

Roe v. Wade (1973)

Editor's Note: This article replaces the previous article on this topic, which was published in this encyclopedia in 2008. The 2008 article may be found [here](#).

In the 1973 case of *Roe v. Wade*, the US Supreme Court ruled that laws banning abortion violated the US Constitution. The Texas abortion laws, articles 1191-1194, and 1196 of the Texas penal code, made abortion illegal and criminalized those who performed or facilitated the procedure. Prior to *Roe v. Wade*, most states heavily regulated or banned abortions. The US Supreme Court decision in *Roe v. Wade* secured women's rights to terminate pregnancies for any reasons within the first trimester of pregnancy. It also sparked legal discussions of abortion, fetus viability and personhood, and the trimester framework, setting a landmark precedent for future cases including *Webster v. Reproductive Health Services* (1989), *Planned Parenthood v. Casey* (1992), and *Stenberg v. Carhart* (2000).

Anti-abortion laws became prevalent in the US during the late 1820s. Religious groups, physicians, and legislators who claimed to be concerned with the morality of citizens supported the anti-abortion movements. Many of those who supported anti-abortion laws for moral reasons claimed that life began at conception, and therefore should be awarded the same level of protection as human beings. By the early 1900s, every state in the US imposed anti-abortion laws. According to legal historian David Garrow, abortions by physicians were mostly available only to wealthy women with sufficient medical contacts. By the late 1960s, many trained and licensed physicians provided secret abortions to women they knew. However, according to Garrow, without both money and medical contacts, women could not access safe abortions. Poor women, or those living in rural areas, lacked the resources available to obtain safe abortions provided by trained medical practitioners. Instead, women who wanted to terminate their pregnancies sought so-called back-alley abortions performed by untrained individuals. Those procedures often led to death or serious injury.

During the 1960s, several events improved women's reproductive health rights in the US. In 1960, the birth control pill became available to women in the US, enabling them to better control their reproduction. In 1965, the US Supreme Court, in Washington, D.C., decided in *Griswold v. Connecticut* that a Connecticut statute banning contraception within marriages was unconstitutional and that constitutional rights to privacy within marriages protected women's rights to use contraception. According to Garrow, *Griswold v. Connecticut* encouraged the US public to discuss abortion and whether rights to abortion were fundamental rights. In 1969, the National Association for the Repeal of Abortion Laws, headquartered in Washington, D.C., formed to advocate for the legalization of abortion. By 1971, New York, Washington, Alaska, and Hawaii had legalized abortion, and thirteen other states had passed addendums to previous abortion laws to permit abortions in cases of rape, incest, and life-threatening emergencies. The changing legal and cultural opinions on abortion influenced the later case *Roe v. Wade*, which challenged states' ability to regulate abortion.

The background to *Roe v. Wade* began June 1969 in Dallas, Texas, when twenty-one-year-old Norma McCorvey discovered she was pregnant with her third child. At sixteen, McCorvey had given birth to her first child with her ex-husband, Woody McCorvey. Soon after McCorvey's daughter was born, McCorvey's mother accused her of abandonment and neglect of her child. McCorvey's mother took the child and adopted her without McCorvey's consent. Several years later, McCorvey became pregnant again and gave her second child up for adoption. By her third pregnancy, McCorvey was using drugs and alcohol. McCorvey claimed that she was unwilling to give birth to another unwanted child and unwilling to be forced to give up another child. She stated that she did not

want to be pregnant, and that her friends encouraged her to seek an abortion. Her doctor wouldn't perform an abortion, as Texas law prohibited abortions and criminally charged physicians who performed them.

Instead, McCorvey's doctor referred her to Linda Coffee and Sarah Weddington. Coffee and Wellington were attorneys and recent graduates of the University of Texas in Austin, Texas, who sought a way to challenge the Texas anti-abortion statutes. Both said they were interested in obtaining a pregnant plaintiff for a lawsuit to help overturn the Texas statutes. McCorvey, later stated that she had believed the legal case would help her obtain an abortion and agreed to take part in the lawsuit.

In March 1970, Weddington and Coffee filed a lawsuit on behalf of McCorvey in the US District Court in the Northern District of Texas in Dallas, Texas. They used the alias Jane Roe to protect the anonymity of McCorvey. Weddington and Coffee alleged that articles 1191, 1192, 1193, 1194, and 1196 of the Texas penal code were unconstitutional. Articles 1191, 1192, and 1193 of the code criminalized those who performed or facilitated an abortion. Article 1194 criminalized any person who killed the pregnant women during an attempted abortion. Article 1196 exempted from criminalization physicians who conducted abortions for the purpose of saving pregnant women's lives.

Weddington and Coffee alleged that the Texas statutes deprived women of the right to choose whether or not to have children, a right they said was protected by the Ninth Amendment to the US Constitution. The Ninth Amendment states that the rights explicitly stated in the Constitution are not the only rights protected by the Constitution. With the Ninth Amendment, attorneys can argue that rights not explicitly stated in the Constitution still deserve to be upheld. The Texas statutes, also called the Texas abortion laws, made it illegal to administer or procure an abortion, except for the purpose of saving pregnant women's lives. Though the right to choose whether or not to have children was not a right explicitly stated in the US Constitution, Weddington and Coffee argued that the rights to terminate pregnancies were rights supported by the Ninth Amendment.

In 1970, James Hubert Hallford, a licensed physician in Texas, joined Weddington and Coffee's case. Hallford joined the case because, as a physician performing abortions in Texas, the Texas laws affected his practice. Attorneys Fred Bruner and Ray Merrill Jr. represented Hallford. Hallford claimed that the Texas statutes interfered with his duty as a physician to give his patients access to the medical care necessary to choose whether or not to bear children. He claimed that to fulfill his duty as a physician, the Texas laws rendered him criminally liable for his actions. In addition, he claimed that the Texas statutes were so vague that he was not provided a warning of what specific actions were criminal behavior. Hallford cited Article 1196 of the Texas statutes, which allowed for abortion to save the life of the pregnant woman. Hallford claimed that what constituted life threatening was left to the discretion of medical professionals, leaving ambiguity in the law.

Roe and Hallford brought their case against Henry Wade, Dallas County district attorney. Wade was represented by John Tolle, assistant district attorney of Dallas, Texas, and Jay Floyd, assistant attorney general of Austin, Texas. The lawsuit was filed before the Circuit Judge, Irving Goldberg, and the District Judges, Sarah Hughes and William Taylor.

On 17 June 1970, the US District Court in the Northern District of Texas decided the case. The court decided in favor of Weddington and Coffee's argument. The court ruled that individuals have a fundamental right to privacy as determined by the US Supreme Court in the case *Griswold v. Connecticut*. In *Griswold v. Connecticut* the US Supreme Court had established a woman's right to privacy in regards to contraception within a marital relationship. That ruling meant that women could use contraception in their marital relationships without interference from the state. The US Supreme Court stated that rights to privacy are implicitly protected within the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments to the US Constitution.

The US District Court stated that the rights to privacy were interpreted as rights to privacy and liberty in matters that inherently impact individuals, matters such as marriage, family, sex, and reproduction. Additionally, the District Court stipulated that women's rights to choose whether or not to have children were secured by the Ninth Amendment. The District Court said that the rights to terminate pregnancies were determined by US Supreme Court justice Arthur Goldberg's

concurring opinion in *Griswold v. Connecticut*. In his concurring opinion, Goldberg had stated that the Ninth Amendment illustrated that the founders of the US did not create the first eight amendments to be an exhaustive list of all the rights given to citizens. According to the Ninth Amendment, Goldberg argued that there were fundamental rights not explicitly enumerated in the first eight amendments. The District Court concluded that the right to terminate a pregnancy was supported by the Supreme Court's interpretation of the Ninth Amendment.

The District Court also ruled that the Texas abortion laws were unconstitutionally vague. Previous Supreme Court declarations stated that state statutes could not be overly vague because vagueness infringes upon people's ability to understand the meaning of the statute. The District Court determined that the vagueness of the Texas statutes violated the right to due process of law inherent in the Fourteenth Amendment to the US constitution. The due process clause of the Fourteenth Amendment protects US citizens' rights to life, liberty, and property from governmental intrusion without proper legal process. That means that citizens have the rights to be informed of state statutes when they could deprive them of life, liberty, or property. The court ruled that the Texas statutes did not properly inform Hallford and other Texas physicians about which actions were illegal and would subject them to criminal liability.

Though the District Court of Texas found the Texas statutes unconstitutional, they declined to issue an injunction. An injunction is a court order that prevents an individual or the state from continuing with a given course of action. In the case of *Roe v. Wade*, an injunction would have prevented the state of Texas from prosecuting physicians violating the abortion statutes. By refusing to issue an injunction, the state of Texas still had the ability to prosecute physicians performing abortions.

By the time the District Court gave its opinion in 1970, McCorvey was six months pregnant. At that point it was too late for her to receive an abortion, even if the District Court had issued an injunction. McCorvey gave birth to her third child as Coffee and Wellington appealed the decision of the District Court to the US Supreme Court in Washington, D.C. McCorvey then gave the infant up for adoption.

Because the District Court did not issue an injunction on the prosecution of abortions, Weddington and Coffee appealed the case to the US Supreme Court in the fall of 1970. By that time, several cases from other districts in the US had emerged about women's rights to choose abortion. The Supreme Court chose to combine one of the cases, *Doe v. Bolton* (1973), with *Roe v. Wade*. The Court claimed that the two cases were similar in nature and could be decided together.

Attorney Margie Pitts Hames had filed *Doe v. Bolton* on behalf of Sandra Cano, against Arthur Bolton, attorney general of Georgia. Sandra Cano, under the pseudonym Mary Doe, was a married woman who suffered from a neurochemical mental disorder. In an attempt to treat her condition, her doctors told her to stop taking birth control pills and to avoid pregnancy. The 1968 Georgia Abortion Act criminalized abortion. The Georgia Abortion Act made exceptions for women whose lives were endangered by pregnancy and who followed the stipulated procedure to obtain an authorized legal abortion. Doe sought to overturn Georgia abortion laws in case she became pregnant and would need to terminate the pregnancy on medical grounds. Doe sued Georgia as a pre-emptive measure in the possibility of unintended pregnancy. On 31 July 1970 US District Court for the Northern District of Georgia in Atlanta, Georgia, denied an injunction against the law. Doe appealed the decision to the US Supreme Court in Washington, D.C.

As a result of the similarity of both cases, the US Supreme Court chose to hear *Roe v. Wade* with the companion case *Doe v. Bolton*. In September 1971, prior to hearing the opening arguments for *Roe v. Wade*, US Supreme Court Justices Hugo Black and John Harlan retired, leaving a Supreme Court of seven justices. Typically, the Supreme Court postponed important cases until a nine membered court could hear the case. However, the US Supreme Court decided to move forward with the *Roe v. Wade* case stating that it would be a simple application of previous cases. Therefore, seven Justices heard the case: Warren Burger, William Douglas, William Brennan, Potter Stewart, Bryon White, Thurgood Marshall, and Harry Blackmun. Burger was the Chief Justice.

On 18 December 1971, the opening arguments for *Roe v. Wade* began with Weddington representing Roe. Weddington argued that the Texas statutes violated women's rights to privacy in reproductive matters. Weddington cited the precedent set by the US Supreme Court in *Griswold v.*

Connecticut that established women's rights to privacy in marital relationships. She claimed that rights to privacy extended beyond contraception and included the decision to bear children. She explained that the liberty to bear children was protected by the due process clause of the Fourteenth Amendment and the Ninth Amendment to the US Constitution. The Fourteenth Amendment protects citizens right to life, liberty, and property from unwarranted governmental intrusion without due process of law. According to Weddington, the Texas statutes took away women's rights to life and liberty without due process of law. The Ninth Amendment says rights exist beyond those explicitly enumerated in the first eight amendments. Weddington argued that the rights to terminate pregnancy are protected by the language of the Ninth Amendment.

In addition, Weddington argued that the Texas abortion statutes infringed upon medical professionals' rights to provide medical care. Weddington claimed that the right to privacy should extend to doctor-patient relationships. In those sensitive situations, the doctor and patient have a right to make their decision together, free from governmental influence and regulation.

Weddington argued that the Texas statutes were unconstitutionally vague and overly broad, as the Texas District Court had ruled. She explained that the vague nature of the Texas statutes rendered physicians unable to determine what health situations were considered life threatening and therefore exempt from abortion criminalization. These vague statutes inhibited citizens from understanding what actions could incriminate them.

Finally, Weddington argued that the Texas abortion laws were not justified by a compelling state interest and therefore should not be left to state regulation. According to the Tenth Amendment to the US Constitution, powers that are not regulated by the federal government are left to state control. However, for a state to regulate citizens' behaviors, they must have a compelling interest to do so.

Weddington argued that for a state to regulate abortion it must provide a compelling public health interest. However, she stated that Texas had no compelling interest to regulate abortions. She explained that the desire to protect potential life was not a compelling interest because fetuses have no rights under Texas law. She explained that fetuses have no rights because they are not considered persons and hence aren't protected by the Fourteenth Amendment to the US Constitution. Furthermore, self-induced abortions were not criminalized under Texas law, which demonstrated that the purpose of the law was not to protect potential life.

Weddington claimed that while the state may have an interest in protecting maternal health, the Texas abortion laws acted against that interest. Weddington cited medical statistics indicating that abortions performed in medical facilities by licensed physicians were safer than natural childbirth. Therefore, Weddington argued that the statutes did not address the public health interest in maternal health. Weddington argued that a complete abortion ban was an overbroad solution to protect maternal health, and that regulation aiming to increase safety of abortions would be more appropriate.

The oral arguments continued with Floyd arguing on behalf of Wade, the representative for the state of Texas. Floyd argued that there were no explicit rights to abortion in the US Constitution. He argued that there was nothing in the *Griswold v. Connecticut* decision that could be extended to include women's alleged rights to choose abortions. Going further, Floyd explained that the rights to privacy did not apply to abortion because abortions were performed in hospitals and clinics, not in the private homes of spouses. Floyd also argued that the state had compelling interests to protect both maternal health and the lives of the fetuses. Floyd said that the states' interests in the lives of fetuses stemmed from the belief that life begins at conception. He claimed that under the Fourteenth Amendment fetuses are persons, and therefore should be protected by the US Constitution. When asked by the Court, Floyd was unable to provide constitutional precedents that demonstrated fetuses were persons, that they have the qualities that make a human being a person such that a biological entity receives human rights.

On 7 January 1972, US Supreme Court Justices William Rehnquist and Lewis Powell joined the Court, missing the opening arguments of the case. Therefore, they were unable to vote on the Supreme Court decision. The Supreme Court of seven justices voted in a 4-3 majority that the Texas statutes were unconstitutional. Blackmun wrote the majority opinion for the Court. According to

legal scholar Linda Greenhouse, Blackmun's first draft of the majority opinion lacked a thorough precedent for the Justices who more strongly supported the abortion rights. As a result, in May 1972, Blackmun proposed to reargue the case because he felt he was unable to successfully write the majority opinion with the information given. However, the Justices more in favor of abortion rights, especially Douglas, were hesitant to re-hear the case, because they were worried Justices Rehnquist and Powell would vote against the majority. Nonetheless, the Court decided to reargue the case.

The case was reargued on 11 October 1972 with Weddington representing Roe and the Texas assistant attorney general Robert Flowers representing the state of Texas. The existing seven Justices, joined by Rehnquist and Powell, heard the case.

In the re-argument, Weddington restated her previous arguments, explaining that the rights to terminate pregnancies were protected by the Ninth Amendment's description of rights not enumerated in the Bill of Rights. She added that the right to an abortion was a fundamental right. She explained that childbearing could greatly impact women's lives. Additionally, unwanted pregnancies can severely disrupt women's lives. Therefore, she argued that the right to privacy is extended to matters relating to reproduction and pregnancy.

In the re-argument, Flowers claimed that the case was moot because Roe was no longer pregnant and had already given birth. However, Weddington explained that the point was not moot because Roe had brought the suit when she was pregnant and she couldn't pause the pregnancy during the trial. Weddington further claimed that the damages of the pregnancy still remained. She argued that there were physical and emotional damages from both an unwanted childbirth and the adoption process. In addition, Weddington claimed that the case represented all currently pregnant women in the US. Therefore, Weddington argued that the case was valid despite Roe no longer being pregnant.

On 22 January 1973 the US Supreme Court, in a 7-2 majority vote, declared the Texas abortion laws to be unconstitutional. Justice Blackmun delivered the majority opinion. Burger, Douglas, Brennan, Stewart, Marshall, and Powell joined the majority opinion.

In the majority opinion, Blackmun first determined the standing of Roe, Doe, and Hallford in the case. Standing refers to the principle that the issues of a case affect the individuals who file or are named in the case. In order for the Court to accept a case, each party must demonstrate standing, their connection to the law. Blackmun explained that Roe was the only one with standing in the case because her case presented controversy to be resolved. That standing, Blackmun argued, was derived from the fact that Roe was specifically harmed by her inability to have an abortion. He explained that Hallford's situation was different and that Hallford did not have standing. Blackmun dismissed Hallford's complaint and reversed the initial ruling of the Texas District Court that included him as a rightful intervenor.

Blackmun then discussed the standing of Doe. He explained that while Roe and Doe were similar in nature, they had very different backgrounds. Blackmun explained that Doe was never pregnant, and that Doe wanted the ability to obtain an abortion should she become pregnant. However, Blackmun argued that the Doe's case was speculative, based on a possible future pregnancy. Therefore, the indirectness of the potential injury did not provide standing in the case. Blackmun dismissed the Doe case, upholding the dismissal of the US District Court for the Northern District of Georgia.

Blackmun gave an extensive background of the history of abortion. He discussed ancient Greek law, the Hippocratic oath, English law, US law, the positions of the American Medical Association, the American Public Health Association, and the American Bar Association. Blackmun explained that the anti-abortion law background was necessary to understand the reasons for the original enactment of abortion laws and their continued existence. Blackmun noted three reasons behind anti-abortion laws. First, many anti-abortion laws attempted to discourage sexual conduct that legislators deemed immoral. Secondly, policy makers stated concerns about the safety implications of abortion as a medical procedure. Thirdly, states had interest in protecting lives. Blackmun explained that only the second two reasons were a valid use of state police power against abortions.

Blackmun explained that the court recognized that there was a right to privacy implicit in the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the US Constitution. Additionally, Blackmun

concluded that privacy rights extend beyond marriage, including extension to reproduction, contraception, and child-rearing decisions, as determined by other US Supreme Court rulings.

Blackmun argued that both the US District Court for the Northern District of Texas's reasoning founded on the Ninth Amendment and the US Supreme Court's reasoning founded on the Fourteenth Amendment rendered the Texas law unconstitutional. In the majority opinion, Blackmun accepted the District Court's interpretation of the Ninth Amendment to establish a right to terminate a pregnancy. Blackmun also cited US Supreme Court cases that established a right to privacy in matters inherent to an individual's life implicit in the Fourteenth Amendment right to personal liberty protected from government regulation through the due process clause. Blackmun argued that the Texas laws violated the right to terminate a pregnancy established by the Ninth Amendment and Fourteenth Amendment, and ruled the Texas laws unconstitutional.

However, while Blackmun explained that women had rights to choose abortions, he also argued that the rights were not absolute. Blackmun disagreed with Weddington's conclusion that the states had no compelling interest in regulating abortion procedures. According to the Tenth Amendment to the US Constitution, powers that are not controlled by the federal government are given to the states. Therefore, states may control certain behaviors if they have significant interest to do so. Blackmun explained that the state had significant interest in protecting the health of its citizens, maintaining medical standards, and protecting potential life. He gave two historical examples as illustrations of when the US Supreme Court acknowledged that the right to privacy is not unlimited and absolute: *Jacobson v. Massachusetts* (1905), which dealt with forced vaccinations, and *Buck v. Bell* (1927), which dealt with forced sterilizations. In both those cases, the Supreme Court had ruled that the states could regulate citizens' behaviors for the sake of the public's health. In those cases, the state interfered with personal liberty to protect state interests. In a similar way, Blackmun explained that states could regulate abortion to protect their interests in maternal health and potential life.

Blackmun said that the right to privacy extends to abortion, however that right must be balanced with state interests. Blackmun explained that the state interest in abortion becomes apparent at certain times in the pregnancy. He noted that prior to the end of the first trimester of pregnancy, the mortality rate of pregnant women who received abortions from doctors was significantly lower than the mortality rate of women who birthed children. However, after the end of the first trimester, the mortality rate of abortion was equal to or higher than that of regular childbirth. Therefore, after the first trimester, a state had a compelling interest to protect pregnant women from abortion procedures and therefore may regulate abortion to protect pregnant women.

Additionally, Blackmun addressed state interests in protecting potential life. Prior to the point of viability, or the point in pregnancy in which fetuses can survive outside of pregnant women's wombs, Blackmun explained that the state did not have a compelling interest to protect potential life. However, at the point of viability, fetuses have the ability to sustain life outside pregnant women's wombs. At that point, the state has a compelling interest to protect the lives of the fetuses and therefore may regulate abortion.

Blackmun concluded that anti-abortion laws that criminalize abortion prior to the first trimester violated the due process clause of the Fourteenth Amendment to the US Constitution. Blackmun explained that during the first trimester, the decision to have an abortion remained between women and their healthcare providers. However, Blackmun noted that after the first trimester, the state may regulate abortions so far as the regulations protect maternal health. After the point of viability of the fetus, the state may regulate abortion in order to protect potential life. The exception to that interest, Blackmun explained, was in cases for which pregnant women's lives were endangered. The state has greater interest in protecting pregnant women's lives over potential lives. Therefore, when pregnancy endangers pregnant women's lives, abortions must always be legal.

Justices Burger, Douglas, and Stewart filed separate concurring opinions. Stewart argued that the due process clause of the Fourteenth Amendment to the US Constitution offered citizens more rights than those specifically enumerated in the Bill of Rights. He explained that freedom of personal choice within marriage and family could be considered part of the right to liberty within the language of the Fourteenth Amendment and due process. In *Eisentadt v. Baird* (1972), the US Supreme Court had determined that any individual was guaranteed rights to privacy in inherently

personal matters, such as contraception. Stewart said that right extended to childbearing, because it fundamentally affects the lives of women.

Chief Justice Burger delivered a separate concurring opinion. He stated that under the Fourteenth Amendment, the abortion laws of both Georgia and Texas limited the health of women. The term health, he said, was broad enough to encompass physical, emotional, and mental health during pregnancy. He explained that the states have the power to regulate abortions, but must not be overly broad or vague.

Justice Douglas also delivered a concurring opinion. Douglas said that the Ninth Amendment alludes to rights not explicitly explained in the first eight amendments. He stated that those rights are based on principles of liberty in the Fourteenth Amendment. He explained that the abortion laws limited any woman's ability to make her own decision about her pregnancy.

Justices White and Rehnquist filed separate dissenting opinions. Justice Rehnquist argued that the decision of the court was based upon the first trimester of pregnancy, but neither Roe nor Doe were in their first trimesters. Therefore, neither had standing in the case. Rehnquist claimed that the rights to liberty cannot be used absolutely, but rather the deprivation of liberty cannot occur without due process of law. He said that as long as there is a legitimate governmental interest in regulating citizen's behavior in accordance with the legal process of the law, the government can limit or deprive citizens of their liberty by police power. Rehnquist believed that the Texas statutes were a constitutional use of police power and therefore were in accordance with the due process of law. In 1973, the majority of the states had restricted abortion, indicating that the right to an abortion was not fundamental.

Justice White filed a dissent and was joined by Rehnquist. White argued that there was no language or history in the US constitution to support the decision of the Court. He said the majority opinion set the convenience of pregnancy for women above the lives or potential lives of fetuses. He claimed that there was no constitutional reason for those priorities. Therefore, White said that both the Texas and Georgia statutes were constitutional.

The US Supreme Court decision in *Roe v. Wade* legalized abortion in the first trimester, and it furthered movements for reproductive freedom and women's rights to their bodies. With those movements came both support and opposition. According to legal scholar Linda Greenhouse, *Roe v. Wade* was synonymous with political conflict and backlash throughout the remainder of the twentieth century. Greenhouse says that *Roe v. Wade* reinforced and provoked a move towards political polarization and partisanship about abortion. Several organizations became more vocal in context of the decision in *Roe v. Wade*. Pro-choice movements arose from the National Abortion Rights Action League and advocated for women's rights in choosing abortion. Conversely, the anti-abortion movements, founded partly in 1973 by Catholic bishops, rallied to repeal the decision in *Roe v. Wade*.

Since *Roe v. Wade*, many legal cases that have relied the 1973 Supreme Court decision both at the federal and state levels. In 1976, the US House of representatives instituted the Hyde Amendment, which prevented the use of federal funds to pay for abortion services. The Hyde amendment especially affected women who were poor and on Medicaid. That amendment was challenged in *Harris v. McRae* (1980), however the US Supreme Court upheld its constitutionality. *Roe v. Wade* set the foundation for the decision in *Planned Parenthood v. Casey* (1992) and also contributed to discussions about the nature of personhood, the trimester system, and viability.

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