

Case Basics

Docket No.: 81-746

Petitioner: Akron Respondent:

Akron Center For Reproductive Health

Consolidation: Akron Center for Reproductive Health, Inc., et al. v. City of Akron et al., No. 81-1172

Decided By: Burger Court (1981-1986)

Opinion: 462 U.S. 416 (1983)

Argued: Tuesday, November 30, 1982

Decided: Wednesday, June 15, 1983

Issues: Privacy, Abortion, Including Contraceptives

Categories: states, privacy, abortion, due process

Facts of the Case:

In 1978 the Akron City Council enacted an ordinance which established seventeen provisions to regulate the performance of abortions. Among other things, the ordinance required: all abortions performed after the first trimester to be done in hospitals, parental consent before the procedure could be performed on an unmarried minor, doctors to counsel prospective patients, a twenty-four hour waiting period, and that fetal remains be disposed of in a "humane and sanitary manner." Some of the ordinance's provisions were invalidated by a federal district court.

Question:

Did several provisions of the Akron ordinance violate a woman's right to an abortion as guaranteed by the Court's decision in Roe v. Wade and the right-to-privacy doctrine as implied by the Fourteenth Amendment?

Conclusion:

The Court affirmed its commitment to protecting a woman's reproductive rights by invalidating the provisions of Akron's ordinance. Generally, Justice Powell's opinion reiterates the Court's findings in Roe and reasons that certain provisions of the ordinance violated the Constitution because they were clearly intended to direct women away from choosing the abortion option. They were not implemented out of medical necessities. The fetal disposal clause was struck down because its language was too vague to determine conduct subject to criminal prosecution.

Decisions

Decision: 6 votes for Akron Center For Reproductive Health, 3 vote(s) against

Legal provision: Due Process