

**Plaintiffs' First Amended Complaint in *Roe v. Wade*,
CA-3-3690-B (N.D. Tex., Filed Apr. 22, 1970)**

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION
Civil Action No. CA-3-3690

JANE ROE, suing on behalf of herself and all others
similarly situated,

Plaintiff,

—v.—

HENRY WADE, District Attorney of Dallas County,

Defendant.

I. PARTIES

1. Plaintiff, Jane Roe, is a citizen of the State of Texas, and a resident of Dallas County.

2. Defendant Henry Wade is the District Attorney of Dallas County, Texas, charged with the enforcement and administration of the criminal laws of the State of Texas in Dallas County.

II. JURISDICTION

1. Plaintiff invokes the jurisdiction of this Court under the First, Fourth, Fifth, Eighth, Ninth and Fourteenth

Amendments to the United States Constitution; and under Title 28, United States Code, Sections 1331 and 1343, 2201 and 2202, and 2281 and 2284; Title 42 United States Code, Section 1983.

2. Plaintiff seeks (a) a declaratory judgment that Articles 1191, 1192, 1193, 1194, and 1196 of the Texas Penal Code (hereinafter sometimes collectively referred to as the Texas Abortion Laws) are unconstitutional on their face; and (b) a permanent injunction against the future enforcement of these statutes.

III. FACTS

1. Plaintiff, Jane Roe, is an unmarried pregnant woman.
2. Because of the economic hardships and social stigmas involved in bearing an illegitimate child, Plaintiff wishes to terminate her pregnancy by means of an operation, generally referred to as an abortion (within the meaning of Article 1191 of the Texas Penal Code), performed by a competent, licensed physician, under safe, clinical conditions.
3. Plaintiff's life does not appear to be threatened by the continuation of her pregnancy.
4. Plaintiff has been unable to secure a legal abortion in Dallas County because of the existence of the Texas Abortion Laws.
5. Her inability to obtain an abortion has caused Plaintiff to suffer emotional trauma.

6. Plaintiff cannot afford to travel to another jurisdiction to seek to secure a legal abortion under safe, clinical conditions.

7. An abortion performed by a competent, licensed physician, under hospital or clinic conditions is a safe and simple procedure which presents less danger to the pregnant woman, particularly in the first trimester of pregnancy, than ordinary childbirth.

8. An abortion performed outside of the clinical setting by unqualified personnel is extremely dangerous and often results in death, maiming, sterility, or serious infection.

9. This is a proper case to be heard by a Three-Judge Court in that Plaintiff is challenging State statutes as invalid on their face under the United States Constitution, and is seeking an injunction against the enforcement of the statutes.

10. Plaintiff sues on behalf of herself and all other women who have sought, are seeking, or in the future will seek to obtain a legal, medically safe abortion but whose lives are not critically threatened by the pregnancy. The number of members of the class is large and joinder of all members is impractical; there are questions of law and fact common to each class; the claims of Plaintiff are typical of the claims of such class; and the named Plaintiff will fairly and adequately protect the interests of the class.

IV. CAUSES OF ACTION

1. The Texas Abortion Laws are unconstitutionally vague and uncertain on their face.

2. Said statutes deprive women and their physicians of rights protected by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments, in that the statutes are neither narrowly drawn nor supported by any overriding and compelling state interest.

(i) They infringe upon Plaintiff's right to safe and adequate medical advice pertaining to the decision of whether to carry a given pregnancy to term.

(ii) They deprive Plaintiff of the fundamental right of all women to choose whether and when to bear children.

(iii) They infringe upon Plaintiff's right to personal privacy.

(iv) They infringe upon Plaintiff's right to privacy in the physician-patient relationship.

3. Said statutes on their face infringe upon Plaintiff's right to life and liberty in violation of the Due Process Clause of the Fourteenth Amendment.

4. Said statutes on their face violate the First Amendment's prohibition against laws respecting an establishment of religion.

5. Said statutes on their face deny Plaintiff the equal protection of the laws.

V. RELIEF REQUESTED

1. Plaintiff prays that a Three-Judge Court be convened to hear this cause.

2. Plaintiff prays that a declaratory judgment be issued holding the Texas Abortion Laws to be unconstitutional on their face.

3. Plaintiff further prays for a permanent injunction restraining Defendant, his agents, and successors from enforcing the challenged statutes, that costs be taxed against the Defendant and for such further relief, at law or in equity, as Plaintiff may be entitled to receive.

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[Certification of service omitted in printing.]