



## 2022: ABORTION IN AMERICA

*Roe v. Wade* was a landmark legal decision, issued on January 22, 1973, in which the U.S. Supreme Court struck down a Texas statute banning abortion, effectively legalizing the procedure across the United States. The court held that a woman's right to an abortion was implicit in the right to privacy protected by the 14th Amendment to the Constitution.

In December 2021, the Supreme Court heard oral arguments in the case of *Dobbs v. Jackson*, which involves a Mississippi law that bans abortions after 15 weeks. The case seeks to directly question two previous court decisions on abortion, including *Roe V. Wade* (1973) and *Planned Parenthood v. Casey* (1992).

Legal commentators predict that the Court will take one of the three approaches outlined below.

1. Uphold *Roe v. Wade* and strike down the Mississippi law as unconstitutional.
2. Overturn *Roe v. Wade* but uphold the Mississippi law as constitutional.
3. Uphold *Roe v. Wade* while upholding the Mississippi law as constitutional.

Historically, the Supreme Court has issued final opinions at the end of the Court's session. A decision is anticipated toward the end of June.

On May 2, *Politico* released a confidential draft opinion from February 2022, which Chief Justice Roberts later confirmed was authentic. It was drafted by Justice Samuel Alito and appears to reflect the position of the five members making up the conservative majority of the Court. The leaked draft opinion is not a final decision. Typically, several draft opinions are written before the final decision, and multiple votes may take place on the final outcome in the case. If the leaked draft opinion were to become the final decision of the Court, it would overturn *Roe v. Wade* and *Planned Parenthood v. Casey*, holding that there is no constitutional right to abortion. It would uphold the restrictions at issue in *Dobbs v. Jackson* and allow other states to enact similar abortion restrictions.

According to the [Guttmacher Institute](#), if *Roe* were overturned or fundamentally weakened, 22 states have laws or constitutional amendments already in place that would make them very likely to attempt to ban abortion as quickly as possible. Anti-abortion policymakers in several of these states have also indicated that they will introduce legislation modeled after the Texas six-week abortion ban.

An additional four states have political composition, history, and other indicators—such as recent actions to limit access to abortion—that show they are likely to ban abortion as soon as possible without federal protections in place.

