



Roe Reality Check #1

myth: "High Court Rules Abortions Legal the First 3 Months."¹

fact: Abortion is legal through all 9 months of pregnancy.

In *Roe v. Wade* the Supreme Court ruled that abortion may not be restricted at all in the first trimester.² In the second trimester abortion may be regulated only for the mother's health.³ After "viability,"⁴ abortion may be prohibited except where necessary to preserve the mother's health.⁵

Roe's companion case, *Doe v. Bolton*, defined maternal "health" as: "all factors - physical, emotional, psychological, familial, and the woman's age - relevant to the well-being of the patient."⁶

Thus, abortion is legal -- and cannot be prohibited -- in the 7th, 8th, or 9th months of pregnancy if any of these reasons is invoked.⁷

*"[N]o significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy."*⁸

¹ *New York Times*, January 23, 1973, A1; see also Associated Press-Ipsos Poll, November 19-21, 2004: "Roe v. Wade made abortion in the first three months of pregnancy legal."

² In the first trimester, "the abortion decision ... must be left to the medical judgment of the pregnant woman's attending physician." *Roe v. Wade*, 410 U.S. 113, 164 (1973).

³ In the second trimester, the State may "regulate the abortion procedure in ways that are reasonably related to maternal health." *Roe*, 410 U.S. at 164.

⁴ "[T]hat is, potentially able to live outside the mother's womb, albeit with artificial aid." *Roe*, 410 U.S. at 160.

⁵ After viability, the State may "proscribe" abortion "except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." *Roe*, 410 U.S. at 164-65.

⁶ *Doe v. Bolton*, 410 U.S. 179, 192 (1973). The *Doe v. Bolton* ... opinion and this one, of course, are to be read together." *Roe*, 410 U.S. at 165.

⁷ In *Planned Parenthood v. Casey*, the Court abandoned the trimester framework but reaffirmed the legality of abortion "subsequent to viability" for the "preservation of the ... health of the mother." 505 U.S. 833, 879 (1992).

⁸ S. Rep. No. 98-149, at 6 (1983).

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