



Dobbs Supreme Court Case: Answering Hostile Questions

Q: Doesn't overturning *Roe* in the *Dobbs* decision threaten dozens of other precedents founded on a privacy right, such as gay marriage or contraception?

A: No. Justice Alito explicitly addresses this claim in the *Dobbs* opinion, making clear that the opinion ONLY impacts abortion, and argues that abortion is "fundamentally different" from other privacy issues such as contraception and marriage because it destroys the life of a distinct human being.

On page 66 of the opinion, Justice Alito writes: "And to ensure that our decision is not misunderstood or mischaracterized, we emphasize that our decision concerns the constitutional right to abortion and no other right. Nothing in this opinion should be understood to cast doubt on precedents that do not concern abortion."¹

Further, on page 5, Justice Alito wrote: "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.'"²

Q: The *Dobbs* decision means abortion can be criminalized – won't you criminalize women who seek them?

A: No. The pro-life movement has always held that there are at least two people harmed in every abortion, the unborn child and the mother. Pro-life leaders from across the country firmly oppose any efforts to criminalize women following an abortion.³ Studies show that 30-60% of U.S. women who seek abortions were pressured by another

¹ See page 66: https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

² See page 5: https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

³ <https://www.nrlc.org/uploads/communications/051222coalitionlettertostates.pdf>

person—often the father of the child, the woman’s parents, her family members, her friends, or an employer.⁴ In one study, 64% of women who had undergone an abortion reported being pressured.⁵ It is abortionists and chemical abortion suppliers who should be held accountable.

Q: Doesn’t the pro-life movement oppose contraception, and won’t it work to make contraception illegal in wake of *Dobbs*?

A: This is scaremongering; not a single state legislature or Congress is debating making contraception illegal. Justice Alito made clear in the *Dobbs* opinion that nothing in the opinion impacts other precedents, and he specifically distinguishes abortion from contraception. The pro-life movement is opposed to abortion, and contraception by definition is not abortion – it is prevention of conception. Recognizing this distinction, state and federal programs fund contraception, but pro-life states and federal programs do not generally fund abortion.

Q: By making abortion illegal, won’t you also criminalize IVF and fertility treatments?

A: This is scaremongering. Not a single state legislature or Congress is debating making fertility treatments or IVF illegal. The pro-life movement is focused on stopping the intentional destruction of unborn human life. There are fertility treatments and methods of IVF that do not intentionally destroy human life. While the media keeps asking these ridiculous hypothetical questions of pro-life advocates, they rarely ask pro-abortion advocates about their support for painful late-term abortions and even infanticide – which are happening today in America, very much non-hypothetical questions.

Q: Won’t prohibiting women from getting abortions lead to an increase in children without homes in an already overburdened foster care system?

A: Moms and dads who choose life and then choose to make an adoption plan make a difficult but courageous choice. Sadly, today, for every one infant placed with a family through adoption, nearly 50 are aborted. And yet there are an estimated two million couples seeking to adopt, which means nearly 40 couples waiting for each child placed for adoption,⁶ demonstrating that every child may have a home where she is welcomed and loved.

⁴ <https://lozierinstitute.org/protecting-women-from-coerced-abortions-the-important-role-of-pregnancy-help-centers/>

⁵ Ibid.

⁶ https://www.americanadoptions.com/pregnant/waiting_adoptive_families#:~:text=While%20it%20is%20difficult%20to,who%20is%20placed%20for%20adoption.

Children placed for adoption do not go into the foster care system. Private adoption is a completely voluntary process where parents choose the family who will raise their child and may maintain a connection after placement. 95% of today's adoptions are open – giving the gift of life to those beautiful children in a loving home with their adoptive parents and keeping life-long connections open with their birth family.

Q: Now that *Roe* is overturned, some states will have laws that ban abortion even in cases of rape and incest. Isn't this cruel?

A: Rape and incest are horrific crimes, and the perpetrators of these violent acts should be prosecuted to the fullest extent of the law. The value of human life is not determined by the circumstances of his or her conception and abortions carried out following these horrific crimes only compound the crisis that the mother is enduring. Abortion advances a cycle of violence forward on yet another innocent victim. For what other crime do we punish the child, let alone a vulnerable unborn baby, for the crime of one of his or her parents? More than 98% of abortions are for elective reasons, not the cases described in the question.⁷

Q: Now that *Roe* is overturned, many states will force women to carry to term fetuses that aren't viable outside the womb – causing women and families severe emotional distress. How could you support that?

A: Sadly, fetal abnormalities may result in natural fetal death *in utero* (miscarriage), stillbirth, death shortly after birth, or long stays in intensive care units. One cannot accurately predict with certainty how long a child facing a life-limiting condition will survive. We should be searching for treatments and cures for these conditions, not discriminating against infants with disabilities. In fact, scientific advancements in medicine continue to push the boundaries for conditions that have formerly been described as lethal. In the United States, studies have found that although one-year survival for infants with Trisomy 13 or 18 has been stated to be less than 10%, hospital records actually show a far higher percentage (32-41%) of children with Trisomy 13 and 18 living longer than one year. In more than 10% of discharges, children were older than eight years.

In every case, perinatal hospice provides comprehensive care for the family of the fetus with a life-limiting condition. The goal is to provide prenatal, perinatal, and postnatal medical care and support to infants with life-threatening and life-limiting diagnoses,

⁷ <http://www.johnstonsarchive.net/policy/abortion/abreasons.html>

and their families, and to improve their quality of life. Perinatal hospice care is an extension of established adult palliative care models. In short, perinatal hospice provides healing without cure for the patient. While parents grapple with their infant's life-limiting or life-threatening diagnosis, perinatal hospice can provide a safe place for families to meet their child face to face, hold their child, and demonstrate their love, for however long their child may have life.

Q: Now that *Roe* is overturned, many states have laws that ban abortion before the woman even knows she's pregnant. How is that just?

A: No matter the circumstances of conception or the awareness of the life at the time, the fact remains that in every pregnancy there is a second life, a new patient separate and distinct from his or her mother that states have the right to protect.

Q: *Roe's* overturning is going to be hardest on poor women, especially poor women of color in states with bans who cannot afford to travel out of state to get an abortion. Why are you advocating for laws that will hurt poor people of color?

A: It is a travesty that abortion disproportionately impacts people of color and has done so for decades.⁸ America is better than that. The pro-life movement believes in the dignity of all people, regardless of race or income. If *Roe* is overturned and unborn children can be protected, we will be able to save vulnerable children regardless of race. That should be celebrated. The pro-life movement stands ready to support moms who no longer have access to abortion. The pro-life movement has been serving women and families for the past 50 years through existing networks like America's 2,700 pregnancy centers that provide vital services to millions of people each year at virtually no cost.⁹ Programs like Her PLAN¹⁰ have launched to identify and fill gaps in the safety net across states so that the needs of mothers and babies are met. Further, government programs like Texas's Alternatives to Abortion program provide counseling, material assistance, care coordination, and housing support for mothers and families with a \$100 million budget.¹¹

Q: You keep bringing up so-called late-term abortions to try to claim pro-choice Democrats are extreme, but aren't they extremely rare and only in the most heartbreaking of cases?

⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7436774/>

⁹ <https://lozierinstitute.org/pro-life-pregnancy-centers-served-2-million-people-with-essential-medical-education-and-support-services-in-2019/>

¹⁰ <https://herplan.org/>

¹¹ <https://lozierinstitute.org/alternatives-to-abortion-programs-support-for-mothers-and-families/>

A: Painful late-term abortions are not rare and are overwhelmingly performed in purely elective cases. Each year in the United States, over 15,000 abortions occur after 15 weeks of pregnancy when the unborn child can feel excruciating pain, and they are performed overwhelmingly for elective reasons.¹² Currently, abortion is legal up until birth in 20 states plus the District of Columbia.¹³ Sadly, these late-term abortions will continue even if *Roe* is overturned in *Dobbs* since the states that allow them are unlikely to take any action, absent any significant political changes. The allowance of late-term abortions makes the United States an extreme outlier internationally, as we are one of just a handful of countries – including North Korea and China – to allow abortions when the child can feel excruciating pain.¹⁴

¹² <https://lozierinstitute.org/questions-and-answers-on-late-term-abortion/>

¹³ States are: AK, CA, CO, CT, DC, DE, HI, IL, MA, MD, ME, MN, NJ, NM, NV, NY, OR, RI, VA, VT, WA.

¹⁴ <https://www.washingtonpost.com/news/fact-checker/wp/2017/10/09/is-the-united-states-one-of-seven-countries-that-allow-elective-abortion-after-20-weeks-of-pregnancy/>