



THE HUMAN FAMILY  
RESEARCH CENTER

*Every Human Being  
Leaves a Fingerprint on the Universe*

## **(LIBERAL) CRITICISM OF ROE**

***Roe v. Wade and Bush v. Gore “represent opposite sides of the same currency of judicial activism in areas more appropriately left to the political processes...Judges have no special competence, qualifications, or mandate to decide between equally compelling moral claims (as in the abortion controversy)...[C]lear governing constitutional principles...are not present in either case.” Alan Dershowitz, Professor of Law, Harvard Law School, Supreme Injustice: How the High Court Hijacked Election 2000, at 194***

***Roe v. Wade “is not constitutional law and gives almost no sense of an obligation to try to be...What is frightening about Roe is that this super-protected right is not inferable from the language of the Constitution, the framers’ thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the nation’s governmental structure.” John Hart Ely, former Dean, Stanford Law School, “The Wages of Crying Wolf: A comment on *Roe v. Wade*,” 82 Yale Law Journal, 920, 935-937 (1973)***

***“As a matter of constitutional interpretation and judicial method, Roe borders on the indefensible. I say this as someone utterly committed to the right to choose, as someone who believes such a right has grounding elsewhere in the Constitution instead of where Roe placed it, and as someone who loved Roe’s author like a grandfather.” Edward Lazarus, former clerk to Justice Harry Blackmun, “The Lingering Problems with *Roe v. Wade*, and Why the Recent Senate Hearings on Michael McConnell’s Nomination Only Underlined Them,” Findlaw Legal Commentary, Oct. 3, 2002***

***“One of the most curious things about Roe is that, behind its own verbal smokescreen, the substantive judgment on which it rests is nowhere to be found.”*** Laurence Tribe, Professor Law, Harvard Law School, “The Supreme Court, 1972 Term – Foreword: Toward a Model of Roles in the Due Process of Life and Law,” 87 Harvard Law Review 1, 7 (1973)

***“In short, 30 years later, it seems increasingly clear that this pro-choice magazine was correct in 1973 when in criticized Roe on constitutional grounds. Its overturning would be the best thing that could happen to the federal judiciary, the pro-choice movement, and the moderate majority of the American people.”*** Jeffrey Rosen, Leal Affairs Editor, *The New Republic*, “Worst Choice, *The New Republic*, February 24, 2003