

A Guide to Understanding

the Supreme Court Ruling in *Dobbs v. Jackson* (and Its Implications)

The Supreme Court ruling that overturned *Roe v. Wade* is very recent. There are many heated opinions on this ruling, and there's a ton of information (and misinformation) flying around out there. It can be hard to get a good sense for what's going on. To help those of you who would like to know more about this important issue, I've created this resource, organized by major questions that you might have.

I've listed a bunch of content below, and I don't recommend trying to read all of it at once; that'll be just as overwhelming as trying to take on the internet right now. Instead, I recommend skimming through and checking out the major topics I've addressed and then following up on pieces that you're most concerned about (or confused about) in the moment. And make sure to take care of yourself and your well-being as you go. We can't replace you.

Here are the questions currently addressed by this guide (in order):

- What was the Supreme Court ruling in *Dobbs v. Jackson Women's Health Organization*? (pg. 1)
- What is the status of abortion laws around the country? (pg. 5)
- What does public opinion on this decision look like across the United States? (pg. 8)
- What is the international perspective on abortion? (pg. 9)
- What effects of abortion bans can we expect? (pg. 10)
- Are there policies that reduce abortion rates? (pg. 17)
- Does (or could) this ruling have implications for other Supreme Court rulings or issue areas? (pg. 18)
- Do we have scholarly research backing up these conclusions? (pg. 20)
- Where can I go to learn more? (pg. 21)
- Are there people I can talk to if I have questions or am in crisis? (pg. 22)

This is a living document (and a rapidly developing situation). Please send any additional materials you would like me to consider adding (or questions you would like help answering) my way!

K. Anne (Annie) Watson, PhD
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What was the Supreme Court ruling in *Dobbs v. Jackson Women's Health Organization*?

The Case

Dobbs v. Jackson Women's Health Organization was a case put on the Supreme Court's docket in the fall of 2021. Three years previously, in 2018, Mississippi passed a law prohibiting abortions after 15 weeks' gestation (the "Gestational Age Act"). The only exception allowed by the ban is when the abortion is necessary to save the pregnant individual's life. The sole licensed facility offering abortion in Mississippi, the Jackson Women's Health Organization, challenged the order in court.

The district court and US Court of Appeals for the Fifth Circuit both agreed that the law violated Supreme Court precedent (under *Roe v. Wade*, 1973, and *Planned Parenthood v. Casey*, 1992) ([Oyez](#)). When the case came before the Supreme Court, however, they ruled that Mississippi's ban could stand. Justices Alito, Barrett, Gorsuch, Kavanaugh, and Thomas voted both to allow the ban to stand and to explicitly overturn *Roe* and *Casey*. Chief Justice Roberts voted to allow the ban but did not vote to overturn the existing precedent entirely. Justices Breyer, Kagan, and Sotomayor dissented ([Millhiser 2022](#)).

The Ruling

Regarding *Roe*, in the majority decision, written by Justice Alito (and leaked more than a month before the official decision was announced), the justices assert, "Even though the Constitution makes no mention of abortion, the Court held that it confers a broad right to obtain one" (pg. 1). Regarding *Casey*, "...the opinion concluded that *stare decisis*, which calls for prior decisions to be followed in most instances, required adherence to what it called *Roe*'s 'central holding'—that a State may not constitutionally protect fetal life before 'viability'—even if that holding was wrong. Anything less, the opinion claimed, would undermine respect for this Court and the rule of law" (pg. 3).

And finally,

We hold that *Roe* and *Casey* must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision, including the one on which the defenders of *Roe* and *Casey* now chiefly rely—the Due Process Clause of the Fourteenth Amendment. That provision has been held to guarantee some rights that are not mentioned in the Constitution, but any such rights must be "deeply rooted in this Nation's history and tradition" and "implicit in the concept of ordered liberty."

...The right to abortion does not fall within this category. ...The abortion right is also critically different from any other right that this Court has held to fall within the Fourteenth Amendment's protection of "liberty." *Roe's* defenders characterize the abortion right as similar to the rights recognized in past decisions involving matters such as intimate sexual relations, contraception, and marriage, but abortion is fundamentally different, as both *Roe* and *Casey* acknowledged, because it destroys what those decisions called "fetal life" and what the law now before us describes as an "unborn human being."

Stare decisis, the doctrine on which *Casey's* controlling opinion was based, does not compel unending adherence to *Roe's* abuse of judicial authority. *Roe* was egregiously wrong from the start. Its reasoning was exceptionally weak, and the decision has had damaging consequences. And far from bringing about a national settlement of the abortion issue, *Roe* and *Casey* have enflamed debate and deepened division.

It is time to heed the Constitution and return the issue of abortion to the people's elected representatives. ...That is what the Constitution and the rule of law demand (*Dobbs v. Jackson Women's Health Organization, Majority Opinion, pgs. 5-6*).

The Dissent

Dissenting, Justices Breyer, Sotomayor, and Kagan wrote,

Roe held, and *Casey* reaffirmed, that the Constitution safeguards a woman's right to decide for herself whether to bear a child. ... The government could not control a woman's body or the course of a woman's life: It could not determine what the woman's future would be. ... Respecting a woman as an autonomous being, and granting her full equality, meant giving her substantial choice over this most personal and most consequential of all life decisions.

Today, the Court ... says that from the very moment of fertilization, a woman has no rights to speak of. A State can force her to bring a pregnancy to term, even at the steepest personal and familial costs. An abortion restriction, the majority holds, is permissible whenever rational, the lowest level of scrutiny known to the law. And because, as the Court has often stated, protecting fetal life is rational, States will feel free to enact all manner of restrictions. The Mississippi law at issue here bars abortions after the 15th week of pregnancy. Under the majority's ruling, though, another State's law could do so after ten weeks, or five or three or one—or, again, from the moment of fertilization. States have already passed such laws, in anticipation of today's ruling. More will follow. Some States have enacted laws extending to all forms of abortion procedure, including taking medication in one's own home. They have passed laws without any exceptions for when the woman is the victim of rape or incest. Under those laws, a woman will have to bear her rapist's

child or a young girl her father's—no matter if doing so will destroy her life. So too, after today's ruling, some States may compel women to carry to term a fetus with severe physical anomalies—for example, one afflicted with Tay-Sachs disease, sure to die within a few years of birth. States may even argue that a prohibition on abortion need make no provision for protecting a woman from risk of death or physical harm. Across a vast array of circumstances, a State will be able to impose its moral choice on a woman and coerce her to give birth to a child.

Enforcement of all these draconian restrictions will also be left largely to the States' devices. A State can of course impose criminal penalties on abortion providers, including lengthy prison sentences. But some States will not stop there. Perhaps, in the wake of today's decision, a state law will criminalize the woman's conduct too, incarcerating or fining her for daring to seek or obtain an abortion. And as Texas has recently shown, a State can turn neighbor against neighbor, enlisting fellow citizens in the effort to root out anyone who tries to get an abortion, or to assist another in doing so.

... After this decision, some States may block women from traveling out of State to obtain abortions, or even from receiving abortion medications from out of State. Some may criminalize efforts, including the provision of information or funding, to help women gain access to other States' abortion services. Most threatening of all, no language in today's decision stops the Federal Government from prohibiting abortions nationwide, once again from the moment of conception and without exceptions for rape or incest.

Whatever the exact scope of the coming laws, one result of today's decision is certain: the curtailment of women's rights, and of their status as free and equal citizens. ... As of today, this Court holds, a State can always force a woman to give birth, prohibiting even the earliest abortions. A State can thus transform what, when freely undertaken, is a wonder into what, when forced, may be a nightmare. Some women, especially women of means, will find ways around the State's assertion of power. Others—those without money or childcare or the ability to take time off from work—will not be so fortunate. Maybe they will try an unsafe method of abortion, and come to physical harm, or even die. Maybe they will undergo pregnancy and have a child, but at significant personal or familial cost. At the least, they will incur the cost of losing control of their lives.

... Today, the proclivities of individuals rule. The Court departs from its obligation to faithfully and impartially apply the law. We dissent ([*Dobbs v. Jackson Women's Health Organization*, Dissenting Opinion, pgs. 1-6](#)).

Following Up

You can find the court's written opinions in their entirety here:

- Dobbs v. Jackson Women's Health Organization. 597 U.S. (2022).
https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

The New York Times has provided an annotated version of the majority opinion here (but they often paywall resources like these):

- The New York Times. 2022. "The Dobbs v. Jackson Decision, Annotated."
<https://www.nytimes.com/interactive/2022/06/24/us/politics/supreme-court-dobbs-jackson-analysis-roe-wade.html>

For a plain-language discussion of the decision, the reasoning behind it, and what to expect in the aftermath:

- Millhiser, Ian. 2022. "The end of Roe v. Wade, explained." *Vox* (June 24).
<https://www.vox.com/2022/6/24/23181720/supreme-court-dobbs-jackson-womens-health-samuel-alito-roe-wade-abortion-marriage-contraception>
- Totenberg, Nina and Sarah McCammon. 2022. "Supreme Court overturns Roe v. Wade, ending right to abortion upheld for decades." *NPR* (June 24).
<https://www.npr.org/2022/06/24/1102305878/supreme-court-abortion-roe-v-wade-decision-overturn>

And for a discussion of this case and how it contradicts the principle of *stare decisis* (precedent) in the US legal system:

- Shamsian, Jacob. 2022. "Justice Samuel Alito, the architect of overturning Roe v. Wade, told senators he viewed the abortion rights landmark as 'important precedent.' Now he says 'stare decisis' doesn't protect it." *Business Insider* (June 24).
<https://www.businessinsider.com/supreme-court-stare-decisis-roe-wade-dobbs-jackson-2022-6>

What is the status of abortion laws around the country?

Overview

Eighteen states had already laws enacted that would ban abortion in whole or in part if *Roe* and *Casey* were ever overturned. Some of them immediately went into force; others must meet some condition first (like a 30-day waiting period). Others are expected to pass such laws.

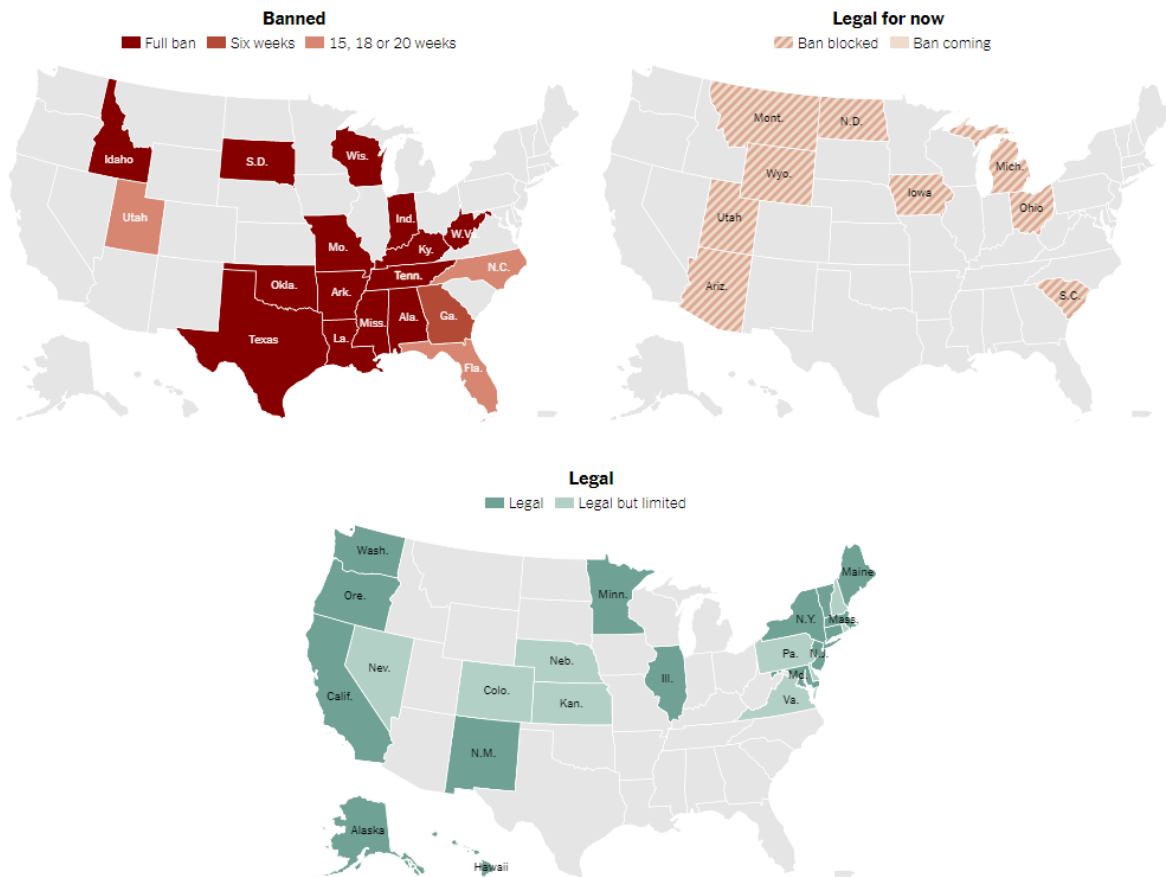


Image Credit: The New York Times (2022)

As of September 2022, 14 states have completely banned abortion, with very few exceptions. One state (Georgia) has banned all abortions after six weeks, and three have bans between 15 and 20 weeks. Nine states have currently blocked bans, some of which are expected to take effect soon.

Ten states have legalized abortions (with some limitations, typically access to public funding), and 15 others have legalized abortions completely (typically to the point of viability, although some have no gestational limits). In many of these states, actors are working to extend protections and coverage, even to pregnant individuals traveling from other states for services. The image above shows the current status of each state ([The New York Times 2022](#)).

Abortion Pills and Traveling

For pregnant individuals living in states where abortions have been banned in whole or in part, two legal options remain. The first is the abortion pill, which is often available with a prescription received through a telemedicine appointment (a virtual appointment with a healthcare provider in another state) or by ordering the medications online. The legality of these options varies now and will vary more in the future. While abortion pills have not (at this point in time) been banned in any of the states, many of them do place restrictions on how these pills can be accessed.

A second option, for those who are capable of it, is traveling to a state where abortion has not been restricted or banned. There are a few states (including California and New York) who have already guaranteed protections for pregnant individuals coming to their state for an abortion ([Kashinsky, Kapos, and Colliver 2022](#)). And there are not yet any states where it is illegal to leave the state to seek an abortion—but there are bills to this effect that are pending. It isn't clear what the end results of such bills would be, but Justice Kavanaugh, at least, has written that he would not support a ban on travel out of state for abortions ([Jacobson 2022](#)).

Following Up

Current Status of Laws

Additional cases and new laws are moving very quickly, and it's hard to find a source keeping up with the changes in live time. The New York Times appears to be doing this (but again, they often put their stuff behind paywalls):

- The New York Times. 2022. "Tracking the States Where Abortion Is Now Banned."
<https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html>

There are also free resources below, but it's not clear how frequently the organizations that provide them will be updating some of them:

- Guttmacher Institute. 2022. "State Legislation Tracker."
<https://www.guttmacher.org/state-policy>
Updated twice a month.

- Messerly, Megan. 2022. "Abortion laws by state: Where abortions are illegal after Roe v. Wade overturned." *Politico* (June 24). <https://www.politico.com/news/2022/06/24/abortion-laws-by-state-roe-v-wade-00037695>
- Witherspoon, Andrew and Alvin Chang. 2022. "Tracking where abortion laws stand in every state." *The Guardian* (June 28). <https://www.theguardian.com/us-news/ng-interactive/2022/jun/28/tracking-where-abortion-laws-stand-in-every-state>

Telemedicine and Abortion Pills

- Christensen, Jen. 2022. "What is medication abortion, and who has access to it?" *CNN Health* (June 27). <https://www.cnn.com/2022/05/03/health/medication-abortion-mifepristone-access-wellness/index.html>
- Leonard, Ben. 2022. "What's next for virtual abortions post-Roe." *Politico* (June 24). <https://www.politico.com/news/2022/06/24/whats-next-for-virtual-abortions-post-roe-00038085>
- Picchi, Aimee. 2022. "Abortion pill: Will women in states with abortion bans still have access?" *CBS News* (June 29). <https://www.cbsnews.com/news/abortion-pill-mifepristone-access-in-states-with-abortion-bans/>

Traveling

- Jacobson, Louis. 2022. "Can states punish women for traveling out of state to get an abortion?" *PolitiFact* (June 29). <https://www.politifact.com/article/2022/jun/29/can-states-punish-women-traveling-get-abortion/>
- Kashinsky, Lisa, Shia Kapos, and Victoria Colliver. 2022. "Blue states want to become abortion safe havens. It will cost them." *Politico* (May 11). <https://www.politico.com/news/2022/05/11/blue-states-abortion-safe-havens-00031526>

What does public opinion on the *Dobbs* decision look like across the United States?

On the whole, the overturn of *Roe* and *Casey* is not expected to be a popular decision. Recent polling from the Pew Research Center shows that 61 percent of US adults agree that abortion should be legal in all or most cases, compared to 37 percent argue that it should be illegal in all or most cases. As we might expect, there is a strong partisan split at work—80 percent of Democrats vs. 38 percent of Republicans say that abortion should be legal in all or most cases ([Hannah 2022](#)).

This is right in line with a CNN poll in May (right after the leak of Alito’s draft opinion) that found that 66 percent of respondents did not want *Roe* to be overturned, versus 34 percent who did want it to be overturned ([Edwards-Levy 2022](#)).

A poll conducted by PBS NewsHour, NPR, and Marist after the decision was announced found that approximately 60 percent of respondents said the decision “was based more on politics than on the law.” 58 percent of respondents “say they do not place much trust in the nation’s highest court, including most Democrats and a majority of independents”; and almost one-third “said they have no confidence at all.” 39 percent of respondents (and 71 percent of Republicans) do still feel confident in the court ([Santhanam 2022](#)).

Following Up

The polls I cited above, as well as some other reports, can be found here:

- Edwards-Levy, Ariel. 2022. “Broad majority of Americans didn’t want *Roe v. Wade* overturned, polling prior to Supreme Court decision shows.” CNN (June 24). <https://www.cnn.com/2022/06/24/politics/americans-roe-v-wade-polling/index.html>
- Galston, William A. 2022. “*Roe v. Wade* overturned despite public opinion.” *The Brookings Institution* (June 24). <https://www.brookings.edu/blog/fixgov/2022/06/24/roe-v-wade-overturned-despite-public-opinion/>
- Hartig, Hannah. 2022. “About six-in-ten Americans say abortion should be legal in all or most cases.” *Pew Research Center* (June 13). <https://www.pewresearch.org/fact-tank/2022/06/13/about-six-in-ten-americans-say-abortion-should-be-legal-in-all-or-most-cases-2/>
- Pew Research Center. 2022. “Public Opinion on Abortion.” <https://www.pewresearch.org/religion/fact-sheet/public-opinion-on-abortion/>

- Santhanam, Laura. 2022. “Majority of Americans think Supreme Court overturning Roe was more about politics than law.” *PBS News Hour* (June 27). <https://www.pbs.org/newshour/politics/majority-of-americans-think-supreme-court-overturning-roe-was-more-about-politics-than-law>

What is the international community’s perspective on abortion?

Although perspectives differ by country (and individual), the international legal perspective on abortion is quite clear. The Committee Against Torture (the monitoring body for the United Nations’ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT](#))) has repeatedly found that complete bans on abortion may constitute torture. The Center for Reproductive Rights writes, “the CAT Committee has found that states have an obligation to ensure access to abortion for women whose health or life is at risk, who are the victims of sexual violence, or who are carrying non-viable fetuses” (pg. 1). The CAT Committee has also noted the importance of post-abortion care, access to contraception (including emergency contraception), and protection from abuses in reproductive health facilities ([Center for Reproductive Rights 2014](#)).

The Committee on the Elimination of Discrimination Against Women (the monitoring body for the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW) has asserted that

many reproductive rights violations are manifestations of gender inequalities and discrimination against women. In its landmark decision in *L.C. v. Peru* [2011], where a girl who became pregnant because of rape suffered severe physical and mental consequences when she was denied access to abortion, the CEDAW Committee noted that “exclusions and restrictions in access to health services [were] based on a gender stereotype that understands the exercise of a woman’s reproductive capacity as a duty rather than a right” and found that the denial of access to abortion followed from “discriminatory reasons arising from her status as a woman” ([Center for Reproductive Rights 2014](#), pg. 3).

Human Rights Watch (HRW) additionally reports that “In many individual state reviews of treaty compliance, called concluding observations, the [Committee on the Rights of the Child, the monitoring body of the Convention on the Rights of the Child, CRC] explicitly called for decriminalization of abortion ‘in all circumstances’” ([HRW 2022](#)).

Following Up

- Center for Reproductive Rights. 2014. “Reproductive Rights Violations as Torture or Ill-Treatment.” https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/Reproductive_Rights_Violations_As_Torture.pdf
- Human Rights Watch. 2022. “Access to Abortion is a Human Right.” <https://www.hrw.org/news/2022/06/24/access-abortion-human-right>
- World Health Organization. “Abortion.” https://www.who.int/health-topics/abortion#tab=tab_1

What effects of abortion bans can we expect?

There is no evidence that abortion bans decrease abortion rates. The Guttmacher Institute has stated that “In analyses that exclude China and India, whose large populations skew the data, the abortion rate is actually higher in countries that restrict abortion access than in those that do not” ([Guttmacher Institute 2022](#))—at least in part because of other social support policies (or their absence) that often overlap with abortion restrictions ([Whitehurst 2022](#)).

Where abortion is illegal, access is acquired either through traveling to places where it is legal (and safe) or staying in place and acquiring them through illegal, less safe, and/or least safe means, instead. From the Guttmacher Institute:

The World Health Organization (WHO) defines an abortion as safe if it is provided both by an appropriately trained provider and using a recommended method. Less-safe abortions meet only one of these two criteria—for example, if provided by a trained health worker using an outdated method or self-induced by a woman using a safe method (such as the drug misoprostol) without adequate information or support from a trained individual. Least safe abortions meet neither criteria; they are provided by untrained people using dangerous methods, such as sharp objects or toxic substances. Worldwide, an estimated 55% of abortions can be categorized as safe, 31% as less safe and 14% as least safe ([Guttmacher Institute 2018](#)).

Approximately 73 million abortions happen around the world each year ([Guttmacher Institute 2022](#)). This means that more than 22.5 million are “less safe,” and more than 10 million are “least

safe.” While “least safe” abortions and their dangers are heavily concentrated in developing countries, more developed countries are not immune to them. The World Health Organization (WHO) estimates that “In developed regions, it is estimated that 30 women die for every 100,000 unsafe abortions” ([WHO 2021](#)).

There are other costs of abortion bans, as well. In the US, there were 20.1 deaths of pregnant people for every 100,000 live births in 2019, or about 700 each year. (This is the highest rate in the developed world, and the CDC says that two-thirds of these could be prevented [[CDC](#)].) There were only 0.44 deaths for every 100,000 abortion procedures between 2013 and 2017. If a national-level ban were enacted, one estimate places the increase of pregnancy-related deaths by the second year at 21 percent ([Stevenson 2021](#)).

While we are not operating under a complete ban at the national level at this time (and will not for the foreseeable future), we will still see an increase in pregnancy-related deaths, particularly among people of color (for whom the maternal mortality rates are already significantly elevated). There will be an uptake in other pregnancy-related health issues, too, including high blood pressure, seizures, and psychological distress. There will be an increase in experiences and duration of domestic violence and an increase in individuals with uteruses and children experiencing poverty ([Bendix and Varinsky 2022](#)). We can also expect to see lower labor force participation rates, educational attainment, and income for people who can get pregnant ([Molla 2022](#)), which, along with other factors, will impact the economy ([Corbett 2022](#)).

All of these harms will be disproportionately borne by people of color, individuals with disabilities, people who are LGBTQ+, and children, who, on average, already experience greater difficulties accessing prompt, safe, respectful, and effective medical care in the United States and will be more likely to struggle to travel to seek abortion access (See [Center for Reproductive Rights 2022](#)). This will heighten health and economic disparities ([Corbett 2022](#)).

Following my discussion here, the sections below are divided into resources on general effects on abortion rates, effects on people who can get pregnant, groups who will be disproportionately affected (including BIPOC, LGBTQ+, and disabled people, as well as minors), men and reproductive rights, and effects on the economy.

Effects on Abortion Rates

- Barot, Sneha. 2018. “The Roadmap to Safe Abortion Worldwide: Lessons from New Global Trends on Incidence, Legality, and Safety.” *Guttmacher Institute*. <https://www.guttmacher.org/news-release/2017/worldwide-estimated-25-million-unsafe-abortion-occur-each-year>
- Guttmacher Institute. 2022. “Unintended Pregnancy and Abortion Worldwide.” <https://www.guttmacher.org/fact-sheet/induced-abortion-worldwide>

- Nedelman, Michael. 2018. "Abortion restrictions don't lower rates, report says." *CNN Health* (March 21). <https://www.cnn.com/2018/03/21/health/abortion-restriction-laws/index.html>
- Whitehurst, Lindsay, Camille Fassett, and Jason Lo. 2022. "Social programs weak in many states with tough abortion laws." *AP News* (April 7). <https://apnews.com/article/abortion-laws-raising-children-e620ca2a871bfd9ce5b6d6c76e092c31>
- World Health Organization and Guttmacher Institute. 2018. "Worldwide, an Estimated 25 Million Unsafe Abortions Occur Each Year." <https://www.guttmacher.org/news-release/2017/worldwide-estimated-25-million-unsafe-abortion-occur-each-year>

General Effects on People Who Can Get Pregnant

- American Psychological Association. 2022. "Restricting access to abortion likely to lead to mental health harms, APA asserts." <https://www.apa.org/news/press/releases/2022/05/restricting-abortion-mental-health-harms>
- Bendix, Aria and Dana Varinsky. 2022. "The biggest health risks women would face if Roe v. Wade is overturned." *NBC News* (May 4). <https://www.nbcnews.com/health/health-news/health-risks-overturning-roe-v-wade-abortion-rcna27109>
- Messerly, Megan. 2022. "In states that allow abortion for rape and incest, finding a doctor may prove impossible." *Politico* (June 27). <https://www.politico.com/news/2022/06/27/abortion-exceptions-doctor-shortage-00042373>
- Molla, Rani. 2022. "5 ways abortion bans could hurt women in the workforce." *Vox* (June 24). <https://www.vox.com/recode/23074696/abortion-illegal-supereme-court-women-work>
- Nicker, Brianna. 2021. "What can economic research tell us about the effect of abortion access on women's lives?" *The Brookings Institution* (November 30). <https://www.brookings.edu/research/what-can-economic-research-tell-us-about-the-effect-of-abortion-access-on-womens-lives/>
- North, Anna. 2022. "The anti-abortion 'social safety net.'" *Vox* (June 28). <https://www.vox.com/23184939/abortion-ban-roe-wade-crisis-pregnancy-centers>
- Stevenson, Amanda Jean. 2021. "Study shows an abortion ban may lead to a 21% increase in pregnancy-related deaths." *Colorado Arts and Sciences Magazine* (September 22). <https://www.colorado.edu/asmagazine/2021/09/22/study-shows-abortion-ban-may-lead-21-increase-pregnancy-related-deaths>

- Stoeber, Jane K. 2019. “Abusive partners – like abortion bans – limit the reproductive rights of their victims.” *USA Today* (June 28). Opinion. <https://www.usatoday.com/story/opinion/voices/2019/06/28/abortion-bans-rape-exceptions-domestic-violence-column/1585760001/>
- Vandergriff, Caroline. 2022. “How victims of domestic abuse are impacted by Roe v Wade overturn.” CBS (June 27). <https://www.cbsnews.com/dfw/news/how-victims-of-domestic-abuse-are-impacted-by-roe-v-wade-overturn/>

Disproportionate Harm

The ruling is expected to cause disproportionate harm for people of color (including Indigenous peoples), members of the LGBTQ+ community, and persons with disabilities, among others.

Note: I do not hold all of these identities. Where I could find them, I tried to focus on resources provided by members of the groups that they’re talking about, but I know there are gaps. Please reach out to me with resources from these and other marginalized or excluded groups if you have them and would like to share!

The Center for Reproductive Rights has collected amicus briefs written by organizations representing some of these groups for *Dobbs v. Jackson* here:

- Center for Reproductive Rights. 2022. “The Disproportionate Harm of Abortion Bans: Spotlight on Dobbs v. Jackson Women’s Health.” <https://reproductiverights.org/supreme-court-case-mississippi-abortion-ban-disproportionate-harm/>

Black, Indigenous, and People of Color (BIPOC)

- Cineas, Fabiola. 2022. “Black women will suffer the most without Roe.” *Vox* (June 29). <https://www.vox.com/2022/6/29/23187002/black-women-abortion-access-roe>
- Denetclaw, Pauly. 2022. “We will never, ever stop having abortions.” *Indian Country Today* (June 24). <https://indiancountrytoday.com/news/we-will-never-ever-stop-having-abortions>
- Durkin, Erin. 2019. “‘Women will die’: how new abortion bans will harm the most vulnerable.” *The Guardian* (May 19). <https://www.theguardian.com/us-news/2019/may/19/abortion-ban-alabama-women-of-color-poor>
- Golden, Hallie. 2022. “Indigenous and Alaska Native women could face escalated violence if Roe is repealed.” *The Guardian* (May 19). <https://www.theguardian.com/us-news/2022/may/19/roe-v-wade-indigenous-women-increase-violence>

- National Asian Pacific American Women’s Forum (NAPAWF). 2022. “Reproductive Health and Rights.” <https://www.napawf.org/reproductive-health-and-rights>
- Ortiz, Erik. 2021. “How Texas abortion law is undermining Native American women’s reproductive justice.” *NBC News* (September 4). <https://www.nbcnews.com/health/womens-health/how-texas-abortion-law-undermining-native-american-women-s-reproductive-n1278494>
- Vilchez, Dánae. 2022. “US abortion ban will be ‘devastating’ for Hispanic and Black communities.” *OpenDemocracy* (May 20). <https://www.opendemocracy.net/en/5050/roe-us-abortion-women-rights-hispanic-black/>
- Williamson, Vanessa and John Hudak. 2022. “The War on Abortion Drugs will be just as racist and classist.” *The Brookings Institution* (May 9). <https://www.brookings.edu/blog/fixgov/2022/05/09/the-war-on-abortion-drugs-will-be-just-as-racist-and-classist/>
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If abortion bans don’t reduce abortion rates, are there policies that do?

There are! Importantly, these same policies also help people in general lead better-informed, more empowered lives. These are steps like

- providing comprehensive sex education,
- making it easy and free to access contraception,
- guaranteeing paid parental leave to all parents around the time of childbirth and paid family leave to take care of sick family members,
- offering universal healthcare (and making sure it covers birth control and pregnancy-related costs),

- extending help to new parents (making sure they and their infants have plenty of quality food to eat and safe places to live and offering mental health support to those who need it),
- subsidizing public daycare and keeping daycare standards high,
- punishing people who perpetuate sexual violence and creating a society that doesn't see sexual violence as acceptable, and
- addressing systemic inequalities and injustices like the ones I talked about earlier in this guide.

It's important to note that even perfectly implementing all of these policies (which takes time and resources and is definitely a moving target) will not eliminate abortions. But they are known to be associated with decreases in that area.

Following Up

- Almendrala, Anna. 2017. "We Already Know How to Safely Reduce Abortions." *HuffPost* (February 14). https://www.huffpost.com/entry/reducing-abortion-rates-policy_n_589b8ea5e4b09bd304bfd920
- Good Good Good. 2022. "11 Ways to Safely Reduce Abortions Without Removing Access." (May 6). <https://www.goodgoodgood.co/articles/how-to-reduce-abortions>
I wouldn't typically recommend sites like this that aren't well-known and don't identify their authors. I made an exception this time because they've done a good job linking to reputable sources; it's also one of the most comprehensive lists I could find.
- Guttmacher Institute. 2021. "Federally Funded Sex Education: Strengthening and Expanding Evidence-Based Programs." <https://www.guttmacher.org/fact-sheet/sex-education>

Does (or could) this ruling have implications for other Supreme Court rulings or issue areas?

There are a number of rights that are currently protected by the decisions in Supreme Court cases that used similar logic to *Roe* and *Casey*—and Justice Thomas named some of them in his concurring opinion in *Dobbs*:

The Court today declines to disturb substantive due process jurisprudence generally or the doctrine's application in other, specific contexts. Cases like *Griswold v.*

Connecticut ...(1965) (right of married persons to obtain contraceptives)*; *Lawrence v. Texas ...*(2003) (right to engage in private, consensual sexual acts); and *Obergefell v. Hodges ...*(2015) (right to same-sex marriage), are not at issue. The Court’s abortion cases are unique, ... and no party has asked us to decide “whether our entire Fourteenth Amendment jurisprudence must be preserved or revised”.... Thus, I agree that “[n]othing in [the Court’s] opinion should be understood to cast doubt on precedents that do not concern abortion.”

For that reason, in future cases, we should reconsider all of this Court’s substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*. Because any substantive due process decision is “demonstrably erroneous,” ...we have a duty to “correct the error” established in those precedents.... ([Dobbs v. Jackson Women’s Health Organization, Concurring Opinion, pgs. 2-3](#))

This opinion explicitly calls for new cases (with new outcomes) on contraception and not only marriage but also sexual intimacy for same-sex couples. Fears that either new restrictions or returns to previous bans in these areas will be forthcoming are not unfounded—for example, on Tuesday, June 28, 2022, one hospital in Missouri briefly refused to provide emergency contraception to patients, even survivors of sexual assault, over fears that it could be prosecuted under the new abortion ban ([Ballentin and Salter 2022](#)).

Following Up

- Ballentin, Summer and Jim Salter. 2022. “Some Missouri hospital briefly halt emergency contraception.” AP (June 29). <https://apnews.com/article/abortion-us-supreme-court-entertainment-health-sexual-assault-eafd729c413fcb798f5385d577bf1b68>
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- Millhisser, Ian. 2022. “If Roe v. Wade falls, are LGBTQ rights next?” *Vox* (May 6). <https://www.vox.com/23058465/supreme-court-roe-wade-lgbtq-samuel-alito-marriage-equality-obergefell-lawrence>
- Scott, Dylan. 2022. “It’s not just about abortion.” *Vox* (June 26). <https://www.vox.com/23137822/abortion-birth-control-health-care-roe-wade>

Most of the citations you’ve listed are popular press or news resources. Do we have scholarly research backing any of this up?

You betcha! Many of the references I’ve linked so far are more accessible summaries of academic studies; their sources are typically linked for you to read.

There’s also a really cool project called the Turnaway Study that has collected many relevant research projects in a single guide that you might find interesting:

- Bixby Center for Global Reproductive Health, University of California, San Francisco. 2020. “Introduction to the Turnaway Study.” <https://www.ansirh.org/sites/default/files/publications/files/turnawaystudyannotatedbibliography.pdf>

There are also a number of research institutions and centers that do work in this area. Here are a few:

- Center for Reproductive Rights. 2022. “Publications.” <https://reproductiverights.org/?s=&types%5B0%5D=publications&types%5B1%5D=briefing-papers>
- Ibis Reproductive Health. “Abortion.” <https://www.ibisreproductivehealth.org/research-areas/abortion>
- Guttmacher Institute. 2022. “U.S. Research Articles.” <https://www.guttmacher.org/united-states/research-articles>
- Guttmacher Institute. 2022. “Global Research Articles.” <https://www.guttmacher.org/global/research-articles>

Are there places I can go to learn more?

A quick note: I haven't personally engaged with every single source offered in some of the lists I've linked to below. I offer them as resources I found for people seeking to learn more, particularly from long-form works. As always, browse and engage with care and compassion (including for your own emotional needs).

Books

- Charis Books & More. "Reproductive Justice/Abortion." <https://www.charisbooksandmore.com/reproductive-justice-abortion>
- González-Ramírez, Andrea. 2022. "16 Books on the Past, Present, and Future of Abortion." *The Cut* (June 6). <https://www.thecut.com/2022/06/abortion-rights-reading-list.html>
- Marty, Robin. 2021. *New Handbook for a Post-Roe America: The Complete Guide to Abortion Legality, Access, and Practical Support*. Seven Stories Press.
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- Nowell, Cecelia. 2020. "25 Reproductive Justice Books Literally Everyone Should Read." *Cosmopolitan* (November 12). <https://www.cosmopolitan.com/politics/a46566/reproductive-rights-books/>

Documentaries

- Flam, Charna. 2022. "5 Essential Documentaries About Abortion to Stream Right Now." *The Wrap* (June 24). <https://www.thewrap.com/documentaries-about-abortion-to-watch/>
- Taddonio, Patrice. 2022. "'Roe v. Wade' Appears Poised to Fall. These Documentaries Show How We Got Here." *PBS Frontline* (May 3). <https://www.pbs.org/wgbh/frontline/article/supreme-court-likely-overturn-roe-v-wade-leaked-draft-5-abortion-documentaries/>

News Sources

The sources named below are all regularly-updating lists of these agencies' most recent articles.

- AP News. 2022. "Abortion." <https://apnews.com/hub/abortion>
- BBC. 2022. "US abortion debate." <https://www.bbc.com/news/topics/cvj0q32px61t>
- The Guardian. 2022. "Abortion." <https://www.theguardian.com/world/abortion>
- The New York Times. 2022. "Abortion News." <https://www.nytimes.com/spotlight/abortion-news>
- Vox. 2022. "The Supreme Court overturns Roe v. Wade." <https://www.vox.com/2022/5/3/23055125/roe-v-wade-abortion-rights-supreme-court-dobbs-v-jackson>

Other

- Center for Reproductive Rights. "Resources & Research." <https://reproductiverights.org/get-involved/featured-resources/>
- Shout Your Abortion. <https://shoutyourabortion.com/>
Among other things, Shout Your Abortion collects and shares abortion stories [here](#).
- We Testify. <https://www.wetestify.org/>
Among other things, they have pages on [Disability Justice](#), [Reproductive Justice](#), and [Queer and Trans Justice](#).

Are there people I can talk to if I have questions or am in crisis?

- HeyJane. "Resources." <https://www.heyjane.co/resources#talk-textlines>
This is a list of talk and textlines, legal support, health centers, abortion providers, state laws, financial assistance, reproductive justice, and other resources.

- Miscarriage and Abortion Hotline. <https://www.mahotline.org/>
These are clinicians who can be reached by phone or text for help.
- Planned Parenthood. “Abortion.” <https://www.plannedparenthood.org/learn/abortion>
Among other things, this page has a chat to ask any questions you have about sexual and reproductive health.
- Rape, Abuse & Incest National Network (RAINN). <https://hotline.rainn.org/online>
You can chat with them at the link above (in either Spanish or English). You can also call them. Either option will connect you with a trained sexual assault service provider near you.
- The Trevor Project. <https://www.thetrevorproject.org/get-help/>
This is a crisis network for LGBTQ young people needing to speak with someone about coming out, their identity, depression, and suicide. You can also call or text them.