

# Roe v. Wade

Roe v. Wade is the historic Supreme Court decision overturning a Texas interpretation of abortion law and making abortion legal in the United States. The Roe v. Wade decision held that a woman, with her doctor, could choose abortion in earlier months of pregnancy without restriction, and with restrictions in later months, based on the right to privacy.

**Date of the Roe v. Wade decision:** January 22, 1973.

**Effect of the Roe v. Wade decision:** All state laws limiting women's access to abortions during the first trimester of pregnancy were invalidated by Roe v. Wade. State laws limiting such access during the second trimester were upheld only when the restrictions were for the purpose of protecting the health of the pregnant woman. Roe v. Wade legalized abortion in the United States, which was not legal at all in many states and was limited by law in others.

**Basis of the Roe v. Wade decision:** Roe v. Wade was decided primarily on the Ninth Amendment to the United States Constitution, a part of the Bill of Rights. The Court's decision in this case was that the Ninth Amendment, in stating that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," protected a person's right to privacy.

**Who Roe and Wade were:** The alias "Jane Roe" was used for Norma McCorvey, on whose behalf the suit was originally filed, alleging that the abortion law in Texas violated her constitutional rights and the rights of other women.. The defendant was the district attorney of Dallas County, Texas, Henry B. Wade.

**Who argued the case:** Sarah Weddington and Linda Coffee were the plaintiff's lawyers. John Tolle, Jay Floyd and Robert Flowers were the defendant's lawyers.

**Who voted for and against the Roe v. Wade decision:**  
The majority: Harry Blackmun, William J. Brennan, Chief Justice Warren Burger, William O. Douglas, Thurgood Marshall, Lewis Powell and Potter Stewart.

The dissent: William Rehnquist and Byron White.

The majority opinion was written by Harry Blackmun. Concurring opinions were written by Potter Stewart, Warren Burger, and William O. Douglas. Dissenting opinions were written by William Rehnquist and Byron White.

# Hyde Amendment

The Hyde Amendment is a provision barring the use of federal funds to pay for abortions, first passed by the United States Congress in 1976. It was so named because its chief sponsor was Republican Congressman Henry Hyde of Illinois. The measure was introduced in response to the U.S. Supreme Court's 1973 Roe v. Wade decision legalizing abortion, and represented the first major legislative success by abortion opponents in the United States.

Opponents of the amendment, such as the National Abortion Federation and the American Civil Liberties Union, assert that it unfairly targets low-income women, stating the amendment effectively ended the provision of abortions for low-income women across the United States through Medicaid, the federal health insurance program for poor people. As a rider attached to the yearly appropriations bill for Medicaid, it occasioned intense debate in Congress each time that it came up for renewal. The original measure made no exceptions for rape, incest, or the life of the pregnant woman, provoking an outcry from women's rights advocates. As a result, beginning in 1977 language was added to provide for such circumstances; however, the exact wording has varied from one year to the next, subject to the outcome of Congressional bargaining on the issue.

The cutoff of federal Medicaid funds prompted some states to provide public funding for abortion services from their own coffers. Over time the number of states doing so has gradually expanded, either through legislation or consequent to judicial rulings mandating equal access to health care for low-income women. As of 2007, only 17 of the 50 states provide such funding, and 13 of these are required by court order to do so.

The Hyde Amendment inspired the passage of other similar provisions extending the ban on funding of abortions to a number of other federal health care programs. Consequently, those federal government employees who wish to have abortions must pay for them "out-of-pocket". In addition, abortion services are not provided for U.S. military personnel and their families, Peace Corps volunteers, Indian Health Service clients, or federal prisoners.

*Information about Roe v. Wade taken from About.com*

*Information about the Hyde Amendment taken from Wikipedia.org*