



Lesson 107

Abortion and the Supreme Court

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A landmark United States Supreme Court decision has been decided recently. This decision is a clear advancement towards the Sunday Law, and in this lesson we will look at this court case, its background, and what it means going forward.

Abortion Rights Granted

Roe v. Wade

In 1969, Norma Leah Nelson McCorvey discovered that she was pregnant with her third child. At the time, she was 21 years old and struggling with poverty, so she could not afford to have another child. She wanted an abortion. But she lived in Texas where abortions were not legal unless the mother's life was in danger. Sarah Catherine Ragle Weddington and her friend from law school, Linda Nellene Coffee, wanted to make an argument for abortion at the time. Their first clients were a married couple, but the wife was not pregnant, so they did not think that their case would be taken. What they needed was a pregnant woman who wanted an abortion, and would be willing to take her case to court. They also wanted to have the odds in their favor by presenting the case in front of three judges, and this was only possible in Dallas, Texas. Because their case was for public interest, women were allowed to offer their assistance. McCorvey inquired if she was what they were looking for and was told that she was because she was white, young, pregnant, and wanted an abortion. (She later said that she only signed up because Weddington and Coffee would give her free food.) In 1970, they filed a lawsuit against the district attorney, Henry Menasco Wade, saying that the law against abortion was unconstitutional. McCorvey used the pseudonym Jane Roe instead of her real name because she did not want to be known. The United States District Court for the Northern District of Texas took her case and on June 17, 1970 ruled in her favor. Both McCorvey and Wade appealed. Fifteen days prior to the ruling, however, McCorvey gave birth and put her daughter up for adoption. On April 22, 1971, the United States Supreme Court agreed to take up Roe v. Wade. The arguments began on December 13, 1971. On January 22, 1973, in a 7-2 ruling, the Supreme Court ruled in McCorvey's favor, stating that women had the right to choose whether they wanted to have an abortion. According to Roe v. Wade, the pregnancy was broken into three trimesters. During the first trimester, whether or not the woman got an abortion was up to her. During the second trimester, the state could regulate abortions depending on the mother's health. During the third trimester, the state could regulate or ban abortions because after the second trimester the baby could survive in the outside world.

Planned Parenthood v. Casey

In 1988 and 1989 the state of Pennsylvania added to its abortion laws. Five new requirements were added, they were: 1) a woman had to give informed consent and receive information about an abortion at least 24 hours before, 2) with few exceptions married women had to sign a statement saying she told her husband, 3) a minor must have the approval of at least one of her parents, or from a court, 4) in the case of an emergency the above rules can be overlooked, and 5) facilities that perform abortions had to report them in certain ways. Five abortion clinics and several doctors sued: they said that the new requirements were unconstitutional. The first court the case went to was a district court that ruled that all five changes were indeed unconstitutional. Then the case went to an appeals court with three judges. They ruled that only the part where a woman had to tell her husband was unconstitutional. One of those three judges - who dissented in the ruling - was Samuel Alito who is a conservative on the Supreme Court today. In 1992 the case: Planned Parenthood v. Casey went to the United States Supreme Court (Casey was the name of the governor of Pennsylvania at the time). The court was more conservative now than it had been at the time Roe v. Wade was determined. On the court at this time was William Rehnquist (the very conservative chief justice), Harry Blackmun (the man who wrote Roe's decision), Sandra Day O'Connor (the first female justice and a conservative), John Paul Stevens (who said he was conservative but voted liberal), Anthony Kennedy, David Souter (who everyone thought would be conservative but actually ended up being liberal), Antonin Scalia, Byron White, and Clarence Thomas (a conservative justice still on the court today). The Supreme Court ruling ultimately was 5-4, but the justices concurred and dissented with several parts. First, they voted to uphold the Roe v. Wade decision with a 5-4 margin. But there were a few changes namely that the trimester system was changed to "viability" and "undue burden" meaning that states could impose restrictions on abortions before the fetus is viable only if they didn't cause an "undue burden". The main justices behind this whole case were O'Connor, Kennedy, and Souter and on this part they were joined by Blackmun and Stevens. Those same five justices also struck down the part of Pennsylvania law that said a woman had to notify her husband and tell him she was getting an abortion. Finally, with a 7-2 margin O'Connor, Kennedy, and Souter, along with Rehnquist, Scalia, White, and Thomas decided that the other four parts of the law were constitutional. A lot of these justices voted to keep Roe because it was the precedent - or it was the pattern of how things already were. But this case did change Roe, because since 1992 the concept of "undue burden" has applied when it comes to abortion in the United States. This case: Planned Parenthood v. Casey is paired with Roe v. Wade when it comes to abortion rights and laws.

Abortion Rights Overturned

Dobbs v. Jackson Women's Health Organization

The United States Supreme Court Case, Dobbs v. Jackson Women's Health Organization, was taken up on May 17, 2021. Previously, on March 19, 2018, the state of Mississippi passed the Gestational Age Act ("HB 1510"). This act banned abortions after 15 weeks (of pregnancy), except in medical emergencies. Being the only abortion clinic in the state, the Jackson Women's Health Organization (JWHO) filed suit in a federal district court. They called for an emergency restraining order for the bill, and on March 20th, the district court granted their request- temporarily blocking the bill. The JWHO then modified their argument, saying that the bill was unconstitutional. They were resisted by a Mississippi State Health Officer, Thomas Dobbs, and others grouped by the name "Dobbs" who supported the bill. Still, the district court continued to side with the JWHO, and on November 20th it officially struck down the bill. On December 14th, a United States Court of Appeals also affirmed the district court's decision. On June 15, 2020 Dobbs appealed to the Supreme Court, and on May 17, 2021 the Supreme Court announced they would hear the case. On one side, Dobbs argued that since the United States Constitution never mentions a right to abortion, states should be able to freely ban when they want. The JWHO argued that the right to an abortion is grounded in the 14th amendment, "physical autonomy and body integrity are essential elements of liberty protected by the Due Process Clause" (Cornell Law School). If the Supreme Court ruled in Dobbs's favor, the right to an abortion set in place by Roe v. Wade and Planned Parenthood v. Casey would be overturned. The Supreme Court recently ruled on this case and we will learn what they ruled next.

The majority decision

On June 24, 2022, the United States Supreme Court, in a 5-4 ruling, overturned Roe v. Wade. The justices that voted to overturn the case were Justice Samuel Anthony Alito Jr., Justice Brett Michael Kavanaugh, Justice Clarence Thomas, Justice Neil McGill Gorsuch, and Justice Amy Vivian Coney Barrett. The justices that voted to uphold Roe v. Wade were Justice Elena Kagan, Justice Stephen Gerald Breyer, Justice Sonia Maria Sotomayor, and Chief Justice John Glover Roberts Jr. Justice Alito said that the arguments in support of Roe v. Wade were so weak that it had to be overturned. Chief Justice John Roberts sided with the liberals on Roe v. Wade in a 5-4 ruling. He said that the other conservative judges had gone too far by overthrowing such a landmark case. Instead of getting rid of the ruling altogether, he would have preferred to alter it. He said it was a dramatic step and would have profound effects. But regarding the ruling of the Mississippi case, Dobbs v. Jackson Women's Health Organization, he sided with the Conservatives in a 6-3 ruling, which banned abortions after 15 weeks of pregnancy. However, the overturning of Roe v. Wade should not have come as a shock since on May 2, 2022, the draft of the final decision regarding the fate of Roe v. Wade was leaked to Politico. (It is interesting to note that the decision for Roe v. Wade was also leaked in January 1973 to TIME Magazine. It was published just hours before the Supreme Court announced the ruling.) On May 3, 2022, Justice Roberts confirmed that the document was indeed a draft by Justice Alito of the upcoming ruling. The leak surprised many people because the Supreme Court only allows access to the court's final decision before it's released to a select few people. The leak also outraged many people because, if

overturning Roe v. Wade was the court's final decision, it would be reversing a ruling that had been in place for nearly half a century.

The dissent

Three justices dissented in the Dobbs v. Jackson Women's Health Organization case. They were the liberal justices still left on the court: Stephen Breyer, Sonia Sotomayor and Elena Kagan. They said that the United States Supreme Court used to have a balance between people who are for and against abortion by allowing states to ban abortions after viability and place a few restrictions before (but abortions still had to be possible). But with this new ruling, these justices said, several states will ban abortions all together: so the people that are for abortions are fully left behind. They said low income women will be the most affected because they won't have the resources to travel to another state for an abortion; they even warned that the ruling didn't close the gap of the federal government banning abortions all across the nation, making getting an abortion even harder. The liberal justices argued that overturning abortion rights deprived women of liberty and equality, because they would be forced to continue something that will change and possibly harm their life - and they have no say so. They said that the United States Constitution used to be seen as upholding abortion rights, but now the court says it does not. Of course the United States Constitution doesn't specifically say abortion - only men wrote and signed it - but abortion was considered a right under the Constitution's guarantee of liberty and right to make personal decisions. The majority said that the United States Constitution didn't support abortion literally, so the Supreme Court cannot, the dissenting justices said that under that way of thinking any right not directly from the mid-19th century is unsecure. They said this makes the majorities' decision either hypocritical or just the first steps in the undoing of many Americans' rights. The liberals also said that the worst thing the majority did was not respect precedent - or what the court has already ruled. They wrote that the Supreme Court has always followed this rule unless major changes have happened or facts surfaced - but none of that happened this year. The only change, they pointed out, and the only reason this decision was made, is that there is a supermajority of conservatives who are on the court. They accused them of being unfaithful and biased in interpreting the law. They said that Mississippi knew exactly what it was doing when it made this law: it wanted a court battle to go all the way to the Supreme Court so Roe could be overturned, and the conservative justices took the first possible chance they had to do so. They said that this decision damaged the legitimacy of the court, something the justices in Casey explicitly decided not to do, but this decision damaged the constitutional protections of women more.

People on the Left and Right

Extreme liberals

One of the things brought to light from this recent United States Supreme Court case is a problem in the left-wing. On June 15, 2022, Nicholas John Roske was arrested by police in Maryland near Supreme Court Justice Brett Kavanaugh's house. He was later charged with attempted murder. Roske was upset with the leaked Supreme Court document stating its purpose to overturn *Roe v. Wade*. It's suspected that Roske left California to travel to Maryland to kill a conservative Supreme Court Justice because he was also mad that they supported easing gun restrictions. He planned on breaking into a Justice's house and killing them, and himself. When he got near Kavanaugh's house, he called the police and told them about his plans. He was later stopped by police and arrested. At first glance, Roske seems like another far-right extremist about to attack someone, but then we realize that he was trying to kill a conservative Justice who wasn't going to vote liberal- Roske is a left-wing extremist. This shows us some of the problems in the left-wing. The far-right isn't the only source of extremism, but it can come from the far-left too. Just because we are left-wing, we aren't safe from dangerous ideas that radicalize people, the far-left can be just as dangerous as the far-right. This is one thing that this Movement is beginning to understand, far-right ideology isn't the entire source of extremism, some of it comes from the left-wing.

Beyond abortion rights

The overturning of *Roe v. Wade* was just the beginning. Justice Clarence Thomas does not want to just stop at abortion rights. He stated that the court should reconsider rulings on contraception (ways to not get pregnant in the first place) and same-sex marriage. He wants the court to look into cases such as *Griswold v. Connecticut* which was decided in 1965 that gave married couples access to contraceptives and *Obergefell v. Hodges* (see Lesson 90: *The History of Marriage Equality*) which was decided in June 2015 and legalized gay marriage across the United States. Clearly, he, and other conservatives, do not want to just take away the rights of women, they want to take away the rights of the LGBTQ+ community as well.

Abortion Rights Now

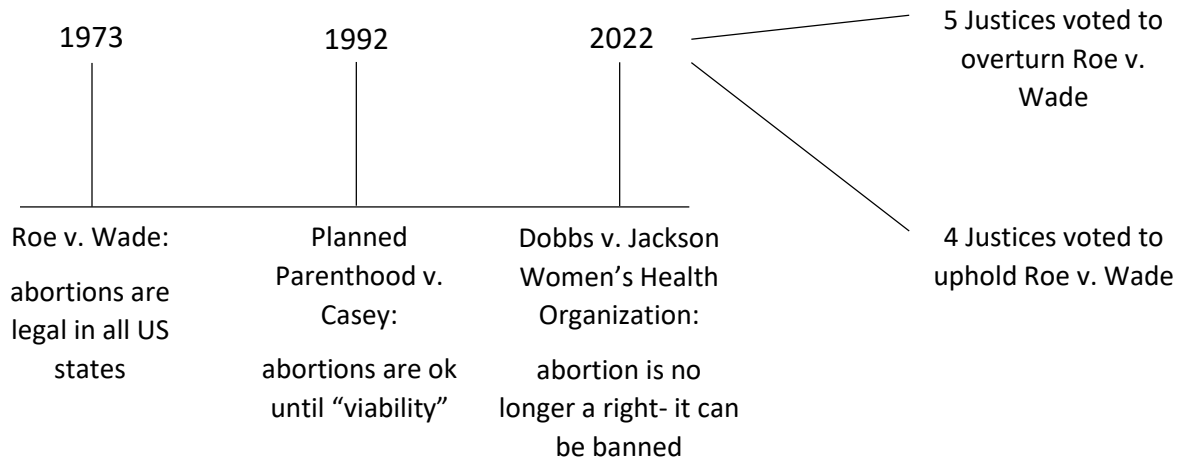
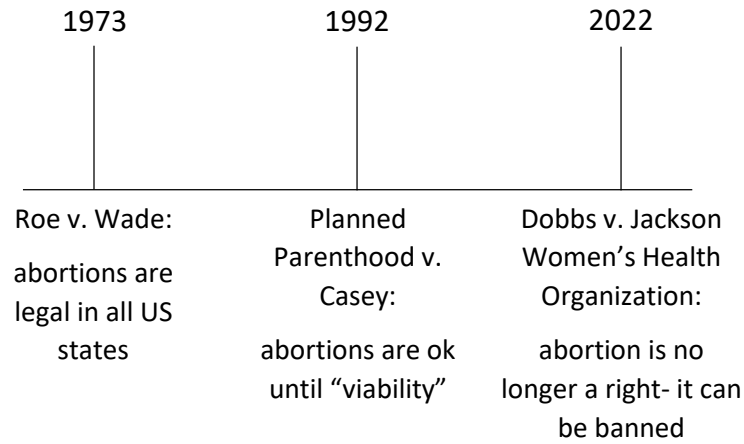
States ban abortion

Since the United States Supreme Court overturned Roe and Casey abortion is either illegal or soon will be in much of the United States. Even before the Dobbs v. Jackson Women's Health Organization case was decided states were passing laws that restricted abortions. Some states have old laws from before Roe v. Wade that restrict or outlaw abortion and since Roe was overturned they can go back into effect. Others states have what are called "trigger laws" that were passed so that if Roe was overturned they would go into effect and ban or restrict abortion. Some of these laws went into effect immediately and some don't go into effect until someone like the governor of that state certifies the Supreme Court's decision. In certain states restrictive abortion laws were blocked by courts because of Roe - now, without Roe, the courts have no reason to stop the bills. Abortion restrictions in the United States vary from state to state ranging from a total ban on abortions (usually except for the circumstance where the mother's life is at risk) to abortions being legal at any time (even after viability). Generally, as usual, Republican led states have the restrictions and bans while Democratic states do not. In some states abortion is currently legal but there is a possibility that Republican leaders will restrict it. In only roughly half of the states in the United States (between 20 and 28 states out of 50) abortion is legal and will likely stay that way.

Abortion rights and the Sunday Law

Dobbs v. Jackson Women's Health Organization was a clear advancement toward the Sunday Law. The Sunday Law on the 144,000's line is the next waymark to take place. This Sunday Law won't happen unexpectedly, but events related to it will become more and more intense as it approaches. 2014 was the first waymark that a type of Sunday Law took place, then we had 2019, and 2021. But in between the waymarks, we have Sunday Law events swelling. This recent United States Supreme Court case is one of those events that build up towards the Sunday Law. We recently got a glimpse of what the Sunday Law will look like. We know it will be an issue of gender equality, and we know Ellen G. White tells us the Sunday Law comes from the legislative and judicial branches of government. And what did we see? We saw the judicial branch of government strike down another established form of gender equality- abortion. This is what the Sunday Law will look like. It doesn't have to be Protestantism visibly working, and it doesn't have to be the Papacy pulling the strings, the Sunday Law in our time will look like today- what seems to just be politics is actually an effort to prevent gender equality.

In summary:



What we learned about some liberals:

They can be just as extreme as conservatives.

What we learned about some conservatives:

They are planning to overturn more laws that establish gender and LGBTQ rights.

The Sunday Law:

It comes from the Legislative and Judicial branches of government and deals with gender equality.

This court case shows us what the Sunday Law will look like.

Official Youth Prophecy Group website:

youthprophecygroup.org

If you have any questions or comments on any of the material contact us at:

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Find all the YPG lesson videos at:

https://www.youtube.com/channel/UCeltzVajTXgSQRl-o2XOq_g

Link to YPG Zoom meetings which are at 10:00am Pacific Time on the 1st and 3rd Sundays of the month:

<https://us02web.zoom.us/j/87170293849>