

# U.S. Supreme Court agrees to take up constitutionality of Mississippi abortion law

WASHINGTON (BP and local reports) – Pro-life advocates welcomed the U.S. Supreme Court's announcement May 17 that it would rule on the constitutionality of Mississippi's ban on abortions of unborn children whose gestational age is older than 15 weeks.

Mississippi's 2018 Gestational Age Act is one of many laws around the country enacted in recent years to establish prohibitions on abortion at certain stages of pregnancy and offer challenges to the Supreme Court's 1973 *Roe v. Wade* decision that legalized the procedure nationwide.

In their order, the justices said they would limit their ruling in *Dobbs v. Jackson Women's Health Organization* to whether all pre-viability prohibitions on elective abortions, like the Mississippi law, are unconstitutional.

Viability is generally accepted to mean the ability to survive outside the womb and is typically considered to be several weeks after the limit set by Mississippi's law, but medical and scientific advances in recent years have pushed back that threshold to an earlier age.

The defendants named in the lawsuit are Thomas Dobbs, State Health Officer at the Mississippi Department of Health, and Kenneth Cleveland, executive director of the Mississippi State Board of Medical Licensure. The plaintiff is Jackson Women's Health Organization, the state's sole abortion facility located on North State Street in Jackson.

Kenny Digby, executive director-treasurer of Mississippi Baptists' Christian Action Commission in Jackson, said the

entity is “thrilled and grateful” the Supreme Court has accepted the case. “Now, would we like to see *Roe v. Wade* overturned? Absolutely, because we believe life begins at conception,” Digby said in a telephone interview.

Regarding the 15-week ban, he said, “[I]n the world of politics, it’s not all or nothing and our goal and our view is whatever means less abortions instead of more abortions as we move toward the day when abortion is totally eliminated. That’s where we are.”

Elizabeth Graham, vice president of operations and life initiatives at the Southern Baptist Ethics & Religious Liberty Commission in Nashville, said the question is whether or not a child in the womb is indeed a preborn child and therefore the neighbor that Jesus describes in Matthew 22:36-40.

“As Christians, knowing the answer is not a reason to feel moral superiority, but to lament the abortion industry’s legal lies and to work to undo them,” she said. “This case could be instrumental toward that end.”

The White House signaled U.S. President Joe Biden’s continued support for the *Roe* ruling shortly after the high court’s order in the Mississippi case was announced. Press Secretary Jen Psaki told reporters Biden “is committed to codifying *Roe* regardless of... the outcome of this case.”

The Supreme Court order “is an ominous sign and an alarming reminder that the threat to the legal right to abortion is imminent and real,” said Christian LoBue, chief campaigns and advocacy officer for NARAL Pro-choice America. “If *Roe v. Wade* were to fall as a result of this case, states across the country are poised to ban abortion.”

Mississippi’s ban permits an exception for threats to the life or “substantial and irreversible impairment of a major bodily function” of the mother. It also allows an exception for a “severe fetal abnormality” that “is incompatible with life

outside the womb.”

U.S. District Judge Carlton Reeves in Jackson ordered a temporary injunction on Nov. 20, 2018, to halt enforcement of the law. The U.S. Court of Appeals for the Fifth Circuit in New Orleans affirmed Carlton’s injunction on Feb. 20, 2020.

The Supreme Court’s next term begins in October, and justices are expected to issue an opinion in the case before it adjourns in the summer of 2022.

According to the pro-abortion Guttmacher Institute in New York City, 2,550 abortions were performed in Mississippi in 2017, the latest year reported by the organization. That number represented .3% of all 2017 abortions in the U.S., the Institute said.

The U.S. abortion rate per 1,000 women of childbearing age (15-44) in 2017 was 13.5, while Mississippi’s rate was 4.3 for the same period of time, the Institute reported.