



PASTOR TOOLKIT: ABORTION AND THE *DOBBS* DECISION

TOP LINES

- On June 24, the Supreme Court released its ruling in *Dobbs v. Jackson Women’s Health Organization*. In its decision, the Court overruled *Roe v. Wade* and held that there is no longer a federal constitutional right to procure an abortion. This removes the Court from the abortion debate and returns the question of abortion’s legality to the States, where citizens can now act through their state legislatures to form abortion policy through the democratic process.
- In the nearly 50 years since *Roe v. Wade* determined that the point of fetal viability was the compelling factor for the interest in potential life (then thought to range from 24 to 28 weeks gestational age), the medical community has made remarkable strides in recognizing the biological reality and humanity of a baby in the mother’s womb. Despite these advances, U.S. federal and state abortion policies have increasingly embraced expanded abortion and increased availability of late-term abortion.
- Six U.S. states plus the District of Columbia do not have any state-level restrictions on when an abortion can take place—meaning that fully formed babies can be killed in the womb until the point of birth. Liberals have attempted to expand this type of radicalism to the entire Nation through passage of the “Women’s Health Protection Act” (117th Congress) and similar state legislation.
- The U.S. is one of only six countries with laws permitting elective abortions throughout all nine months of pregnancy, making U.S. abortion laws more radical than the majority of the world and 94% of Europe. Even if abortion is made illegal after 15 weeks gestation, the Mississippi law at question in *Dobbs v. Jackson Women’s Health Organization* will still be more lax than the laws of France, Germany, Italy, and Greece.
- Just one in five Americans (21%) share the absolutist view of those calling for unrestricted abortion at any time in pregnancy, believing that abortion should be “legal in all cases.”

INTRODUCTION

In 1973, the Supreme Court held in *Roe v. Wade* that a woman had a constitutional right to abort an unborn child before fetal viability. This decision rested on the dubious, extra-constitutional reasoning that the 14th Amendment’s Due Process Clause contains a “right to privacy” for abortion decisions, which ultimately denied an unborn baby federal statutory protection.

In so doing, the Court removed the profound legal and moral question of abortion from the democratic process, resulting in 50 years of spiritual and emotional discontent among the American people. Nevertheless, history has shown that landmark Supreme Court decisions

can certainly be reversed. In 1896, *Plessy v. Ferguson* upheld the legality of segregation, but the Court corrected itself 58 years later in *Brown v. the Board of Education* when it overruled *Plessy* and ended racial segregation. Indeed, in our history, the Supreme Court has overturned past rulings more than 230 times.¹

As pro-life Americans, we must always be ready to stand up for our beliefs. The Dobbs decision returns the subject of abortion to state leaders, which presents a significant opportunity to reverse our Nation's radicalism. This toolkit aims to be a resource for pastors and others who want to offer convincing legal, scientific, and spiritual arguments in defense of the unborn.

POLLING DATA²

- 71% of Americans support legal limits on abortion, while only 17% of voters believe abortion should be allowed at any time during a pregnancy.
- 73% of voters agree that there are two lives to consider—the life of the woman and the life of the unborn child.
- 69% favor parental notification for pregnant teenagers versus only 24% who oppose it.
- 65% of Americans favor prohibiting abortions, with 46% strongly favoring, after the first trimester (12 weeks) of a pregnancy, compared to only 24% who oppose it.
- 65% of Americans think the abortion issue should be decided by voters and their elected representatives, compared to only 18% who prefer to leave it up to judges and courts.
- 58% of voters oppose taxpayer funding of abortion in the U.S. and 77% oppose the use of tax dollars to support international abortion.
- 38% agree that abortion should be illegal except in cases of rape, incest, or when the life of the mother is at risk.
- Just 21% of Americans share the absolutist view of those calling for unrestricted abortion at any time in pregnancy, believing that abortion should be “legal in all cases.”

SCRIPTURE'S TEACHING

“So God created man in His own image, in the image of God he created him; male and female he created them.” *Genesis 1:27*

“Behold, children are a heritage from the Lord, the fruit of the womb a reward. Like arrows in the hand of a warrior are the children of one's youth. Blessed is the man who fills his quiver with them!” *Psalms 127:3-5a*

“For you formed my inward parts; you knitted me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; my soul knows it very well. My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the earth. Your eyes saw my unformed substance; in your book were

¹ “Table of Supreme Court Decisions Overruled by Subsequent Decisions.” Constitution Annotated, <https://constitution.congress.gov/resources/decisions-overruled/>.

² Polling from Scott Rasmussen/RMG Research

written, every one of them, the days that were formed for me, when as yet there was none of them." *Psalm 139:13-16*

VALUES MESSAGING

- ❖ *What the Dobbs decision means.*
 - Overturning *Roe v. Wade* doesn't mean that abortion is illegal nationally—it simply returns the subject of abortion to state governments, allowing individual states to pass the laws which they choose through their elected representatives.
- ❖ *The United States currently has some of the most radical abortion laws in the world.*³
 - The U.S. is one of only six countries with laws permitting elective abortions during all nine months of pregnancy, meaning we have more liberal laws than the vast majority of the world.
 - U.S. law and current liberal proposals for more lenient abortion legislation align more with China, Vietnam, and North Korea—countries known for their atrocious human rights records and lack of respect for their citizens—than our allies in the West who better uphold the dignity of human life.
 - Even in largely secular Europe, 47 out of 50 countries have limits on abortion prior to 15 weeks.
 - Unfortunately, the Left believes in a position even more extreme than *Roe* and supports taxpayer-funded abortion-on-demand all the way up to the point of birth—and they are intent on advancing these policies in states across the Nation.
- ❖ *The Left is driving aggressive pro-abortion legislation at the federal and state level, which would further radicalize our Nation's laws.*
 - Maryland's General Assembly recently passed an abortion protection bill and overrode the veto of Gov. Larry Hogan on the "Abortion Care Access Act." This bill would require private insurance companies to fully cover abortions, making them free at the point of service—likely at the expense of higher premiums for everybody else, expanding Medicaid funding for abortion, spending over \$3 million in taxpayer funding for those who work in the abortion industry, and loosening the medical qualifications for those who are allowed to perform abortions.
 - Michigan Gov. Gretchen Whitmer has likewise filed a lawsuit asking the Michigan Supreme Court to "immediately resolve whether Michigan's Constitution protects the right to abortion" and asked the court "to recognize a constitutional right to an abortion under the Due Process Clause of the Michigan Constitution."
 - New Jersey Gov. Phil Murphy recently signed a bill codifying the right to abortion into New Jersey State law.
 - In April, Colorado Gov. Jared Polis signed into law the "Reproductive Health Equity Act," which establishes a "fundamental right" to abortion in Colorado all the way up to the point of birth. This act goes so far as to declare that unborn persons do "not have independent or derivative rights under the laws of the state."
 - The deceptively-named "Women's Health Protection Act" (117th U.S. Congress, 2021-2022) proposes federal codification of the "right to abortion" at any stage in a

³ Overton, Heidi. "Who Are the Real Abortion Radicals? A Comparative Perspective." America First Policy Institute, 12 June 2022, <https://americafirstpolicy.com/latest/20220612-who-are-the-real-abortion-radicals-a-comparative-perspective>.

pregnancy— even up to the point of birth—going far beyond *Roe v. Wade* and allowing practices that are indistinguishable from infanticide.

- President Joe Biden recently released a statement saying that “we need more pro-choice senators and a pro-choice majority in the House to adopt legislation that codifies Roe, which I will work to pass and sign into law.”

❖ *Modern science has helped illuminate the fact that life begins at conception.*⁴

- A baby in the womb is an independent life with its own unique DNA.
 - At only 4 weeks into the pregnancy, the baby has already developed a heartbeat.
 - At 6 weeks, the baby’s brain and nervous system begin to develop.
 - At 22 weeks, the baby is viable outside of the womb.
- Innovative medical advancements are increasing survival rates of extremely preterm infants
 - The latest data indicates 78.3% rate of survival to hospital discharge among infants born at 22-28 weeks gestational age
 - Doctors can now perform a wide range of surgical procedures on babies before birth, including minimally invasive surgeries to treat conditions as early as 16 weeks gestation—standards of viability

CALL TO ACTION

The pro-life movement stands for ALL lives at stake in this issue: the unborn child, the mother, and the father. The pro-life movement is driven by love and compassion, encouraging mothers to realize the humanity that exists within them. The pro-life movement is the real pro-woman movement because we offer women choices for their future such as foster care, adoption, and assistance to survive as a mother. The abortion industry offers only one choice: terminating the life of the unborn child. In our country, most abortions are not medical emergencies; they are performed for logistical reasons—financial hardship, loneliness, homelessness, lack of readiness to have a child, and more. By promoting abortion, society more easily dismisses the essential need to support women in overcoming these issues. But we should be hopeful, as we know that with the right support, many mothers are able to raise their children and overcome obstacles in their lives. Rather than asking women to have an abortion, we should be asking them how we can help them to have their baby.

Across the country, there are more than 2,700 volunteer-driven Pregnancy Resource Centers that provide counseling, mentorship, and medical services to women in need. These centers outnumber Planned Parenthood by a ratio of 4 to 1, and in some states, this ratio is as high as 14 to 1! Care Net, a pro-life non-profit, provides an invaluable online resource to help vulnerable women find the nearest Pregnancy Center based on their location, linked here: <https://resources.care-net.org/find-a-pregnancy-center/#lp-pom-block-120>.

As the pro-life movement comes increasingly under attack, we must remain diligent and persistent as liberals seek to advance late-term abortion access in states across the Nation. But above all, we must continue to embody the principles of our cause, offering love, support, and compassion to the most vulnerable as we stand unequivocally in defense of life.

⁴ Overton, Heidi. “Radical Abortion Policies Do Not ‘Follow The Science,’ Or The American Conscience.” The Daily Caller, 14 June 2022, <https://dailycaller.com/2022/06/14/opinion-radical-abortion-policies-do-not-follow-the-science-or-the-american-conscience-overton/>.