

## It's all about life and death

Today the Supreme Court heard oral arguments in the Mississippi abortion law that placed a limit of fifteen weeks on terminations of pregnancies. Predictably, the U.S. Solicitor General (SG) Elizabeth Prelogar argued against it and just as predictably the Mississippi SG Scott Stewart argued to uphold it. There's nothing new about their advocacy positions. What is new is that the Supreme Court now has three relatively new strict constructionist justices (Gorsuch, Kavanaugh and Barrett) on the bench.

Both arguments were presented forcefully and prompted a number of probing questions from the nine 'Supremes' that touched on a number of issues: viability standard (for fetus survivability), states' rights, court politicization and court neutrality. While it's always difficult to handicap how the justices will come down on a given case, court followers and some in the media were quick to opine about the court's leanings. Within minutes after the close of oral arguments the Washington Post sent out an email that the court "...appears inclined to uphold Mississippi's 15-week abortion law, a move that would undermine *Roe v. Wade*."

How presumptuous! Talk about jumping the gun on a case that will probably consume the next 4-5 months of the court's time. Reading the tea leaves on how the court will rule on such a controversial case that could impact the half-century old *Roe vs. Wade* decision is pure guesswork, but it is one that reactionary Left-wing media outlets like WAPO happily indulge in. Why? Because they are beholden to pro-abortion rights groups and see themselves as supporters rather than objective news reporting organizations.

Ms. Prelogar was a fast talker and it was difficult at times to keep up with her bobbing and weaving between her argument for staying 'true' to *Roe vs. Wade* and the 50-year precedent the court's decision set for the taking of the lives of the unborn and the need to strike down the Mississippi law for daring to challenge the existing three trimester-long framework for abortions. She was well-prepared but was not above throwing all the legal spaghetti she could at the wall of the court to see what would stick.

Justice Kavanaugh was perhaps the most assertive one when it came to keeping the court out of politics and from legislating from the bench. He joined Justices Alito and Thomas whose questions probed the need to return such matters to the purview of the states which would set limits on the maximum amount of time that an abortion could take place. It's obvious that the Left fears a reversal of *Roe vs. Wade* which many legal scholars and even the now deceased Justice Ruth Bader Ginsburg called a flawed decision. Such a reversal, they believe, would destroy a "woman's right to choose" in its entirety.

This fear is real, but it may not be rooted in probability as 50 years and over 60 million abortions have become (unfortunately) a part of the American reproduction landscape and would likely continue in Blue states under a states' rights decision. The Left desperately wants to avoid the overarching issue which is: "should the Federal government be the arbiter of when or if a woman has an abortion or put more forcefully, "should the Federal government sanction the destruction of human life and determine a timeline for that destruction?"

Perhaps the most revealing comments came from Justice Sonia Sotomayor who quite openly asked the Mississippi SG, "How is your interest anything but a religious view?" Sotomayor also fought back against Justice Brett Kavanaugh's comments on precedent and she asked SG Stewart when the life of a woman and the risk she endures come into the calculus: "The state is saying to these women that we can choose to not only physically complicate your existence, put you at medical risk, make you poorer by the choice, because we believe...what?"

Either Sotomayor is blind to the notion that abortion is a life or death issue for all of society and not just those with strong religious convictions or she has already chosen the side of the secularists who believe that the unborn have few if any rights at all.

The magnitude and complexity of the abortion issue is a major challenge to all thinking people. We have learned much in the fifty plus years since the Roe and Casey decisions. But that knowledge has come at a high price - the loss of hundreds of thousands of *potential* lives of young Americans who will never breathe a single breath of freedom in a country that professes to protect all of its citizens.

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