

## **US Supreme Court to review Mississippi Abortion Law**

### **Why in news?**

- The United States Supreme Court recently agreed to review a restrictive Mississippi law on abortion.
- The decision to review the law will give the Court's newly expanded conservative majority a chance to diminish the landmark verdict of 1973.

### **What was the Roe vs Wade verdict of 1973?**

- By 1910, every state in the US other than Kentucky had enacted laws criminalising abortion.
- The campaign against abortion in the US can be traced back to the early decades of the 19th century.
- In 1973, a Supreme Court justices ruled by a 7:3 vote that women had a constitutional right to abortion.
- The judgment was based on the 'right to privacy' clause mentioned in the US Constitution.
- The court held that the foetus is not a person and thereby does not have constitutional rights of its own.
- The court also set up a trimester system to regulate the right to abortion.
- [ Accordingly, a woman has absolute right to abortion in the first three months of pregnancy.
- In the second trimester, the state can make some regulations only to protect the health of the woman.
- Finally, the state could prohibit abortions in the third trimester.
- Its because, now, the foetus nears a point wherein it can live outside the womb.
- However, a woman in the third trimester can obtain abortion if doctors certify that it is required to save her life. ]

### **Why was the verdict significant?**

- The judgment struck down many federal and state laws.
- It also ignited an ongoing national debate on the right to abortion, the role of religious and moral views in the matters.

- The Roe vs Wade verdict reshaped American politics.
- For decades, the verdict came to split public opinion between abortion rights (pro-choice) and anti-abortion (pro-life) movements.

### **What is the Mississippi law?**

- In March 2018, the state of Mississippi passed the Gestational Age Act.
- This banned abortions after 15 months of pregnancy, the only exception being in case of medical emergencies.
- The law had two purposes:
  1. to restrict abortions
  2. to contest the Supreme Court precedent protecting abortion rights
- The Supreme Court has now agreed to hear the Dobbs vs Jackson Women's Health Organization that challenged the constitutionality of the Mississippi law.

### **What is the present condition in the states?**

- As per a 2019 report, 29 out of the 50 states in America is hostile towards abortion while 16 demonstrated support.
- Ever since the Roe vs Wade verdict, conservative states have consistently sought to restrict abortions.
- The 1973 judgment was upheld.
- But the states acquired the power to restrict abortions even during the first trimester.
- This became possible after the Planned Parenthood v Casey Supreme Court case in 1992.
- The court ruled that state laws must not put 'undue burden' on women seeking abortion.
- But it also recognised the state's interest in protecting the woman's health and foetal life.
- Consequently, many states put restrictions in place like the mandatory involvement of parents or the court in case a woman seeks abortion.
- Or, they extend waiting periods between the visit to an abortion clinic and the actual procedure.
- As a result, women in the US often have to travel across state borders and also pay higher to get an abortion.

### **What next?**

- With the appointment of Amy Coney Barrett, the Supreme Court now has

a 6-3 conservative majority.

- The Supreme Court, if overturns Roe vs Wade verdict, it would make abortion illegal.
- More importantly, states would have greater powers in regulating abortions and making their own rules.
- State-level politics will have a significant impact on the matter.

**Source: The Indian Express**

