The Beginning of the End: How the Supreme Court is Poised to Whittle Away of the Right to Privacy

Regina L. Ramsey, Southern University Law Center, United States

The IAFOR International Conference on Education in Hawaii 2023
Official Conference Proceedings

Abstract
The United States Supreme Court (hereinafter "Court"), illegitimate in both composition and decision-making, needs to be "checked" by the other branches of government, pursuant to our federal system of Separation of Powers among the three branches of government. Both the executive and legislative branches of the federal government have powers to "check" the judicial branch and should exercise these powers before the Court's majority undoes decades of jurisprudence that secured and expanded the rights of women, minorities, and the underprivileged and underrepresented. The Court, in *Dobbs v. Jackson Women's Health Organization*, has demonstrated its willingness to disrespect and disregard longstanding well-established precedent and the doctrine of *stare decisis*. This overturning of precedent will continue and will result in a drastic dismantling of the rights, liberties, and privileges of millions of Americans. This article posits that the executive branch should "pack the Court" or the Congress should enact laws that provide federal protection for the Right to Abortion and, thereby, demonstrate that the other branches of government will exercise the powers given to them by the Constitution as a check on abuses of power by other co-equal branches of government. If this decision is allowed to stand unchecked, other similar decisions will follow dismantling other privacy rights, such as gay marriage and many other substantive rights now protected by the Due Process Clause of the Fourteenth Amendment. As a result, the poor, women, children, LGBTQ+, and other similarly situated demographics will be adversely impacted for decades to come.

Keywords: Supreme Court, Right to Privacy, Right to Abortion

Introduction

On June 23, 2022, according to a GALLUP poll from June 1-20, the United States Supreme Court (Court) had reached an historic low in the eyes of the public with an approval rating of 25% (Jones, 2022). This number was down from an already low rating a year ago of 36%. Yet, based on recent decisions, most notably the Court's decision in *Dobbs v. Jackson Women's Health Organization*, which was decided on June 24, 2022, this Court is committed to undoing well-established precedent, albeit contrary to the will of the majority of the population (Pew Report, 2022). And, this Court, which many now label as "illegitimate" due to the controversial appointments made during the Trump presidency, will not stop with the woman's right to privacy in choosing to terminate a pregnancy. Thus, it is imperative that the other branches of the federal government—Congress and the President—exercise their powers conferred in the United States Constitution as a "check" on the judicial branch of government.

In this article, I will outline how the Supreme Court's decision to overturn longstanding precedent amounts to a lack of respect for the doctrine of *stare decisis* which, if left unchecked, will continue to disrupt the justice system and compromise the democracy. I discuss reasons specifically articulated by at least one (1) of the justices on the Court indicating the *Dobbs* decision is the beginning of the dismantling of the "Right of Privacy" and, possibly other important Constitutional protections, by the current Supreme Court. I proffer recommendations as to why and how the Executive and Legislative branches, both co-equal to the Supreme Court, should utilize powers granted in the Constitution to "check" the overreach by the Supreme Court, thereby reaffirming the Separation of Powers structure of the federal government. As part of this discussion, I posit how institutions of higher education can play an integral role in galvanizing the citizens of the United States to pressure their elected officials, for example, members of Congress and state legislatures, to make decisions and vote based on the will of the people instead of along political party lines. Educating undergraduate students majoring in social policy and public policy through more experiential learning internships, externships, and clinical education will equip young graduates to be job ready for careers in advocacy. While they often gain refined skills in Master and Doctorate level programs, Bachelor level graduates need these same skills now more than ever as they are on the front lines in the fight to protect the individual liberties and freedoms of the under-represented and un-represented persons in American society today.

The Right of Privacy and the Protections it Affords All Americans

No language in the United States Constitution specifically establishes a "Right of Privacy." However, the Right of Privacy is a well-settled protected federal right established by United States Supreme Court precedent. Specifically, in 1965, in *Griswold v. Connecticut*, the United States Supreme Court recognized as a "legitimate" right, the right of privacy (Griswold, 1965). The case involved two Connecticut statutes that criminalized contraceptives—General Statutes of Connecticut 53-32 criminalized the use of any drug or instrument to prevent conception and General Statutes of Connecticut 54-196 criminalized assisting, abetting, counselling, causing, hiring, or commanding the use of contraceptives to prevent pregnancy (Griswold, 1965, p. 480). In determining the statutes were unconstitutional, the Court opined that the "specific guarantees of in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. Various guarantees create zones of privacy" (Griswold, 1965, p. 484). The *Griswold* decision's recognition of the "Right of Privacy" as constitutionally protected has

since transformed and, for the most part, expanded substantive due process protections under the Fourteenth Amendment with respect to what has been termed as some of the most private decisions related to self-actualization and autonomy including the right to marry irrespective of race—*Loving v. Virginia* (1967)—or gender—*Obergefell v. Hodges* (2015), the right to engage in private consensual sexual conduct—*Lawrence v. Texas* (2003), the right to refuse medical treatment—*Cruzan v. Director, Missouri Department of Health* (1990), and, until recently, the right to terminate a pregnancy—*Roe v. Wade* (1973) (Stewart, 2017).

The *Dobbs* Decision and its potential Long-term Impact on the Right to Privacy

Dobbs involved a Mississippi statute, Miss. Code. Ann. § 41-41-191 (2018), which bans abortions, except in a medical emergency or in the case of severe fetal abnormality, after fifteen (15) weeks of the pregnancy (Dobbs*,* 2022, p. 2243). Jackson Women's Health Organization (the "Clinic"), an abortion clinic located in Jackson, Mississippi, filed a federal lawsuit on the day the statute was enacted, challenging the statute as a violation of the constitutional right to abortion (Dobbs, 2022, p. 2244). The District Court granted summary judgment in favor of the Clinic and enjoined enforcement of the statute because "viability marks the earliest point at which the State's interest in fetal life is constitutionally adequate to justify a legislative ban on nontherapeutic abortions and that 15 weeks' gestational age is prior to viability" (Dobbs, 2022, p. 2244). The Court of Appeals for the Fifth Circuit affirmed the District Court's decision (Dobbs, 2022, p. 2244). The Supreme Court granted certiorari to resolve the issue of whether all pre-viability prohibitions to elective abortions are unconstitutional (Dobbs, 2022, p. 2244).

Despite the fact that it was unnecessary for the Court to overrule *Roe* and *Casey* to decide the issue before the Court, the majority in *Dobbs* overruled these cases and concluded that the right to abortion is not deeply rooted in our nation's history and tradition, and, thus, not protected by the United States Constitution (Dobbs, 2022, pp. 2242, 2311 (Roberts, C.J., concurring). The majority completely disregarded the nearly 50 years during which the right to abortion, established in *Roe* and *Casey*, has been protected and the numerous cases in which the Court has followed *Roe* and *Casey* as precedent. And, more importantly, the majority ignored the fact that the right to terminate a pregnancy, which is one of the most private of personal decisions, involves and is encompassed in those rights of personal privacy in those zones of privacy that exist in the Constitution although not specifically enumerated (Roe, 1973, p. 153). The "Right of Privacy" although not enumerated is acknowledged in the Ninth Amendment to the United States Constitution. The "Right of Privacy" arises from the "specific guarantees in the Bill of Rights [which has] penumbras, formed by emanations from those guarantees that help give them life and substance" (Griswold, 1965, p. 484).

The *Dobbs* decision amounts to an abdication of the Court's responsibility to respect and preserve well-established and longstanding precedent. "*Stare decisis* contributes to the integrity of our constitutional system of government by ensuring that the decisions are founded in the law rather than in the proclivities of individuals" (Dobbs*,* 2022, p. 2333 (Breyer, J., dissenting). Under the doctrine of stare decisis, the Court has a duty to follow precedent and should not overrule a decision, without appropriate justification (Dobbs*,*2022, p. 2334). It is not enough reason to say "that the precedent was wrongly decided" to justify overturning it (Dobbs, 2022, p. 2334--quoting *Halliburton Co. v. Erica P. John Fund, Inc.*, 573 U.S. 258, 266). As explained by the dissenting justices, before overruling longstanding precedent, the Court should consider traditional *stare decisis* factors. One or more of the *stare decisis* factors should be present in order to justify overruling a decision. Specifically, there

should be either: "1) a change in legal doctrine that undermined or made obsolete the earlier decision; 2) a factual change that had the same effect; or 3) an absence of reliance because the earlier decision [is] less than a decade old" (Dobbs, 2022, p. 2334).

None of the factors that warrant overturning precedent were present to justify overruling *Roe* and *Casey.* As to the first and second factors—with respect to a change in law or a change in fact that undermined or made obsolete the decision—no such change in law or fact has occurred (Dobbs, 2022, p. 2337-38). The majority essentially acknowledges that there has been no change in law or fact; instead, according to the majority, *Roe* was "egregiously wrong" and cannot stand (Dobbs, 2022, p. 2265). However, as explained by the dissenting justices, both *Roe* and *Casey* are longstanding precedent and nothing has changed either factually or legally to justify a radical reshaping of the law (Dobbs, 2022, p. 2338). In fact, subsequent decisions have reinforced the core holdings of *Roe* and *Casey* that individuals have a constitutional right to "make [their] own choices about intimate relationships, the family, and contraception" (Dobbs, 2022, p. 2338). *Roe* and *Casey*, along with other important substantive due process cases such as *Griswold v. Connecticut* and *Loving v. Virginia*, form the legal foundation for other decisions that protect privacy rights such as the protection for same-sex intimate relationships (Lawrence, 2003) and the protection for same-sex marriage (Obergefell, 2015). Make no mistake, the removal of federal constitutional protections from the right to abortion puts these other privacy rights in jeopardy as well.

As to the third factor, which requires that there has been an absence of reliance on the earlier decision because the decision is less than a decade old, this factor certainly was not present to justify overturning a long-standing fifty-year-old decision that is well-established precedent which has been relied upon and followed for decades. "By overruling *Roe*, *Casey*, and more than 20 cases reaffirming or applying the constitutional right to abortion, the majority abandoned *stare decisis*, a principle central to the rule of law" (Dobbs, 2022, p. 2333).

Although the *Dobbs* majority asserted that five (5) factors weighed in favor of overruling *Roe* and *Casey*, the real motivating factor for the decision was the belief by the majority that *Roe* was wrongly decided (Dobbs, 2022, p. 2265). However, the arguments advanced by the majority as to how and why *Roe* was wrong do not ring true. And, if these assertions are allowed to stand as the law of the land, other rights, liberties, and protections are now in jeopardy of being overturned by the Court. There is no guarantee that the dismantling of the right of privacy will end with a woman's right to choose to terminate a pregnancy. In fact, there is reason to believe that other rights are in jeopardy that the majority does not believe to be deeply rooted in our nation's history and tradition. Specifically, the right to marry that was established in *Loving v. Virginia* and, extended to same-sex couples in *Obergefell v. Hodges* do not meet the majority's "deeply rooted" definition (Dobbs, 2022, p. 2331-33).

The *Dobbs* decision is not just about the right of a woman to choose to terminate a pregnancy. The Right to Privacy is at risk now more than ever (Dobbs, 2022, p. 2331-34). Supporters and defenders of the Right to Privacy need to carefully consider the meaning of the words of Justice Clarence Thomas, in his separate concurring opinion in *Dobbs*, to be a promise and a foreshadowing of what is to come:

> As I have previously explained, "substantive due process" is an oxymoron that "lack[s] any basis in the Constitution." *Johnson*, 576 U.S. at 607–608, 135 S. Ct. 2551 (opinion of THOMAS, J.); see also, *e.g., Vaello Madero*, 596 U.S., at ——, 142 S. Ct., at 1545 (THOMAS, J., concurring) ("[T]ext and history provide little support for

> modern substantive due process doctrine"). "The notion that a constitutional provision that guarantees only 'process' before a person is deprived of life, liberty, or property could define the substance of those rights strains credulity for even the most casual user of words." *McDonald v. Chicago*, 561 U.S. 742, 811, 130 S. Ct. 3020, 177 L.Ed.2d 894 (2010) (THOMAS, J., concurring in part and concurring in judgment); see also *United States v. Carlton*, 512 U.S. 26, 40, 114 S. Ct. 2018, 129 L.Ed.2d 22 (1994) (Scalia, J., concurring in judgment). The resolution of this case is thus straightforward. Because the Due Process Clause does not secure *any* substantive rights, it does not secure a right to abortion (Dobbs, 2022, p. 2301).

Of particular significance is the foreshadowing of what is to come by the dissenting justices in *Dobbs*. As the dissent points out, the rights that were protected by *Roe* and *Casey* were born out of decades of other decisions that established and settled protections involving bodily integrity, familial relationships, contraception, and procreation (Dobbs, 2022, p. 2326-30). As explained by the dissenting justices, if a right that was recognized as protected fifty years ago, is the case with the right of a woman to choose, these other rights, like abortion are not mentioned in the Constitution and, likewise, do not seem to meet the definition of "deeply rooted in history" either (Dobbs, 2022 p. 2332-34).

Consequences of Dobbs: Impoverished, Unrepresented and Unserved Communities Suffer

Ultimately, the *Dobbs* decision, and future decisions that will likely flow from it, will undue the progress that has been made in this country to protect the rights and liberties of people of color, women, and the impoverished (Center for Reproductive Rights, 2021). The *Dobbs* decision had an immediate impact on the health and well-being of women. Immediately after the decision, so-called trigger laws of a number of states limited or banned abortions (Kitchener, 2022). A number of states, anticipating a conservative swing in the Court's decisions due to the recent appointments by President Trump, enacted "trigger laws" that either banned abortions altogether or drastically reduced their legality in all but extremely extraordinary and exceptional circumstances (Center for Reproductive Rights, 2019). For example, after Roe became the law of the land, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, South Dakota, and Tennessee passed laws that would immediately ban abortions in these states should Roe ever be overturned (Center for Reproductive Rights, 2019, p. 4). Moreover, a number of states already had laws that banned abortion but were unenforceable because of *Roe* (Center for Reproductive Rights, 2019). Thus, with the overturning of Roe, states like Alabama, Arizona, Arkansas, Delaware, Michigan, Mississippi, New Mexico, Oklahoma, West Virginia, and Wisconsin can now seek to enforce their state laws that ban abortion (Center for Reproductive Rights, 2019). And, as expected, the states with pre-Roe abortion bans and "trigger bans" immediately began efforts to enforce the laws that led to the closing of a host of clinics that performed abortions and provided other reproductive and healthcare services for women (Landry, 2022). For example, in Louisiana, the state Attorney General, Jeff Landry, tweeted social media after the Dobbs decision was released: "Because of #SCOTUS ruling in #Dobbs, Louisiana's trigger law banning #abortion is now in effect. #lagov." Following this tweet, various organizations filed lawsuits and sought to enjoin the statewide enforcement of recently codified Louisiana statutes that criminalize abortions. However, due to confusion about the law and its application, even after injunctions staying enforcement, healthcare providers ceased performing abortions for fear of prosecution (Cline, 2022). Healthcare professionals, in many cases, are now unable to properly treat patients presenting with serious health concerns such

as ectopic pregnancies or pregnancy loss for fear of prosecution (Kitchener, 2022). Furthermore, Louisiana clinics that provided abortions and other important health-related services were forced to close (The "Can I Get" Project, 2022). Similarly, in Mississippi, the home state of Jackson Women's Health Organization, which was the only clinic in the state of Mississippi that provided abortions was forced to close (The "Can I Get" Project, 2022).

In addition, women's healthcare, and healthcare in general, is being impacted in a number of unanticipated and unexpected ways and is adversely interfering with the most private and sacred relationship between doctor and patient (Mengesha, 2022). For example, "obstetrics and gynecology training programs are responsible for ensuring that all graduates meet the Accreditation Council for Graduate Medical Education requirement to include integrated abortion training as a routine experience[.] As more states ban and restrict abortion following the decision of *Dobbs v. Jackson Women's Health Organization*, many students and residents will be at risk of insufficient training to safely provide critical reproductive health" (Mengesha, 2022).

Healthcare providers find themselves struggling with how to counsel and treat patients in matters that involve important healthcare decisions related to the use of various contraceptives and life-saving measures that might inadvertently have the side effect of terminating pregnancies and thereafter be construed as "aiding and abetting" abortion (Mengesha, 2022). Furthermore, a number of clinics that provide healthcare to women, including other forms of birth control and health screenings, are now forced to close their doors, leaving their patients, who are primarily low-income or poor, immigrants, and racial and ethnic minorities, without any options for healthcare and treatment (Alfonseca, 2022; Mengesha, 2022).

Checks and Balances – The Co-Equal Branches of Federal Government need to Act

It is evident that the overturning of *Roe* and *Casey* is the direct result of the appointment of justices to the Court that have placed their own personal beliefs and views, as well as advancing their party's conservative agenda over preserving the validity and integrity of the Court's decisions and decision-making process. It is unseemly that six people have the power to make laws that are contrary to the will of the majority of the people. Yet, that is exactly what happened in *Dobbs* and will continue to happen if action is not taken to "check" the Supreme Court and "balance" the powers of this branch of the federal government.[1]

Our federal government is structured such that abuses of power by one branch do not go unchecked. Specifically, the system of "checks and balances" that is built into the United States Constitution, which establishes three co-equal branches in the federal government needs to be exercised. For the sake of the democracy, it is imperative that the other branches of the federal government exercise the powers specifically granted to them in the United States Constitution to demonstrate that one branch of government cannot and will not undo the rights and protections that have been secured and established for all citizens of this country, particularly women, minorities, the LGBTQ+, and other underrepresented groups in the United States. The federal government is structured so that no one branch of government is more powerful than the other. This structure includes a number of checks and balances that each branch has on the powers of the other branches in order to ensure that no one branch abuses its powers or attempts to establish a monarchy or autocracy. The President of the United States has the power to appoint judges, with the confirmation of Congress, and increases the number of justices that comprise the Supreme Court. Congress, which is the legislative branch of the federal government, has the power to enact new laws that would codify the right to abortion, thereby reinstating federal protection for the right.

[1] Although beyond the scope of this article, one of the campaign promises of Donald J. Trump was that he would appoint Supreme Court Justices that would overturn the federal government's protection for the right to abortion. Thus, upon his election and confirmation as the Forty-fifth President, it was no surprise when a number of states began enacting so-called trigger laws that significantly restricted and banned the right within the respective states. These are referred to as "trigger laws" because they contain language making them effective immediately or soon thereafter a decision by the Supreme Court removing this right from federal constitutional protection, thereby making protection, if any, of the right of a woman to terminate a pregnancy dependent upon state law.

During the Trump's one-term presidency, the Supreme Court became a very different Court because of a drastic change in composition due to appointments by Trump. When Trump took office in 2017, he immediately nominated Neil Gorsuch to fill the position previously occupied by Antonin Scalia. Although Scalia died unexpectedly during the Obama administration and President Obama nominated Merrick Garland, the Republican-controlled Senate refused to confirm Garland claiming that because it was Obama's last year in office the seat should be filled by the next President. Again, in 2018, upon the retirement of Anthony Kennedy, Trump nominated, and the Senate confirmed Brett Kavanaugh, thereby establishing the begin of a conservative-leaning majority. Although, because of a consistent respect for the doctrine of stare decisis and precedent, Roberts was not a predictable conservative in that in a key abortion law case, Roberts, while for different reasons, upheld abortion rights alongside the liberal-leaning justices (Russo, 2020). However, a conservative super-majority was established in 2020 when, after the death of Ruth Bader Ginsburg, Trump nominated and the Senate appointment Amy Coney Barrett to the Supreme Court. Even though 2020 was Trump's last year in office, the Republican-controlled Senate clearly backtracked from the position it held during Obama's last year in office with respect to the President's authority to appoint a Supreme Court justice (The White House, 2022).

Checks and Balances – The President

The President should act by packing the Court. The United States Supreme Court currently consists of nine justices appointed by a United States President and confirmed by the United States Senate pursuant to the United States Constitution (U.S. Const. Art. II, Section II). However, the Constitution does not designate the number of justices that are to comprise the Court and, the number of justices on the Supreme Court has changed over time (Carbonara, 2022). The initial Court was comprised of one chief justice and five associate justices. The number of justices comprising the Court changed a number of times; ultimately, landing on nine, which was set in 1869 (U.S. Supreme Court, n.d.). However, nothing prevents this number from being changed today in order to re-establish public confidence and trust in the Court's decision-making (Carbonara, 2022).

Upon his election to the office of President, Joseph Biden had the support of many members of Congress to "pack the court" and both houses of Congress were controlled by Democrats, signaling the real possibility, and even probability of success with getting Congressional approval to increase the number of justices on the Court. However, President Biden did not support such a change (Harris, 2022). Furthermore, now that Republicans have gained a majority of seats in the House of Representatives during the 2022 mid-term elections, it is not likely that even if Biden were to now seek to modify the number of justices that he would be able to secure Congressional approval (Carbonara, 2022).

Checks and Balances – Congress

Recently, Congress codified federal protection for the Right to Marry (Respect for Marriage Act 2022). As stated earlier in this article the United States Supreme Court established federal protection for the Right to Marry in *Loving v. Virginia*, and extended the Right to Marry to same-sex couples in *Obergefell v. Hodges*. However, in light of Justice Clarence Thomas' concurrence in *Dobbs*, calling on the Supreme Court to revisit the Right of Privacy protections established by the Supreme Court as fundamental rights in prior decisions, Congress took the preventative measure of exercising its constitutionally granted legislative power to enact a law to protect the Right to Marry. The Respect for Marriage Act, which repeals the Defense of Marriage Act previously declared unconstitutional, in *United States v. Windsor* because it only acknowledged as legitimate, unions between a man and woman, repeals and replaces provisions that do not require states to recognize same-sex marriages from other states. The Act now requires each state to give Full Faith and Credit with respect to marriages from out-of-state on the basis of sex, race, ethnicity, and national origin. On November 29, 2022, the Senate approved the Act as well. And on December 13, 2022, President Biden signed the Respect for Marriage Act into law (Respect for Marriage Act 2022).

Similarly, Congress needs to pass federal legislation to reinstate federal protection for the right to an abortion. As discussed in more detail above, several states have laws that now either ban or significantly limit a woman's right to an abortion. These laws have already had a devastating impact on the lives of thousands of women, their families, healthcare providers, and the medical profession. Absent some action by Congress, the adverse impact on women, particularly women of color and poor women, will continue to increase. Since the mid-term elections of 2022, the House of Representatives is now under Republican leadership. Thus, even with a Democratic-controlled Senate, getting legislation passed to provide federal protection for the right to an abortion will be challenging. However, institutions of higher

education have an opportunity to educate undergraduate students in shaping a narrative that drives voters to contact their elected officials to advocate for the passage of these laws.

Conclusion

However, there are no guarantees that a law passed by Congress will survive judicial review by the Supreme Court. Specifically, the Supreme Court, as the branch of government given the power to interpret cases arising under the Constitution, is the final arbiter of whether a law is consistent with the Constitution (U.S. Const. Art. III, Section 2). Thus, it is imperative that institutions galvanize grass roots campaigns to have the majority of Americans, who still value their right of privacy in making private decisions, to contact their elected government officials to advocate that these officials safeguard such privacy interests in Washington and in their various state legislatures.

Now that abortion rights are controlled by the state governments, and other privacy rights are potentially in peril, institutions of higher education in their Public Policy and Social Science Departments should implement a curriculum that teaches doctrine as well as provides simulated training and clinical training for students seeking careers in advocacy for legislation, voter registration, and election campaigns, and for judicial appointments. Students, concerned about protecting the rights of women, people of color, LGBTQ+, and other members of our community who are underrepresented by people in positions of political power and influence, need to be taught how to impact the legislative process by lobbying legislators, shaping narratives that influence public opinion, increasing participation in the electoral process by persons within these demographics, and galvanizing these persons to actively register to vote, vote, and run for political office.

Students also need to be educated about the United States Federal Court System, the United States Supreme Court in particular, and the direct impact of decisions made by these judges and justices on their everyday lives. While many Americans, even college students, and college-educated Americans have a general understanding of the power and influence held by elected officials, far too many do not understand the federal judicial system. Of particular importance is the fact that these judges and justices are appointed for life by elected officials, nominated by the President, and confirmed by the Senate. Thus, students need to know that their votes impact not only their lives, but the lives of generations to come.

Acknowledgements

I would like to thank Chancellor John Pierre and Southern University Law Center for funding research and travel costs associated with this research and study. I would also like to especially thank Dr. Samantha Thompson for her continuous encouragement, support, and feedback to help me throughout the entire research and writing process.

References

Alfonseca, K. (2022), *Why Abortion Restrictions Disproportionately Impact People of Color*, ABC News, https://abcnews.go.com/Health/abortion-restrictions-disproportionately-impact-people-color/story?id=84467809

The "Can I Get" Project, https://www.canigetanabortioninlouisiana.com/about-this-website.html

Carbonara, G. (2022), Can Democrats Expand the Supreme Court and How Likely Is It? https://www.newsweek.com/can-democrats-expand-supreme-court-how-likely-it-1720256

Center for Reproductive Rights, *The Disproportionate Harm of Abortion Bans: Spotlight on* Dobbs v. Jackson Women's Health Organization (2021).

Center for Reproductive Rights, *What if Roe Fell* (2019), https://reproductiverights.org/wp-content/uploads/2021/12/USP-2019-WIRF-Report-Web_updated.pdf (Last visited January 30, 2023).

Cline, S., *Louisiana Abortion Ban Again Blocked by Judge* (AP News July 21, 2022).

Cruzan v. Director, Missouri Department of Health, 497 U.S. 261, 110 S. Ct. 2841 (1990).

Dobbs v. Jackson Women's Health Organization, 142 S. Ct. 2228 (2022).

Griswold v. Connecticut, 381 U.S. 479, 485, 85 S. Ct. 1678, 1682 (1965).

Harris, M., (2022), *How the President Could Counter a Rogue Supreme Court*, Slate https://slate.com/news-and-politics/2022/07/supreme-court-biden-pack-reform-conservatives-commission.html (Last visited February 1, 2023).

Jones, J., (2022), *Confidence in U.S. Supreme Court Sinks to Historic Low,* Gallup News https://news.gallup.com/poll/394103/confidence-supreme-court-sinks-historic-low.aspx (Last visited February 5, 2023).

June Medical Services L.L.C. v. Russo, 140 S. Ct. 2103 (2020).

Kitchener, C., Schaul, K., Kirkpatrick, N. & Tierney, L., Abortion is Now Banned or Under Threat in These States, The Washington Post (June 24, 2022).

Landry, J, Attorney General, State of Louisiana, *Letter to Louisiana State Medical Society* (June 29, 2022).

Lawrence v. Texas, 539 U.S. 558, 123 S. Ct. 2472 (2003).

Loving v. Virginia, 388 U.S. 1, 87 S. Ct. 1817 (1967).

Mengesha, B., Zite, N., Steinauer, J., *Implications of the Dobbs Decision for Medical Education: Inadequate Training and Moral Distress*, 328 JAMA 1697 (November 1, 2022).

Obergefell v. Hodges, 576 U.S. 644, 135 S. Ct. 2584 (2015).

Pew Research Center Report, *Majority of Public Disapproves of Supreme Court's Decision to Overturn* Roe v. Wade, (July 6, 2022), https://www.pewresearch.org/politics/2022/07/06/majority-of-public-disapproves-of-supreme-courts-decision-to-overturn-roe-v-wade/

Planned Parenthood v. Casey, 505 U.S. 833, 112 S. Ct. 2791 (1992).

Respect for Marriage Act, Pub. L. No. 117-228, 136 Stat. 4178 (2022). https://www.congress.gov/bill/117th-congress/house-bill/8404/text

Roe v. Wade, 410 U.S. 113, 93 S. Ct. 705 (1973).

Stewart, C.E., *How an Uncommonly Silly Law Led to a Host of Very Consequential Supreme Court Decisions*, 89 (October) NY St. B. J. 39 (2017).

Supreme Court of the United States (n.d.). Retrieved January 30, 2023 https://www.supremecourt.gov/about/institution.aspx.

U. S. Const. amend. IX.

The White House, *Remarks by President Biden on the Supreme Court Decision to Overturn* Roev. Wade (June 24, 2022), https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/06/24/remarks-by-president-biden-on-the-supreme-court-decision-to-overturn-roe-v-wade/

Contact email: rrjames@sulc.edu.