Amendment personhood:
 - i. Parties
 - ii. Amici Curiae
 - 1.
23. *Doe v. Bolton*, 410 U.S. 179 (1973)
 - a. Briefs arguing 14th Amendment personhood:
 - i. Parties
 - ii. Amici Curiae
 - 1.
24. *Byrn v. New York City Health & Hosps. Corp.*, 31 N.Y.2d 194 (1972), cert. denied, 410 U.S. ___ (1973)
 - a. Briefs arguing 14th Amendment personhood:
 - i. Parties:
 1. Jurisdictional Statement of Appellant (filed September 1972)
 2. Brief in Opposition to Motions to Dismiss Appeal of Appellant (filed Oct 20, 1972)
25. *United States v. Vuitch*, 402 U.S. 62 (1971)
 - a. Briefs arguing 14th Amendment personhood

i. Amici Curiae

1. Brief of Dr. William F. Colliton, Jr. (filed July 14 1970)
2. Brief of Dr. Bart Heffernan