

Supreme Court Agrees to Hear Major Abortion Case Implicating Roe v. Wade

WASHINGTON — The Supreme Court today announced that it will hear its first abortion case since the confirmation of Justice Amy Coney Barrett. The case, *Dobbs v. Jackson Women's Health Organization*, involves a Mississippi law that prohibits elective abortions after 15 weeks. A lower court enjoined or blocked implementation of the law shortly after it was enacted in 2018.

Life Legal filed a friend of the Court or amicus brief in the case last July urging the Court to take the case to establish that states may "assert an unqualified interest" in protecting human life.

Our brief is an attack on the unworkable "viability" standard adopted by the Supreme Court in *Roe v. Wade* and affirmed in *Planned Parenthood v. Casey*, which has cost the lives of millions of babies. Last year, Life Legal provided briefing to HHS demonstrating that viability can depend on many things, including advances in medical care and the personal biases of medical providers. The *Roe/Casey* standard, which is premised on a highly subjective and often inaccurate determination of a baby's capability of "meaningful life" outside the mother's womb, must be overturned.

The Supreme Court case of *Colautti v. Franklin* (1979), held that the abortionist is the medical professional who determines, on an individual basis, whether an unborn child is viable. This is absurd. Our amicus brief, filed on behalf of a pre-eminent neonatologist, demonstrated that abortion providers have almost no training or experience in assessing viability. Moreover, abortionists have a financial—and often philosophical—interest in pushing the limits of legal abortion out as far as possible.

We also asked the Court to look to its own ruling in *Cruzan v. Director, Missouri Department of Health*, where it found that a state "has an unqualified interest in the preservation of human life," and that the assertion of its interests need not be tailored to notions of the quality, meaningfulness, or expected span of individual human lives.

"The Supreme Court's holdings regarding viability in *Roe* and *Casey* are not valid and should have been overturned long ago," said Life Legal CEO Alexandra Snyder. "The current viability framework only works for abortionists – it does not work for unborn children and the states trying to protect them. *Dobbs v. Jackson Women's Health* is an opportunity for the Court to abolish an outdated and unjust framework that has cost millions of lives."

Life Legal will file another amicus brief once the case is scheduled for oral argument.

About Life Legal Defense Foundation

Life Legal Defense Foundation was established in 1989, and is a nonprofit organization composed of attorneys and other concerned citizens committed to giving helpless and innocent human beings of any age, and their advocates, a trained and committed voice in the courtrooms of our nation. For more information about the Life Legal Defense Foundation, visit www.lldf.org.