



Dobbs v. Jackson Women's Health Organization

Supreme Court Case Summary

Petitioner

Thomas E. Dobbs,
State Health
Officer of the
Mississippi
Department of
Health, et al.

Respondent

Jackson
Women's Health
Organization, et al.

Lower Court

United States
Court of Appeals
for the Fifth Circuit

Docket No.

19-1392

Citation

597 US _ (2022)

Argued

December 1, 2021

Decided

June 24, 2022

Facts of the Case

In 2018, Mississippi passed a law called the “Gestational Age Act,” which prohibits all abortions, with few exceptions, after 15 weeks’ gestational age. Jackson Women’s Health Organization, the only licensed abortion facility in Mississippi, and one of its doctors filed a lawsuit in federal district court challenging the law and requesting an emergency temporary restraining order (TRO). After a hearing, the district court granted the TRO while the litigation proceeded to discovery. After discovery, the district court granted the clinic’s motion for summary judgment and enjoined Mississippi from enforcing the law, finding that the state had not provided evidence that a fetus would be viable at 15 weeks, and Supreme Court precedent prohibits states from banning abortions prior to viability. The U.S. Court of Appeals for the Fifth Circuit affirmed.

Question

Is Mississippi’s law banning nearly all abortions after 15 weeks’ gestational age unconstitutional?

The above summary is taken from Oyez.org. You can listen to oral arguments and read the final decision on their website: "Dobbs v. Jackson Women's Health Organization." Oyez. Accessed August 24, 2023. <https://www.oyez.org/cases/2021/19-1392>.

Conclusion



Justices ordered
by seniority,
from left to right.

6-3 Decision for Thomas E. Dobbs • Majority Opinion by Samuel A. Alito, Jr.

The Constitution does not confer a right to abortion; *Roe v. Wade*, 410 U.S. 113, and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, are overruled. Justice Samuel Alito authored the majority opinion of the Court.

The Constitution does not mention abortion. The right is neither deeply rooted in the nation’s history nor an essential component of “ordered liberty.” The five factors that should be considered in deciding whether a precedent should be overruled support overruling *Roe v. Wade* and *Planned Parenthood v. Casey*: (1) they “short-circuited the democratic process,” (2) both lacked grounding in constitutional text, history, or precedent, (3) the tests they established were not “workable,” (4) they caused distortion of law in other areas, and (5) overruling them would not upend concrete reliance interests.

Justices Clarence Thomas and Brett Kavanaugh concurred.

Chief Justice John Roberts concurred in the judgment.

Justices Stephen Breyer, Sonia Sotomayor, and Elena Kagan dissented.