

## **Claude summary of the *Dobbs* briefs**

**August 13, 2023**

The two briefs present opposing arguments regarding the constitutionality of Mississippi's Gestational Age Act, which prohibits abortions after 15 weeks of pregnancy.

The petitioner's brief, submitted by the state of Mississippi, argues that the Supreme Court should overturn *Roe v. Wade* and *Planned Parenthood v. Casey* and allow states to restrict abortions prior to viability. The brief contends that nothing in the Constitution protects a right to abortion. It criticizes *Roe* and *Casey* as egregiously wrong, unworkable, and outdated. The brief argues the Act is constitutional because it rationally furthers the state's interests in protecting unborn life, women's health, and the medical profession's integrity. The petitioner urges the Court to return the abortion issue to state legislatures.

In contrast, the respondent's brief, submitted by Jackson Women's Health Organization, argues that the Court should reaffirm *Roe* and *Casey*'s central principle that states cannot ban abortion prior to viability. The brief contends that the right to abortion is grounded in the 14th Amendment's protection of liberty and bodily autonomy. It defends the viability line as principled and workable. The brief argues there have been no changes legally or factually since *Casey* that justify abandoning viability as the line before which states cannot ban abortion. It warns that overturning *Roe* and *Casey* would severely damage individual liberty and women's equality. The respondent urges the Court to affirm the lower courts' judgment that the 15-week ban is unconstitutional.

Overall, I find the respondent's brief more persuasive. The brief provides a stronger argument that the right to abortion is protected by the Constitution's guarantees of liberty and privacy. It makes a compelling case that the viability line thoughtfully balances women's liberty interests with the state's interests, and that this standard has proven stable and workable over time. The brief also gives significant weight to reliance interests and the harms to women's autonomy, equality, and health if abortion is banned before viability. In contrast, the petitioner's brief does not engage as deeply with the complex individual rights at stake. The respondent offers a more convincing position.