

Roe v. Wade

410 U.S. 113 (1973)

The central court decision that created current abortion law in the U.S. is ***Roe v. Wade***. In this 1973 decision, the Supreme Court ruled that women had a constitutional right to abortion, and that this right was based on an implied right to personal privacy emanating from the Ninth and Fourteenth Amendments.

In ***Roe v. Wade*** the Court said that a fetus is not a person but "potential life," and thus does not have constitutional rights of its own. The Court also set up a framework in which the woman's right to abortion and the state's right to protect potential life shift: during the first trimester of pregnancy, a woman's privacy right is strongest and the state may not regulate abortion for any reason; during the second trimester, the state may regulate abortion only to protect the health of the woman; during the third trimester, the state may regulate or prohibit abortion to promote its interest in the potential life of the fetus, except where abortion is necessary to preserve the woman's life or health.