[**< Supreme Court overturns Roe v. Wade, ending right to abortion upheld for decades**](https://www.npr.org/2022/06/24/1102305878/supreme-court-abortion-roe-v-wade-decision-overturn)

NPR, June 24, 2022 Heard in All Things Considered

AILSA CHANG, HOST:

The biggest change to abortion rights in the United States in nearly half a century is here.

(SOUNDBITE OF ARCHIVED RECORDING)

PRESIDENT JOE BIDEN: The court has done what it has never done before - expressly take away a constitutional right that is so fundamental to so many Americans and had already been recognized.

CHANG: President Biden reacting to today's Supreme Court ruling in Dobbs v. Jackson Women's Health Organization, a ruling that overturned the landmark Roe v. Wade decision and ends the constitutional right to an abortion.

MARY LOUISE KELLY, HOST:

On the program today, we will bring you voices from across the spectrum in the abortion debate and context on the stakes. Let's start with reaction from national leaders. Many Democrats, in addition to the president, are decrying the decision, including House Speaker Nancy Pelosi.

(SOUNDBITE OF ARCHIVED RECORDING)

NANCY PELOSI: It's a slap in the face to women about using their own judgment to make their own decisions about their reproductive freedom.

CHANG: And Senate Majority Leader Chuck Schumer.

(SOUNDBITE OF ARCHIVED RECORDING)

CHUCK SCHUMER: Today is one of the darkest days our country has ever seen.

KELLY: Hundreds of protesters gathered outside the Supreme Court to express outrage and sadness.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED GROUP: (Chanting) My body, my choice, my body, my choice. **1’10’’**

KELLY: More demonstrations to protest and to celebrate are planned from coast to coast.

CHANG: And coast to coast, the effects of the ruling were almost immediate. In some states, trigger laws that ban abortion went into effect within hours of the court's announcement. NPR legal affairs correspondent Nina Totenberg reports.

NINA TOTENBERG, BYLINE: We hold that the Constitution does not confer a right to abortion. With those words, Justice Samuel Alito, writing for the court majority, said the Supreme Court's repeated decisions reaffirming a woman's right to abortion must be overruled. The reason, he said, was that they were egregiously wrong, damaging and an abuse of judicial authority. As to what standard the court should apply in the event a state law is challenged, he said, any state regulation is presumptively valid and must be upheld. **2’38’** *Attorney General Merrick Garland, however, said in a statement that FDA-approved pills that induce abortion may not be banned.* **2’46’’**

The court's vote was 6-3 or 5-4, depending on how you look at it. All five of the court's conservatives signed on to the opinion except Chief Justice John Roberts. He wrote separately, saying that while he agreed that the reasoning in Roe was wrong, the court's other decisions upholding the right to abortion did not merit reversal. He would have upheld Mississippi's law banning abortion after 15 weeks, thus preserving the right to get an abortion for more than three months, while at the same time avoiding what he called a serious jolt to the legal system.

All the justices in the majority were appointed by Republican presidents, the dissenters appointed by Democratic presidents. The court's three liberals, Justices Breyer, Kagan and Sotomayor, filed a lengthy joint dissent, saying that the court's ruling means that from the very moment of fertilization, a woman has no right to speak of. A state can force her to bring a pregnancy to term, even at the steepest personal and familial costs.

Young women today will come of age, they said, with fewer rights than their mothers and grandmothers. With sorrow for this court but more for many millions of American women who have today lost a fundamental right, we dissent.

The practical effect of today's decision is that abortion will not be available in large swaths of the country. And as University of Michigan law professor Leah Litman observes, the court's decision also opens the possibility of a national ban on abortions at some time in the future.

LEAH LITMAN: The next time the Republicans win control of the Senate and the White House and House of Representatives, a national abortion ban is going to be on the table.

TOTENBERG: Law professor Mary Ziegler, author of four books on the history of Abortion, notes that the Supreme Court is voraciously eating up its political capital.

MARY ZIEGLER: It's doing it in high-visibility issues, and it's doing it very quickly and unapologetically. And that's, of course, going to convince many Americans that the court is simply an unelected partisan institution, which is not something that most Americans are going to feel good about.

TOTENBERG: Indeed, Gallup just released a poll showing that the court's approval ratings have plummeted to a historic low of 25%.

Today's decision, including concurring and dissenting opinions, totaled 205 pages of writing and will be dissected for years to come. But some things are particularly notable. Justice Clarence Thomas wrote separately to say, in essence, that the court had not gone far enough. NYU law professor Melissa Murray.

MELISSA MURRAY: To my mind, the most surprising new information is really from Justice Thomas. He says that, yes, we're stopping at abortion today, but we should in the future take up the questions of, for example, the 2015 opinion that legalized same sex marriage, the 2003 opinion that made lawful same sex sexuality, the 1965 opinion that really is the rock of the right of privacy, which allowed for the use of contraception by married people.

*TOTENBERG: Though Justice Alito echoed some of those themes. Near the end of the opinion, he emphasized that today's decision was about abortion and no other right. For those who care about abortion, pro or con, that was enough.* Nina Totenberg, NPR News, Washington.