

Dobbs in Plain English

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By now, most Americans know about the groundbreaking case *Dobbs v. Jackson Women's Health Organization*. On June 24, 2022, the Supreme Court of the United States released *Dobbs* and held that there is no federal constitutional right to an abortion, overturning its previous decisions in *Roe v. Wade* and *Planned Parenthood of Southeastern Pa. v. Casey*. While this is a moment in time long hoped and prayed for, what exactly did the Court hold and what are its implications? Here is *Dobbs* in plain English:



1. **The Vote.** The vote upholding Mississippi's 15-week abortion law at issue in the case (and reversing and remanding the lower court's decision) was 6-3. Chief Justice Roberts authored a concurring opinion in judgment only, where he agreed in upholding Mississippi's law, but stopped short of finding that there is no constitutional right to abortion or overruling *Roe* and *Casey*. Thus, the main holding of the case was only 5-4. This is why there has been some confusion in reporting related to the decision.
2. **The Opinions.** The majority opinion was authored by Justice Samuel Alito and joined by Justices Thomas, Gorsuch, Kavanaugh, and Barrett. Justices Thomas and Kavanaugh submitted separate concurring opinions, while Chief Justice Roberts authored an opinion concurring in judgment only. Additionally, in a rare move, Justices Breyer, Sotomayor, and Kagan all jointly-authored a dissenting opinion.
3. **The Holding.** The main holding of the case was that the U.S. Constitution does not confer a right to abortion, overruling *Roe* and *Casey*, and that the authority to regulate abortion is returned to the people and their elected representatives. In the opinion, Justice Alito analyzes the history of *Roe*, *Casey*, and abortion in America, concluding that the Due Process Clause of the Fourteenth Amendment, the constitutional clause cited in support of a federal right to an abortion under the legal theory of "substantive due process," does not include a right to abortion.
4. **History and Tradition.** The main crux of the Court's analysis was whether the right to obtain an abortion is rooted in our Nation's history and tradition. The Court found in the negative, pointing to the fact that it wasn't until just prior to *Roe* that there was any support in American law for a constitutional right to an abortion and that abortion had actually been a crime under the common law and in every State of the U.S.
5. **Impact.** The issue of abortion has now been returned to each individual state. While some states have trigger laws which state that upon *Roe*'s reversal abortion is outlawed in that state, other states still allow abortion up to and past viability. It is worth noting that many of the "trigger laws" have recently faced legal challenges under state constitutional grounds. All this to say that the abortion fight is now in the states and not in Washington D.C. See this Family Policy Alliance [interactive map](#) for details.

While Justice Alito's opinion is a lengthy seventy-nine pages (omitting the appendices), one thing is clear – now more than ever, pregnancy help organizations have the opportunity to love, serve, and care for women facing unintended pregnancies who, for the first time in over fifty years, may or may not have abortion as an option. As Paul reminds us in Galatians 6:9, "[a]nd let us not grow weary of doing good, for in due season we will reap, if we do not give up." Now the work is only beginning!