

SUSTAINED: How overturning *Roe v Wade* could affect a nation

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violated her right to privacy guaranteed by the first, fourth, fifth, ninth, and 14th amendments.

The Supreme Court ruled both that privacy was protected by the due process clause of the 14th amendment and that what happens between a woman and her doctor is protected by that right.

However, they also weighed the right to privacy against the government's responsibility to protect the "potentiality of life".

They decided that in the first trimester of pregnancy the state may not restrict abortion. However, once into the second trimester, about 14 weeks of pregnancy, the state could place restrictions on abortion related to maternal health and once past viability, the point at which the

fetus could survive outside of the womb, which occurs about 24 weeks into pregnancy, the state may regulate or prohibit abortions not needed to save the women's life.

The American Bar Association considers the case one of the 11 most landmark cases in the history of the Supreme Court, not only ruling on one of the most controversial topics in US history but also establishing a right of privacy in the constitution. Now, it is possibly being overturned.

The current case the supreme court is considering, *Dobbs v Jackson Women's Health Organization*, is a lawsuit challenging a Mississippi law that bans abortion after 15 weeks of pregnancy. *Dobbs* argues that new technology suggests that life begins much sooner in the womb than what scientists thought when *Roe* was decided.

The current Supreme Court

is weighted 6-3 towards conservatism, and seems poised to overturn *Roe v Wade*. A leaked draft of a supposed majority opinion by the court completely overturning *Roe* from Politico seems to support that claim. Chief Justice John Roberts said the leak was an authentic draft but added that it was not final.

In the draft decision, Justice Samuel Alito wrote that the reasoning of *Roe v Wade* is exceptionally weak, and that abortion is not a right guaranteed by the constitution.

If the Supreme Court reverses *Roe*, it would allow states to establish abortion bans, and 13 states already have laws that are worded to ban abortion in the first and second trimesters. Another 12 states are likely to make new laws banning abortion.

The reality of having to go to another state to get an abortion—such as Minnesota, where abor-

tion would remain legal—is one already present for many women. Even under *Roe*, 90% of U.S. counties already do not have abortion clinics. The state the current case is about, Mississippi, has only one.

Some legal experts predict that the use of abortion pills may become the next focus for legal battles.

Some critics of the leaked decision argue that banning legal abortions may simply lead to unsafe, illegal ones occurring in living rooms as opposed to clinics. Other critics worry that overturning *Roe v Wade* may have other effects, such as weakening a citizen's right to privacy.

Overturning *Roe* on the basis that the case took to many liberties with what the constitution guarantees threatens not only abortions, but also the line of reasoning that the constitution protects privacy. Other Supreme

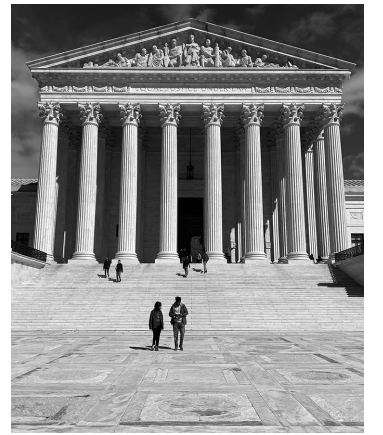


Photo by Daniel Midden

The U.S. Supreme Court in Washington, D.C.

Court cases, such as 1967's *Loving v. Virginia*, which struck down state bans on interracial marriage, are also built on the implied right to privacy.

Whatever happens, it is up to the decision of the highest court in the land.

Justice KBJ added to Supreme Court

What Ketanji Brown Jackson's Supreme Court seat means in history

BY TENNYSON SHULTZ
Staff Writer

One hundred and fifteen justices have served on the Supreme Court, 108 of those 115 justices—that is ninety-four percent—have been white men.

In the court's 233-year history, there have been five female justices, three BIPOC justices, and no justices have ever publicly identified as part of the LGBTQ+ community.

The justices on the Supreme Court are not just on the Court to fill a seat. Since 1789, more than 12,000 people have worked to develop our country's laws, yet only 115—those selected to serve on the Supreme Court—have the power to decide whether or not these laws come to fruition.

In the 1803 landmark case of *Marbury v. Madison*, the Supreme Court established the concept of judicial review, empowering federal courts to declare both legislative and executive actions unconstitutional. The power of judicial review has enabled the judiciary—especially its highest court—to have a role in the government equal to the other elected branches.

For example, in *Brown v. Board of Education*, the Supreme Court issued a decision that rendered state laws allowing for separate but equal educational facilities unconstitutional under the Equal Protection clause of the Constitution. By doing this, the Supreme Court rendered a law created by an elected state legislature void.

Relying on this same power, today Supreme Court justices are



Justice Ketanji Brown Jackson

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responsible for making decisions about your fundamental rights.

The Supreme Court decides (or will decide) hotly debated issues such as whether you have access to birth control, abortion, or guns, whether we allow gay marriage, and whether our legal system enforces racial and religious equality.

In other words, the Supreme Court has significant power and so the makeup of the Court matters.

The vote on April 7th—a narrow vote of 53-47—appointing Justice Ketanji Brown Jackson as the next justice of the Supreme Court, was revolutionary. That vote not only made Justice Jackson the first African American female to serve on the Supreme Court but it also rendered the current Court the most diverse

in history.

A widespread misconception is that political affiliation is directly associated with one's race and gender. It is vital to note that although this court is the most diverse—that does not render it the most liberal.

What does Justice Jackson's election mean to me?

Justice Ketanji Brown Jackson now has a seat at America's most powerful table. A table where nine justices meet to cast votes about America's most pressing issues.

It is true that Justice Jackson—a democrat—is replacing another left-leaning justice; this means that her voice is not likely to sway the Court's conservative majority. Despite the predicted lack

of explicit judicial change created by her appointment, Justice Jackson's confirmation provides hope of representation for future generations.

Historically, it has been difficult for women and people of color to see themselves represented in positions of power, especially in a position like that of a justice in the highest court in the land. Justice Jackson's presence, in and of itself, is a breakthrough for our country.

"I think that representation is something a lot of people take for granted...especially the people that already have it," said sophomore Griffin Anderson. "I think it becomes really easy to be kind of stuck in your own world and not think about how other people around you might experience the same world differently."

Commentary

Apart from the historical role her appointment plays, Justice Jackson is uniquely qualified on her own merit.

Justice Jackson attended Harvard University for both college and law school. After her graduation, she started her legal career clerking for Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit.

Her career direction shifted in 2005 when she began to serve as a federal public defender in the District of Columbia.

Dive into the past of any Supreme Court justice and you will find numerous outstanding qualifications.

However, what sets Justice Jackson apart is her experience defending people charged with violating criminal laws—some of whom have been charged with heinous crimes.

In fact, Justice Jackson is currently the only justice on the Supreme Court with criminal-representation experience. Most justices have experience representing companies rather than working with and protecting the lives of actual individual people.

It is essential that the United States appoints fair-minded justices who are intellectually apt. However, it is also critical that justices are deeply committed to principles of equality and justice for all and that they bring to the Court personal and professional diversity. Justice Ketanji Brown Jackson's qualifications portray just that.