



1973 Supreme Court Decisions

Roe v. Wade and Doe v. Bolton

Roe v. Wade (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.

Doe v. Bolton (1973)

Roe v. Wade was modified by another case decided the same day, *Doe v. Bolton*. In *Doe v. Bolton* the Court ruled that a woman's right to an abortion could not be limited by the state if abortion was sought for reasons of maternal health. The Court defined health as "all factors - physical, emotional, psychological, familial, and

the woman's age - relevant to the well-being of the patient." This health exception expanded the right to abortion for any reason through all three trimesters of pregnancy.

What does the Church Say?

Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person -- among which is the inviolable right of every innocent being to life.

(Catechism of the Catholic Church, 2270)