

# THE SUPREME COURT IS AN EXISTENTIAL THREAT TO ABORTION ACCESS

Republicans packed the Supreme Court with anti-abortion justices to fulfill their decades-long mission to overturn the constitutional right to abortion.

The ability to decide whether or when to have a child is deeply personal, and is essential for social, economic, and racial equality, reproductive autonomy, democracy, and the ability to determine our futures. *Roe v. Wade* has been a super-precedent for nearly 49 years for good reason. But this term, the Supreme Court will rule on the first direct challenge to *Roe v. Wade* since Republicans cemented a 6-3 supermajority on the Court, and it's not difficult to imagine which way the conservatives will rule. Just ask the person who put them there:

**“If we put another 2 or perhaps 3 justices on, [the overturning of *Roe*] will happen automatically in my opinion, because I am putting pro-life justices on the Court.”**

- Donald Trump at the 3rd Presidential Debate (2016)

## Texas Abortion Ban

On Sept 1, 2021, the Supreme Court threw out a half-century of abortion rights precedent by paving the way for Texas to enact an extreme, unarguably unconstitutional 6-week abortion ban, effectively nullifying *Roe* for millions of Texans.

**1 in 10 reproductive-age women in the U.S. live in Texas and cannot access their constitutional right to an abortion.**

The Court shamefully ignored not one but two opportunities to block the law during litigation. After allowing the ban to be in effect for two months, the Court agreed to hear oral arguments on November 1, 2021, in two separate cases brought by abortion providers and the U.S. Department of Justice. **As of this publication, the Texas ban has been in effect for 90 days.**

The Court should have unanimously blocked the Texas ban from day one. Instead, countless people continue to be harmed. It is an indictment of the Court that this has gone so far, and for so long.

## Mississippi Abortion Ban

This term, the Supreme Court will consider whether to end abortion rights as we know them when they decide *Dobbs v. Jackson Women's Health Organization*, the case addressing Mississippi's 15-week abortion ban. This case is not a subtle attack on abortion rights — it gives the Court the opportunity to overturn precedent and completely dismantle *Roe*.

Abortion opponents saw a clear opportunity when Amy Coney Barrett was confirmed, as lawyers for the state of Mississippi made an even more extreme argument in their opening brief in July, 2021 than they had when they first asked the Court to take the case before Barrett had joined the Court. Their recent brief plainly asserts that “the stare decisis case for overruling *Roe* and *Casey* is overwhelming,” and that “*Roe* and *Casey* are egregiously wrong.” In other words, they are asking the Court to rule that there is no right to abortion.

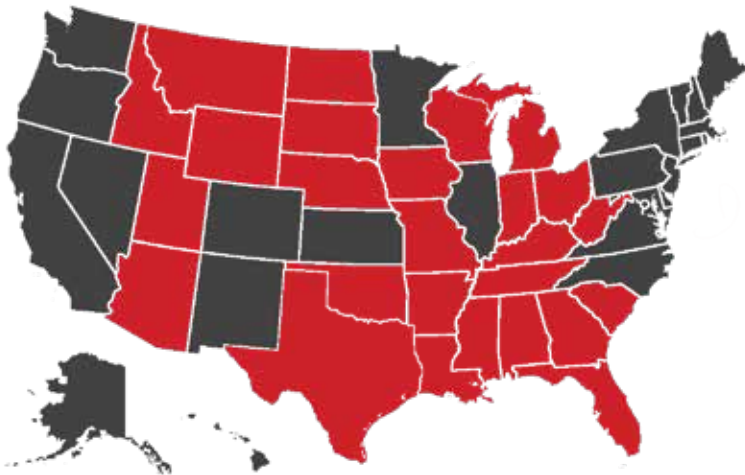
# Mississippi Abortion Ban

Regardless of what the Court might claim to do in this case, there's no middle ground here: Any ruling upholding Mississippi's ban guts the central holding of *Roe* and our right to make fundamental decisions about our lives, our futures, and our families.

The only reason Texas, Mississippi, and countless other GOP-controlled legislatures believe they can get away with flagrantly unconstitutional laws like these in the first place is because the Court has been stolen and commandeered by extremists, put there for the purpose of undermining abortion and other fundamental rights. And there's more to come. Conservative legislatures across the country have already put plans in place to ban abortion if SCOTUS gets rid of *Roe*.

## Impact

According to a report by the Guttmacher Institute, if the Supreme Court were to overturn *Roe*, 26 states are certain or likely to ban abortion.



# Supreme Court Expansion

The right-wing Supreme Court majority is wildly out of touch with Americans on this issue: a recent Washington Post poll found that Americans support upholding *Roe* by a 2-to-1 margin, and three-quarters of Americans say abortion decisions should be left to women, not politicians.

**If we are going to counter these brazen attacks by the Court, we need a “both-and” strategy — we need both legislation to protect our rights, and legislation to expand the Court so six hyper-partisan conservative justices can’t undo that progress.** This is the necessary response to the Court’s onslaught on our rights.

Legislation has already been introduced in the House and Senate to expand the Supreme Court: the Judiciary Act of 2021. The Judiciary Act would add 4 seats to the Supreme Court, immediately reversing its theft by Republicans. Cosponsors include reproductive freedom champions Senator Tina Smith, former Executive Vice President of Planned Parenthood of Minnesota, and Representatives Judy Chu, Diana DeGette, Veronica Escobar, Barbara Lee, Ayanna Pressley and Jan Schakowsky, who are leading the charge on the Women's Health Protection Act, the EACH Woman Act, and other legislation to protect reproductive rights. If we are truly going to protect abortion and other fundamental rights, we must move urgently to expand the Supreme Court.