

# Roe v. Wade

## Supreme Court Case Summary

### Appellant

Jane Roe

### Appellee

Henry Wade

### Location

US District Court  
for the Northern  
District of Texas

### Docket No.

70-18

### Citation

410 US 113 (1973)

### Argued

December 13, 1971

*Re-argued on*

October 11, 1972

### Decided

January 22, 1973

### Facts of the Case

In 1970, Jane Roe (a fictional name used in court documents to protect the plaintiff's identity) filed a lawsuit against Henry Wade, the district attorney of Dallas County, Texas, where she resided, challenging a Texas law making abortion illegal except by a doctor's orders to save a woman's life. In her lawsuit, Roe alleged that the state laws were unconstitutionally vague and abridged her right of personal privacy, protected by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments.

### Question

Does the Constitution recognize a woman's right to terminate her pregnancy by abortion?

### Conclusion



Justices ordered  
by seniority,  
from left to right.

Burger Douglas Brennan Stewart White Marshall Blackmun Powell Renhquist

### 7-2 Decision for Jane Roe • Majority Opinion by Harry A. Blackmun

Inherent in the Due Process Clause of the Fourteenth Amendment is a fundamental "right to privacy" that protects a pregnant woman's choice whether to have an abortion. However, this right is balanced against the government's interests in protecting women's health and protecting "the potentiality of human life." The Texas law challenged in this case violated this right.

The above summary is taken from Oyez.org. You can listen to oral arguments and read the final decision on their website: "Roe v. Wade." Oyez. Accessed August 24, 2023. <https://www.oyez.org/cases/1971/70-18>.



Justice Harry Blackmun delivered the opinion for the 7-2 majority of the Court.

First, the Court considered whether the case was moot, concluding that it was not. When the subject of litigation is “capable of repetition yet evading review,” a case need not be dismissed as moot. Pregnancy is a “classic justification for a conclusion of nonmootness.”

The Due Process Clause of the Fourteenth Amendment protects against state action the right to privacy, and a woman’s right to choose to have an abortion falls within that right to privacy. A state law that broadly prohibits abortion without respect to the stage of pregnancy or other interests violates that right. Although the state has legitimate interests in protecting the health of pregnant women and the “potentiality of human life,” the relative weight of each of these interests varies over the course of pregnancy, and the law must account for this variability.

In the first trimester of pregnancy, the state may not regulate the abortion decision; only the pregnant woman and her attending physician can make that decision. In the second trimester, the state may impose regulations on abortion that are reasonably related to maternal health. In the third trimester, once the fetus reaches the point of “viability,” a state may regulate abortions or prohibit them entirely, so long as the laws contain exceptions for cases when abortion is necessary to save the life or health of the mother.