JUN 26, 2022

Supreme Court Overturns Roe

This is The Weekly Letter for June 26, 2022. About this newsletter

Big Story

states.

On Friday, the Supreme Court overturned the 1973 *Roe v. Wade* decision, ending the constitutional right to abortion.

The case prompting the overruling of Roe was Dobbs v. Jackson Women's Health

Organization, where a Mississippi ban on abortion (with some exceptions) after 15 weeks was at issue. Although the Mississippi law fairly clearly violated *Roe*, the court could have upheld the law without overturning *Roe* outright. Indeed, Chief Justice John Roberts wrote that he would have preferred to reject only the fetal viability aspect of *Roe*. However, the court ruled to scrap the constitutional right to abortion altogether.

damaging consequences,' Justice Alito wrote [in his majority opinion]. 'And far from bringing about a national settlement of the abortion issue, Roe and Casey have enflamed debate and deepened division. It is time to heed the Constitution and return the issue of abortion to the people's elected representatives.'"

The liberal justices—Breyer, Kagan, and Sotomayor—decried that the court had

issued "a decision greenlighting even total abortion bans" and wrote, "With

"The reasoning in Roe 'was exceptionally weak, and the decision has had

NY Times)
With abortion no longer constitutionally protected, states now have free rein over abortion policy. According to The Washington Post:

sorrow — for this court, but more, for the many millions of American women who

have today lost a fundamental constitutional protection — we dissent." (Source:

"The right will now be decided by state legislatures, as it had until *Roe* was

decided, and could lead to the procedure being banned in more than half of all

The decision sets in motion <u>'trigger laws' in 13 states</u> that will ban abortion within 30 days and other antiabortion legislation that will severely limit access.

Republican officials in some states moved quickly to sign orders implementing

the bans immediately, while the Democratic governor of Illinois announced a

special legislative session to ensure abortion access."

The New York Times reports on reaction to the ruling from supporters and opponents of abortion rights:

has crusaded against abortion since the Roe decision in 1973, called Friday's ruling 'a total victory for the pro-life movement and for America.' Still, he said, the job for anti-abortion forces was 'half-done.' The group was assembled for its convention in Atlanta when the decision was announced, and had already drafted model legislation to ban abortion in every state, with exceptions only for risks to the life of the mother."

"I knew this was coming but I didn't expect to feel such anger,' Amalie Hahn, 49,

said in Jackson, Miss. 'You want to ban abortions in the state of Mississippi, but

"James Bopp Jr., general counsel to the National Right to Life Committee, who

you don't want to take into account that Mississippi is one of, if not the worst state to give birth in. We are in the midst of a formula shortage and poverty is at an all-time high and they are forcing women to have babies. This is insane."

Because the court's decision discards the precedent that the right to abortion is protected by constitutional privacy rights, there is concern that other rights

"In future cases, we should reconsider all of this court's substantive due process precedents, including Griswold, Lawrence, and Obergefell."

protected as matters of privacy could also lose federal protection. According to a

<u>Guardian article</u>, Clarence Thomas wrote in his concurring opinion:

without government interference in 1965. The court ruled in the 2003 case of Lawrence v Texas that states could not criminalize sodomy, and Obergefell v Hodges established the right for same-sex couples to marry in 2015."

However, in his majority opinion, Alito emphasized that the ruling applied only to

abortion. The question is whether the distinction between abortion and other

"Griswold v Connecticut established a married couple's right to use contraception

protection for other rights in the future.

Opinion

privacy issues makes sense and, if not, whether the court will reject constitutional

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Voices, 6/19)

a friend!

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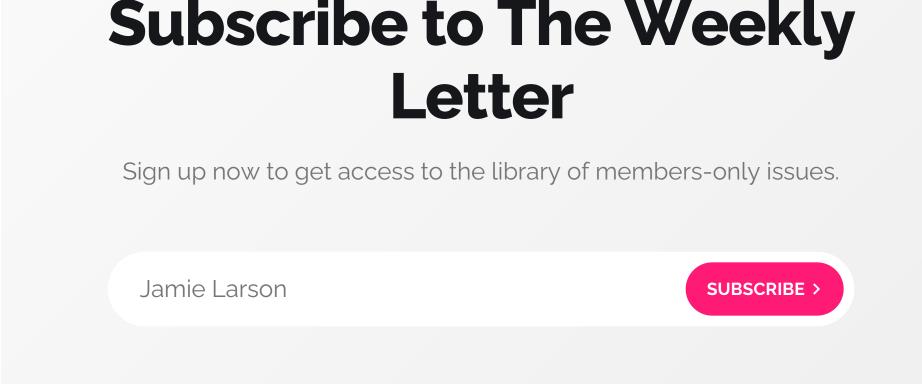
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