Written by **Bob Adelmann** on September 14, 2021

Mississippi Abortion Clinic begs Supreme Court to keep Roe v. Wade

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Attorney Julie Rikelman, representing Mississippi's only remaining abortion clinic, Jackson Women's Health Organization, filed a brief with the Supreme Court on Monday asking the high court to keep its 1973 decision in *Roe v. Wade* intact.

Her brief is a response to the Supreme Court's decision in May to take under review a lower court's ruling against Mississippi's Gestational Age Act, which the governor signed into law in 2018. The Act prohibited nearly all abortions after 15 weeks, providing severe penalties for transgressors, including suspension or loss of medical license, other penalties and fines.

Days after passage a court ruled the Act unconstitutional, holding that the Supreme Court decision in *Roe v. Wade*, and its confirmation of that decision in *Casey* in 1992, overrode Mississippi's attempt to protect unborn children from being allowed to be murdered by their mothers. An appeals court upheld the lower court's decision, and the state appealed to the Supreme Court.

After dozens of conferences over the case the high court agreed to review it, with its ruling expected next summer.

Rikelman claimed that "in Casey, this Court carefully considered every argument Mississippi makes here for overruling *Roe*. After doing so, the Court reaffirmed the "most central principle" of its abortion jurisprudence: that states cannot prohibit abortion until viability [ability of the child to survive outside the mother's body, usually around 24 or 25 weeks into the pregnancy]."

"The Court reasoned," wrote Rikelman, "that, until fetal life can be sustained outside the woman's body, the decision whether to continue or end the pregnancy must remain hers."

There, for all to see, is the fatal flaw in the entire abortionist position: The unborn child is merely a "fetus", not a human, until "viability" and therefore may be discarded at the will of the mother, for any reason.

But, Rikelman continues, 30 years of precedents confirms the court's incorrect and disastrous decision: it "presents an even higher bar.... Casey is precedent on top of precedent — that is, precedent not just on the issue of whether the viability line is correct, but also on the issue of whether [the ruling in *Roe*] should be abandoned ... time and time again, the Court has reaffirmed that it is 'imperative' to retain a 'woman's right to terminate her pregnancy before viability.'"

So, warned Rikelman, Mississippi must be prevented from overturning five decades of error: "Mississippi asks the Court to take the grave step of overruling a rule of law it has repeatedly reaffirmed."

That is exactly what Mississippi is asking. In *Dobbs v. Jackson Women's Health Organization*, filed in May, the state bases its entire argument on what the Constitution of the United States says, or doesn't say, about abortion, viability, and a woman's "right" to terminate her pregnancy:

> On a sound understanding of the Constitution, the answer to the question presented in this case [whether all pre-viability prohibitions on elective abortions are unconstitutional] is clear and the path to that answer is straight. Under the Constitution, may a State prohibit elective abortions before viability? Yes.
>
> Why? Because nothing in constitutional text, structure, history, or tradition supports a right to abortion.

Mississippi declares that "*Roe* and *Casey* are egregiously wrong…. *Roe* broke from prior cases by invoking a general 'right of privacy' unmoored from the Constitution…. *Casey* repeats *Roe*'s flaws by failing to tie a right to abortion to anything in the Constitution…. So *Roe* broke from prior cases, *Casey* failed to rehabilitate it, and both recognize a right that has no basis in the Constitution."

Mississippi decries the damage done by these "egregiously" wrong decisions: "Roe and Casey are unprincipled decisions that have damaged the democratic process, poisoned our national discourse, plagued the law — and, in doing so, harmed this Court."

To say nothing of the more than 60 million lives snuffed out by these decisions by the high court.

Mississippi isn't alone. Some 80 pro-life amicus briefs have been filed in support, insisting that the Supreme Court reverse its decisions in *Roe* and *Casey*. Many of them make the case that unborn children are protected "persons" under the Fourteenth Amendment.

Missing from the debate is an argument based upon the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States, respectively, or to the people." Simply put, the Supreme Court doesn't even have jurisdiction on the matter, as such powers are not given to the federal government but are left to the states and to the people.

For the record, as of 2018 the Supreme Court has overruled more than 300 of its own cases. May the justices reverse themselves on this one and stop the murdering of innocents!