

U.S. Sen. Baldwin: Joins congressional Democrats in urging SCOTUS to protect reproductive rights by upholding Roe and rejecting Mississippi's blatantly unconstitutional law

Posted on Tuesday, Sep 21, 2021

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48 Democrats in the Senate and 188 in the House filed a bicameral amicus brief in Dobbs v. Jackson Women's Health Organization

Washington, D.C. - U.S. Senator Tammy Baldwin joined 47 other Democrats in the Senate and 188 in the House in filing a [bicameral amicus brief](#) in the case of *Dobbs v. Jackson Women's Health Organization*, urging the Supreme Court to uphold nearly 50 years of precedent in *Roe v. Wade* and protect the constitutional right to abortion care.

After the Court refused to block the dangerous, cruel abortion ban in Texas from going into effect, *Dobbs* represents yet another case that could undermine nearly 50 years of precedent and potentially overturn *Roe*. *Dobbs* is a challenge from Mississippi's sole remaining abortion provider against H.B. 1510, the state's extreme law banning all abortions after the 15th week of pregnancy, with no exceptions for rape and incest, and only narrow, inadequate exceptions for a medical emergency or in cases of a severe fetal abnormality. The law is blatantly unconstitutional under *Roe* and *Planned Parenthood v. Casey*, which held that individuals have the right to decide whether or not to be pregnant prior to fetal viability. In 2019, the Fifth Circuit upheld a lower court decision halting the

Mississippi law's implementation.

“This Court has made clear that abortion bans like H.B. 1510 are unconstitutional because they violate the right to choose to terminate a pregnancy before viability; the decision below should be affirmed on that basis alone. But as a matter of public policy, it is also important to recognize that laws like H.B. 1510 do not merely encroach on individual liberty and autonomy; they also do so in a way that disproportionately imperils the health and economic security of vulnerable populations,” **wrote the lawmakers.**

The lawmakers stressed that the only thing that has changed since *Casey* and *Roe* were decided is the composition of the Court—which is not a compelling reason to re-examine *Roe*. Therefore, the members emphasized that overturning *Roe* would represent a disregard for settled law, our legal system, and the Constitution.

“Respect for precedent—a fundamental principle that is essential to our legal system, the legitimacy of judicial and legislative institutions, and the rule of law—compels affirmance of the decision below,” **continued the lawmakers.**

The lawmakers also noted that the abortion rights codified in *Roe* and *Casey* have been settled law for nearly 50 years and 30 years respectively, highlighting that, “adherence to *Roe* and *Casey* is even more necessary to protect the settled expectations and reliance interests of multiple generations of individuals who have rightly understood the freedom to decide to terminate a pregnancy before viability as a firmly established constitutional right, and who have never known a world without *Roe*’s constitutional guarantee.”

The Supreme Court has upheld the Constitutional right to an abortion as recently as 2016, in *Whole Woman’s Health v. Hellerstedt*, and again just last year in *June Medical Services LLC v. Russo*.

Read the amicus brief [here](#).

An online version of this release is available [here](#).