

[Planned Parenthood v. Casey \(1992\)](#) ^[1]

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Almost ten years after the landmark decision in *Roe v. Wade* ^[5] (1973) the battle over [abortion](#) ^[6] was still being waged. The [reproductive rights](#) ^[7] of women in the United States were being challenged by the [Pennsylvania Abortion Control Act of 1982](#) ^[8]. The act was comprised of four provisions that restricted the fundamental right a woman had to obtaining an [abortion](#) ^[6], as established in *Roe v. Wade* ^[5]. The four provisions included spousal notification, information disclosure, a twenty-four hour waiting period, and parental consent for minors.

The US District Court of Eastern Pennsylvania declared all of the provisions to be unconstitutional when a suit was brought forward by five [abortion](#) ^[6] clinics and a physician before the provisions went into effect. However, the State Court of Appeals reversed this decision claiming that all provisions except the spousal notification were indeed constitutional. Planned Parenthood of Southern Pennsylvania then appealed the courts decision to the US Supreme Court.

The oral argument for *Planned Parenthood v. Casey* (1992) began on 22 April 1992 with [Kathryn Kolbert](#) ^[9] representing Planned Parenthood of Southern Pennsylvania. Kolbert argued that the provisions in the [Pennsylvania Abortion Control Act of 1982](#) ^[8] violated the decision made in *Roe v. Wade* ^[5] that the right to an [abortion](#) ^[6] was fundamental. If the fundamental right to [abortion](#) ^[6] were to be removed, women would be forced to back alleys to receive abortions which would be detrimental to the woman's life and health. She also argued that the right to privacy would be dismantled if the provisions were upheld.

On 29 June 1992 a 5–4 majority vote upheld all of the provisions presented in the Pennsylvania Abortion Control Act except spousal notification and the Supreme Court once again reaffirmed the decision of *Roe v. Wade* ^[5]. The idea of “undue burden” was adopted in the decision. An undue burden is present if the purpose is to impose obstacles that prevent a woman from obtaining an [abortion](#) ^[6] before the [fetus](#) ^[10] is [viable](#) ^[11]. The decision in *Planned Parenthood v. Casey* also did away with the [trimester](#) ^[12] framework established in *Roe v. Wade* ^[5] and implemented in its place the concept of [viability](#) ^[13].

The contentious court case *Planned Parenthood v. Casey* once again brought [reproductive rights](#) ^[7] into the public eye and forced the courts to either reaffirm or overturn *Roe v. Wade* ^[5]. Although the decision in *Roe* was ultimately reaffirmed, most agree that the provisions adopted by *Planned Parenthood v. Casey* began to chip away some of women's [reproductive rights](#) ^[7].