Summary of *Roe v. Wade*, 410 U.S. 113, 93 S. Ct. 705, 35 L. Ed. 2d 147 (1973).

**Facts**

Roe (P), a pregnant single woman, brought a class action suit challenging the constitutionality of the Texas abortion laws. These laws made it a crime to obtain or attempt an abortion except on medical advice to save the life of the mother. Other plaintiffs in the lawsuit included Hallford, a doctor who faced criminal prosecution for violating the state abortion laws; and the Does, a married couple with no children, who sought an injunction against enforcement of the laws on the grounds that they were unconstitutional. The defendant was county District Attorney Wade (D). A three-judge District Court panel tried the cases together and held that Roe and Hallford had standing to sue and presented justiciable controversies, and that declaratory relief was warranted. The court also ruled however that injunctive relief was not warranted and that the Does’ complaint was not justiciable. Roe and Hallford won their lawsuits at trial. The district court held that the Texas abortion statutes were void as vague and for overbroadly infringing the Ninth and Fourteenth Amendment rights of the plaintiffs. The Does lost, however, because the district court ruled that injunctive relief against enforcement of the laws was not warranted. The Does appealed directly to the Supreme Court of the United States and Wade cross-appealed the district court’s judgment in favor of Roe and Hallford.

**Issues**

1. Do abortion laws that criminalize all abortions, except those required on medical advice to save the life of the mother, violate the Constitution of the United States?
2. Does the Due Process Clause of the Fourteenth Amendment to the United States Constitution protect the right to privacy, including the right to obtain an abortion?
3. Are there any circumstances where a state may enact laws prohibiting abortion?
4. Did the fact that Roe’s pregnancy had already terminated naturally before this case was decided by the Supreme Court render her lawsuit moot?
5. Was the district court correct in denying injunctive relief?

**Holding and Rule (Blackmun)**

1. Yes. State criminal abortion laws that except from criminality only life-saving procedures on the mother’s behalf, and that do not take into consideration the stage of pregnancy and other interests, are unconstitutional for violating the Due Process Clause of the Fourteenth Amendment.
2. Yes. The Due Process Clause protects the right to privacy, including a woman’s right to terminate her pregnancy, against state action.
3. Yes. Though a state cannot completely deny a woman the right to terminate her pregnancy, it has legitimate interests in protecting both the pregnant woman’s health and the potentiality of human life at various stages of pregnancy.
4. No. The natural termination of Roe’s pregnancy did not render her suit moot.
5. Yes. The district court was correct in denying injunctive relief.

The Court held that, in regard to abortions during the first trimester, the decision must be left to the judgment of the pregnant woman’s doctor. In regard to second trimester pregnancies, states may promote their interests in the mother’s health by regulating abortion procedures related to the health of the mother. Regarding third trimester pregnancies, states may promote their interests in the potentiality of human life by regulating or even prohibiting abortion, except when necessary to preserve the life or health of the mother. The Supreme Court held that litigation involving pregnancy, which is “capable of repetition, yet evading review,” is an exception to the general rule that an actual controversy must exist at each stage of judicial review, and not merely when the action is initiated. The Court held that while 28 U.S.C. § 1253 does not authorize a party seeking only declaratory relief to appeal directly to the Supreme Court, review is not foreclosed when the case is brought on appeal from specific denial of injunctive relief and the arguments on the issues of both injunctive and declaratory relief are necessarily identical. The Does’ complaint seeking injunctive relief was based on contingencies which might or might not occur and was therefore too speculative to present an actual case or controversy. It was unnecessary for the Court to decide Hallford’s case for injunctive relief because once the Court found the laws unconstitutional, the Texas authorities were prohibited from enforcing them.

**Disposition**

Roe wins – the district court judgment is affirmed.

Hallford loses – the district court judgment is reversed.

The Does lose – the district court judgment is affirmed.

**What You Don’t Know About the Abortion Fight Before *Roe v. Wade***

Jan. 4, 2016

**The battle was already raging, but the divisions didn't fall where you might think they did**

On Sunday, April 16, 1972, ten thousand people gathered in New York’s Central Park to protest New York’s liberal abortion law. The Supreme Court’s decision in *Roe v. Wade* was still nine months away, but the battle over abortion was already raging. Yet the divisions did not fall neatly along partisan or ideological lines.

In New York, the state with the highest number of legal abortions, the polarization was especially acute. It had been a Republican legislator and Republican governor who had been chiefly responsible for the legalization of abortion in the state two years earlier, and many of New York’s Republicans—including Governor Nelson Rockefeller—were still strongly supportive of abortion rights. But it was also a Republican who was leading the charge to reverse their actions. Democrats were equally divided.

The media portrayed the pro-life movement as a Catholic cause, but by 1972, that stereotype was already outdated. In Michigan, for instance, the fight against a referendum to legalize abortion was spearheaded by three Protestants—a gynecologist, a white Presbyterian mother, and an African American woman who was a liberal Democratic state legislator. In Minnesota, the leader of the state’s pro-life campaign was a liberal Methodist whose physician husband was a member of Planned Parenthood. In Massachusetts, one of the leading pro-life activists was an African American Methodist physician who had been the first black woman to graduate from Harvard Medical School. And even in New York, where Catholics accounted for the vast majority of the movement’s activists, there was more religious diversity than the media often acknowledged, partly because Catholics had joined forces with Orthodox Jews. In fact, one of the keynote speakers at the April 16 pro-life rally in Central Park was an Orthodox Jewish rabbi who served as president of the Rabbinical Alliance of America. One of New York City’s most vocal pro-life advocates was a liberal Lutheran minister who was best known for his protests against the Vietnam War and his advocacy of civil rights.

Perhaps most surprisingly, at the time the protest took place, the pro-lifers were winning. Only a few years earlier, their campaign had looked like a last-gasp battle against the forces of progress. They faced opposition from the women’s rights movement, newspaper and television media, the medical and legal establishments, mainline Protestant denominations, ecumenical religious organizations such as the National Council of Churches, and political leaders in both major parties. Yet the pro-life movement had figured out a way to defy the international trend toward abortion legalization and defeat several efforts to liberalize state abortion laws.

The right-to-life movement had faced nearly insuperable challenges in the late 1960s, when a wave of sixteen states legalized at least some forms of abortion within a three-year period. But then the pro-lifers regrouped, changed their strategies, and figured out how to win legislative battles. In 1971, twenty-five states considered abortion legalization bills. Every one of them failed to pass. In 1972, the pro-life movement went on the offensive and began campaigning for measures to rescind recently passed abortion legalization laws and tighten existing abortion restrictions. In the wake of the Central Park protest, the New York state legislature voted to repeal New York’s liberal abortion law and was thwarted only by Governor Rockefeller’s veto.

The size of the backlash against abortion legalization surprised many supporters of abortion rights. What had happened? How did a small, beleaguered Catholic movement manage to create a massive ecumenical coalition of grassroots activists and stop the march of abortion legalization?

. . .If the opponents of abortion had based their opposition merely on religious teaching or the seemingly arcane principles of natural law—as Catholics had when campaigning against contraception—it is unlikely that the pro-life cause could have withstood the forces of the sexual revolution, the feminist movement, and the social changes of the 1960s. But because the pro-life movement grounded its arguments in the language of human value and constitutional rights, it was able to attract a politically and religiously diverse coalition that actually gained strength over time. The pro-life movement succeeded because it drew on the same language of human rights, civil rights, and the value of human life that inspired the struggle for African American freedom, the feminist movement, antiwar protests, and the campaign for the rights of gays and lesbians.