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Over 200 Lawmakers Urge Supreme Court to Revisit Roe v. Wade

More than 200 congressmen and senators have filed an *amicus* (friend-of-the-court) brief urging the Supreme Court to uphold a pro-life Louisiana law and to reconsider *Roe v. Wade*, the 1973 decision that made abortion-on-demand the law of the land.

Americans United for Life filed the brief Thursday in the case *Gee v. June Medical Services, LLC*. Led by House Republican Whip Steve Scalise (R-La.), Senators John Kennedy (R-La.) and Marsha Blackburn (R-Tenn.), and Representative Mike Johnson (R-La.), 39 senators and 168 representatives, including two Democratic congressmen, endorsed the brief.

According to LifeSiteNews: "June Medical Services is an abortion facility in Shreveport, Louisiana. The abortion business seeks to overturn the provisions of Louisiana's Unsafe Abortion Protection Act which require abortuaries to have the same safety standards as other outpatient surgical centers. These include the criterion that abortionists must have admitting privileges at one of their local hospitals."

The Fifth Circuit Court of Appeals upheld the law; the Supreme Court agreed to hear the appeal.

Amici (those submitting the brief) are requesting the court to uphold the Fifth Circuit's ruling on three grounds: June Medical's lack of standing, the Fifth Circuit's proper application of Supreme Court precedent, and the jurisprudence surrounding *Roe*, which they say is "characterized by Delphic confusion and protean change" and should be reconsidered.

Although doctors and other third parties sometimes have standing to challenge laws on their clients' behalf, *amici* argue that June Medical does not because "abortion providers' interests are at odds with their patients' interests."

"June Medical," *amici* write, "brings the current legal challenge against a backdrop of serious health and safety violations by Louisiana abortion clinics and professional disciplinary actions and substandard medical care by Louisiana abortion doctors" — incidents they detail over the course of 16 pages.

"In fact," they continue, "the Fifth Circuit found the history of health and safety code violations at June Medical and Delta Clinic as well as 'generally unsafe conditions and protection of rapists' to be 'horrifying.' This history amply demonstrates that June Medical does not have a 'close' relationship with their patients and should not be deemed to possess third-party standing."

Amici also maintain that the Fifth Circuit correctly decided the case given existing precedents, primarily *Planned Parenthood v. Casey* (1992) and *Whole Woman's Health v. Hellerstedt* (2016). The law, they contend, does not unduly interfere with the alleged right to abortion, the standard set by those cases; it merely requires abortion clinics to submit to the same rules as other ambulatory surgical

centers. Furthermore, the law protects women by ensuring that hospitals perform background checks on abortion doctors, something the Fifth Circuit found clinics were not always doing. "No clinics would close as a direct result of" the law, and thus it can hardly be considered invalid under *Casey* and *Hellerstedt*, *amici* aver.

Noting the difficulties in making sense of *Roe*'s jurisprudence, which they claim has been "haphazard from the beginning" and subject to multiple, often contradictory revisions over the years, *amici* "respectfully suggest that the court's struggle — similar to dozens of other courts' herculean struggles in this area — illustrates the unworkability of the 'right to abortion' found in *Roe* and the need for the Court to take up the issue of whether *Roe* and *Casey* should be reconsidered and, if appropriate, overruled."

Unfortunately, *amici* do not challenge *Roe* at its most fundamental level, namely that it is unconstitutional because the federal government is nowhere empowered to enact a nationwide abortion policy and therefore, under the 10th Amendment, the states have the right to set their own policies. Some of them, however, clearly understand this to be the case.

"States reserve the right to protect mothers and their children with high standards for health care providers — and abortionists remain subject to such high standards. I hope the Supreme Court will issue a ruling that safeguards women's health and that is consistent with the Constitution's guarantee for states' rights," Blackburn said in a statement. "In a year where the abortion movement has swept state legislatures to the extreme in states like New York and Virginia, it is important we defend the right of states like Louisiana to pass legislation to do the opposite and do more to protect the life of the unborn."

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