

Wisconsin Family Action: Urges cautious optimism

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MADISON, WI – Last night, [Politico](#) broke a news story that the U.S. Supreme Court had voted to overturn *Roe v. Wade*. The story linked to a draft opinion ostensibly written by Justice Alito and leaked by an unnamed source. The headline reads, “Supreme Court has voted to overturn abortion rights,” *but this draft is not the final opinion nor a final vote* by the justices.

Following is a statement from Wisconsin Family Action president, Julaine Appling:

“It is totally unprecedented for a draft opinion to be leaked. This in itself is shocking. Frankly, every effort should be made to find who did this and he/she should be immediately fired. However, if this was done, as many suspect, by a pro-abortion employee of the Court, it certainly shows the desperation of those wanting to keep *Roe* intact.

“Here’s how the US Supreme Court typically operates. The Court held oral arguments on *Dobbs* on Tuesday, December 1. We are quite certain that on Friday of that week, the justices met to take a preliminary vote on the case. This timing is in synch with the Court’s normal practices. Depending on that vote, the longest-serving justice in the majority would have assigned a justice to write the draft opinion. That justice was likely Justice Clarence Thomas, as it appears Chief Justice Roberts might be in the minority.

“If the Politico story is accurate, Justice Alito was assigned to draft the opinion. The Alito-leaked draft is dated February 10, 2022. Since that date, the other justices would have made comments with possible suggestions to refine the draft opinion. In addition, justices can change their vote on a case pretty much at any time before an opinion is released to the public.

“Because it is a leaked, first-draft opinion, we caution against premature celebration of what would, no doubt, be a huge victory for the pro-life cause. If the opinion holds as it is currently written, we will have reason and time to celebrate. But prudence demands that for now we take a “wait-and-see” approach to this unprecedented development. We can certainly be cautiously optimistic as we consider what could unfold in the days ahead. As a reminder, should the court actually overturn *Roe*, abortion is not automatically illegal across the country. The issue returns to the states. In Wisconsin we have a pre-*Roe* criminal statute in place that should be enforceable. Tragically, but not surprisingly, Attorney General Josh Kaul (D) has already said he will not enforce that law if *Roe* is overturned.

“I think Mississippi’s Attorney General’s approach is warranted at this time. In a released statement regarding last night’s developments, AG Lynn Fitch said, ‘We will let the Supreme Court speak for itself and wait for the Court’s official opinion.’ We want to see the actual opinion released by the Court before we rejoice. That could come at any time between now and the end of June. In the meantime, we will carefully read the 96- page draft opinion—and pray.

“If the Court does overturn *Roe*, Wisconsin’s pro-life movement must be ready to serve women facing unplanned pregnancies and their babies. We must be ready for this election season to stand together for babies and their mothers. We must be ready for any other court challenges or other moves from the pro-abortion industry and their allies. We must truly be prepared for life after *Roe*.