

Supreme Court Takes Up Mississippi 15-Week Abortion Ban

In a monumental announcement, the U.S. Supreme Court decided to take up a case involving Mississippi's new ban on abortion after 15 weeks of pregnancy.

The case, *Dobbs v. Jackson Women's Health Organization*, is a direct challenge to *Roe v. Wade*. In granting the petition to hear the case, the Supreme Court said it will address the question about "whether all pre-viability prohibitions on elective abortions are unconstitutional."

Oral arguments in the case are likely to take place in the fall, with a decision probably released in 2022. The case had been sitting on the Supreme Court's docket for a long time, ominously neither being taken up nor dismissed.

On January 22, 1973, the Supreme Court wrongly decided to force legalized abortion on America using a trimester framework. Under that framework, the Supreme Court allowed states to ban abortions in third trimester, as long as any ban contained a "health" exception. The same day, the Court defined "health" in *Doe v. Bolton* to mean essentially any reason. So, states can ban late-term abortions as long as they create a loophole allowing every abortion. The decisions were smoke and mirrors, public relations—anything but logic and law.

The last time the Supreme Court

directly confronted *Roe v. Wade* was in 1992. That case, *Planned Parenthood v. Casey*, was about a Pennsylvania law involving consent requirements and abortion regulations. Justice Anthony Kennedy was ready to overturn *Roe*, but chickened out at the last moment. Instead, the Supreme Court junked the trimester framework and invented a whole new rule: states could regulate abortion as long as they didn't create an "undue burden" on a woman seeking an abortion; states can ban abortion after the point of viability as long as they allow a nearly-infinite "health" loophole.

Viability is somewhere around 23 weeks and continues to be earlier in pregnancy as medical science advances. Mississippi's law bans abortion before viability, with exceptions for medical emergencies or (sadly) if the child is disabled.

What will the Supreme Court do?

If it wanted to leave *Roe* and *Casey* untouched, the Supreme Court could have simply accepted the lower court ruling that blocked Mississippi's ban. That clearly didn't happen.

- The Court could do the right thing and overturn *Roe v. Wade* entirely—finally.
- The new conservative majority instead could be too afraid to do that. They could instead allow Mississippi's law to stand while leaving *Roe* on life-support by creating a new fictional rule to decide abortion cases. That would be profoundly disappointing, yet still a victory allowing more life-saving prolife laws.
- It could issue a vague ruling asking the lower court to rehear the case, kicking the can further down the road.

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- The Court could also reaffirm Roe if at least two of the conservative justices feel sufficiently threatened by abortion supporters, like Justice Anthony Kennedy was in 1992.

What can you do?

Legally, nothing: the fate of millions of lives are in the hands of unelected judges who have been making it up as they go for nearly 50 years. But one thing is very clear: Roe v. Wade is in grave danger, decades after pundits declared that the judges decided the issue for all-time, and that the developing prolife movement would be aborted before its real birth—uncounted and unmourned. Yet, we're still alive and kicking!

How long can Roe v. Wade continue to survive after half a century of failing to manufacture the expected pro-abortion consensus?

Pray. Talk about abortion. Don't let the Abortion Industry choke the airwaves and the Internet with messages threatening the U.S. Supreme Court, trying to get in the heads of the justices, and thus weakening their consciences into approving the deaths of another 60 million children.