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“Sorry, no abortion here”:
the (un)intended impact of *Dobbs*

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As healthy mothers are essential to vigorous offspring, the physical well-being of women becomes an object of public interest and care. Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained even when like legislation is not necessary for men, and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother, and depends upon him.¹

It isn't often that moments in politics or history genuinely make someone stop in their tracks, hold their breath, and maybe feel a knot in their stomach. June 24, 2022 was one of those days for many people across the country. Sex, politics, and abortion are always heralded as topics to never be mentioned at the holiday dinner table. These topics have left politicians and sects of religions polarized by fiery debates, let alone the conservative uncle that we share a dinner table with. In two major decisions, the United States Supreme Court has taken stances on the question of abortion that had shocked millions of Americans. It was January 22, 1973 when the Court issued the opinion in *Roe v. Wade* and June 24, 2022 when the Court issued the opinion in *Dobbs v. Jackson Women's Health Organization*. For both sides of the debate, one of the days was one in which the Court made the wrong choice and one of the dates was one where the Court made the right choice.

The history of the debate over abortion in America is riveting, though is largely based on clashes found in religious circles². The amicus briefs submitted in favor of the petitioner come

¹ Muller v. Oregon, 208 U.S. 412 (1908)

² In her book *Moral Combat: How Sex Divided American Christians and Fractured American Politics*, author R. Marie Griffith, through episodic chapters that all pertain to topics related to sex, explores the ways in which a variety of debates were shaped by the influence of Christianity. Most striking in *Moral Combat* are the discussions pertaining to advances in reproductive freedoms for women i.e. the debates of contraception and abortions. Griffith does not shy away from thoroughly discussing the impact that many pro-choice Christians had in *initially* advancing these rights and providing safe-havens for women seeking vital care and spiritual guidance during challenging moments; however, she also does not shy away from making a distinct connection between the religious and the political. Further, Griffith's analysis takes on a more contemporary perspective as the epilogue is devoted, in part, to a discussion of religion as it pertains to the candidacy of Trump. Through this historical and political analysis of sex, Griffith reveals how our contemporary political landscape paved the way for a decision like *Dobbs* to come to fruition, while also highlighting the role that non-political institutions have played in the debate over abortion.

from predominantly religious institutions, further engaging within the debate over the role of religion in contemporary politics. Abortion restrictions are considered a “moral issue” as defined by the *Dobbs* bench, which further opens the door for religious advocacy within the political, something that had shaped the debate over abortion for decades previously. Writing in the opinion, Alito outlines the Court’s perception of the debate stating, “[a]bortion presents a profound moral issue on which Americans hold sharply conflicting views,” indicating a desire to decentralize the Court from the debate (*Dobbs v. Jackson Women’s Health Organization*, 2022). While this does not necessarily equate to the Court taking a firm stance on the question of abortion, the decision to grant certiorari in a case directly pertaining to abortion does reveal that, at least in some part, the Court did want to revisit the question, not just realigning the Court’s understanding of what *stare decisis* means.

It has now been nearly two years since the ruling in *Dobbs* and the impacts are starting to be felt from the lack of legal protection governing reproductive rights. Many lay people were shocked by the ruling in *Dobbs*, the outcry was felt in the form of protests and outrage in the media, but the attack on *Roe* had been premeditated, perfected over time, and well thought out. A conservative majority on the bench, polarized political climate, and a Mississippi state law combined together became the perfect opportunity to revisit the rulings in *Roe* and *Planned Parenthood v. Casey* (1992), the two cases that had stood as precedent and made many in the country feel safe and protected.

The Sixth Circuit Court in their “Connections: You, Your Courts, Your Democracy” civics engagement project defines a landmark ruling as the following:

Landmark decisions establish a significant new legal principle or concept or otherwise that substantially changes the interpretation of existing law. Such a decision may settle the law in more than one way:

- distinguishing a new principle that refines a prior principle, thus departing from prior practice without violating the rule of *stare decisis*;
- establishing a “test” or a measurable standard that can be applied by courts in future decisions

This accessible definition helps to characterize the gravity of *Roe*, *Casey*, and now *Dobbs*, though does raise a question regarding how it was possible for *Dobbs* to come down as a ruling when *Roe* and *Casey* were established as precedent: if we are to believe in *stare decisis* as a legal principle that influences the way the Court rules, what happened here? The American Bar Association defines *stare decisis* as “a Latin term that means ‘let the decision stand’ or ‘to stand by things decided’—[this] is a foundational concept in the American legal system. To put it simply, *stare decisis* holds that courts and judges should honor ‘precedent’—or the decisions, rulings, and opinions from prior cases. Respect for precedents gives the law consistency and makes interpretations of the law more predictable—and less seemingly random”.³ It’s seemingly contradictory that the Court would ignore the precedent set out decades prior.

Anti-abortion activists, lawyers, and politicians have been waiting for the perfect opportunity to take on *stare decisis* and both *Roe* and *Casey* have had it coming for a while now. Many pro-choice advocates will be quick to admit the shoddy work that had taken place in the *Roe*⁴ ruling that later *Casey*⁵ was built upon. The bench in 1973 and 1992 took rather drastic

³ American Bar Association (“Understanding Stare Decisis” 2022)

⁴ Notably, John Hart Ely’s *The Wages of Crying Wolf: A Comment on Roe v. Wade* from the Yale Law Journal which was published in 1973 reveals a contemporaneous view of *Roe* as it was issued. Professor Ely is not shy in his criticism of *Roe*, his concern in the decision mimics that of what the *Dobbs* bench outlines in the majority opinion, though ultimately coming to the conclusion that “essentially all the Court can do is honor the value preferences it sees fit, and it should be graded according to the judgment and skill with which it does”.

⁵ Current Judge of the Georgia Court of Appeals wrote in Mercer Law Review as a law student regarding the challenging nature of the “undue burden” standard that characterizes the *Casey* decision. In her article, Planned Parenthood of Se. Pa. v. Casey: Adopting The Unduly Burdensome Standard, 44 Mercer L. Rev. 717 (1993), Doyle asserts that “[a]doption of the undue burdensome standard, while attempting to resolve the problems in application of *Roe*, only will result in creating new conflicts of its own” which parallels the dissent in *Casey* and majority opinion in *Dobbs*.

leaps in their judicial activism, which is now being pushed back against in the form of *Dobbs*. While one could argue that, at the time, the *Roe* ruling was a critical step in the right direction, the rebuttal is that despite the necessity of the ruling, it wasn't executed well enough to stand the test of time, especially for something as controversial as abortion. The decision in *Dobbs*, for this reason, is an especially unique case. Not only did the Court overrule two landmark, precedent establishing cases, the Court further laid out a dissection of *stare decisis* as a legal principle that requires further examination.

The impact of *Dobbs* on the conceptualization of precedent cannot be understated. While comforting Americans about the boundaries of the decision (meaning that other landmark decisions governing birth control, same-sex marriage, and sexual conduct with same sex partners would stand as precedent), the Court laid out a new framework for understanding *stare decisis* and its application representing a departure from the years of judicial activism that had been in place. Further, it's important to note that despite the Court's assertion that they are correcting an egregious judicial error from the past, these opinions authored by the Court aren't just neologisms written on a page in a specific format, *they have an effect on people*.

As it will be demonstrated in a thorough analysis of the majority opinion authored by Justice Samuel Alito, the Court had sufficient *legal* reasons to revisit *Roe* in the form of *Dobbs*, but this form of scholarship on its own falls flat. Rather than exclusively focusing on the implications of *Dobbs* for future lawyers, Justices, and legal scholars, it's essential to also understand how the jarring ruling has also impacted the attitudes of Americans in their levels of support for abortion access as well as their trust in the institution of the Supreme Court. Though they succeeded in curtailing the ability to receive reproductive healthcare, the Court likely didn't

expect that their ruling would result in an increase in the level of support for abortion access and a greater distrust of the bench.

In many ways, the overruling of *Roe* and *Casey* has led to profound consequences, some intended and some unintended. Curiously, the consequences of *Dobbs* have come out of the woodwork much quicker than that of *Roe*. It took many legal scholars, lawyers, and pro-life advocates several years to come up with a retort to the ruling, hence the nineteen year gap between *Roe* and *Casey*'s clarifying ruling, but that isn't the case post-*Dobbs*. While there is still a great deal of obscurity regarding the consequences of *Dobbs*, there are three nearly immediate impacts worth considering. Firstly, the autopsy of *stare decisis*, which was intended by the Court as is made clear in reading the majority opinion. The unintended, however, comes in the form of the reactionary measures taken by the American public post-*Dobbs*. Though the Court may have been playing a game of chess by using *Dobbs* as a case to reaffirm the rule of law, it doesn't seem like they anticipated the American public's response to be a checkmate.

Judicial Policymaking & Precedent in a Post-*Dobbs* America

The most redeeming aspect of the *Dobbs* decision is the clarity of the writing in the opinion. Justice Alito is a notoriously talented, yet succinct writer, who spells out the Court's ruling in an accessible way. As all USSC opinions do, *Dobbs* begins with a discussion of the choice of the Court to grant certiorari. The Mississippi Gestational Act held that "[e]xcept in a medical emergency or in the case of a severe fetal abnormality, a person shall not intentionally or knowingly perform . . . or induce an abortion of an unborn human being if the probable gestational age of the unborn human being has been determined to be greater than fifteen (15)

weeks.” Miss. Code Ann. §41–41–191 which directly challenges the trimester based system for determining fetal viability that was outlined in *Roe* and *Casey*.

Alito offers a variety of legal justifications for the readdressing the questions presented in *Roe* and *Casey*, including: the standard that the “Court’s cases have used to determine whether the Fourteenth Amendment’s reference to ‘liberty’ protects a particular right...whether the right to obtain an abortion is rooted in the Nation’s history...whether a right to obtain an abortion is part of a broader entrenched right that is supported by other precedents” (*Dobbs v. Jackson Women’s Health Organization*, 2022). In tackling two of the three prongs of the legal justification in favor of *Dobbs*, Alito admits that “[t]he underlying theory on which *Casey* rested—that the Fourteenth Amendment’s Due Process Clause provides substantive, as well as procedural, protection for “liberty”—has long been controversial.” (*Dobbs v. Jackson Women’s Health Organization*, 2022). This controversy was likely to come to an end with the bench’s conservative and restrictive majority that has characterized this particular bench from the beginning.

Following the legacy of late Justice Antonin Scalia, textualism⁶, as is practiced by this bench, does represent a departure from the judicial activism that was practiced during the times of *Roe* and *Casey*, which is clearly admonished in the opinion. Alito affirms this current majority’s stance on the previously held judicial activism⁷ by stating “[i]n interpreting what is

⁶ Please refer to Columbia Law Review Article *Textualism’s Defining Moment* written by Professors William N. Eskridge, Jr., Brian G. Slocum, and Kevin Tobia for a nuanced discussion regarding the legacy of textualism as the most accepted form of judicial analysis by the bench, despite some of the deviation from textualism that this current bench has enacted.

⁷ The debate over accepted forms of jurisprudence and judicial analysis long characterized the Academy and many law review journals. For a definitional and critical analysis of judicial activism in particular, please refer to Professor Emeritus Arthur D. Hellman’s article in the Mississippi College Law Review, *Judicial Activism: The Good, the Bad, and the Ugly*. Quoting former Chief Judge Charles Clark of the Fifth Circuit, Hellman stretches the question of judicial activism back to the common law tradition of courts of law engaging in moral persuasion “through the forceful, articulate declaration and justification of legal principle.”

meant by ‘liberty,’ the Court must guard against the natural human tendency to confuse what the Fourteenth Amendment protects with the Court’s own ardent views about the liberty that Americans should enjoy.” (*Dobbs v. Jackson Women’s Health Organization*, 2022). Like a well researched paper for graduate school, Alito combs through the history of abortion in America to affirm the Court’s view that the right to obtain an abortion is not rooted in the historiography of reproductive rights and that the Fourteenth Amendment's reference to liberty does not extend to *this* particular right.

Central to the Court’s opinion is the notion that unlike other decisions that confer a right to privacy in a variety of circumstances, like *Obergefell v. Hodges* (same-sex marriage), *Eisenstadt v. Baird* (contraception), *Griswold v. Connecticut* (contraception), or *Lawrence v. Texas* (sexual conduct with a member of the same sex), do not center around “the critical moral question posed by abortion. They are therefore inapposite. They do not support the right to obtain an abortion, and by the same token, our conclusion that the Constitution does not confer such a right does not undermine them in any way.” (*Dobbs v. Jackson Women’s Health Organization*, 2022). In this way, Alito underscores one of the prongs of the legal justification behind *Dobbs*, singling abortion out as not being part of a broader entrenched right that is supported by other precedents while simultaneously reassuring the public that the reversal of *Roe* will not lead to challenges to same-sex marriage and contraception. The Court concluded that the right to an abortion cannot be justified through the preservation of a right to privacy as established in the cases utilized in *Roe* and *Casey* through utilizing the same argument that was presented in the earlier cases. Alito states, “[a]bortion is different because it destroys what *Roe* termed ‘potential life’ and what the law challenged in this case calls an ‘unborn human being.’” (*Dobbs v. Jackson Women’s Health Organization*, 2022) The moral question of abortion, though

not explicitly in question in *Dobbs*, does remain a crucial factor in the determination to hear a challenge to *Roe* and *Casey* as the Court finds it necessary for this question to play out in the legislature. In a way, Alito is attempting to quell some of the worries that would inevitably arise from the reversal of *Roe*, though as later discussed, it seems as though not all implications would be fully considered.

While much of the *Dobbs* decision is written to directly outline the notion that the right to an abortion is not articulated in the Constitution, and any interpretation of the Constitution does not result in conferring this right, the majority opinion does also reveal a new way to understand precedent as a concept. Alito reminds readers that “adherence to precedent is not an inexorable command” which may be a departure from how many have understood precedent to function (*Dobbs v. Jackson Women’s Health Organization*, 2022). In total there are 235 cases that have been overturned in the history of the Supreme Court⁸ which doesn’t necessarily make *Dobbs* an anomaly, though the other cases don’t contain nearly as critical of an autopsy of the role of the Court as *Dobbs* does. Alito lays out five critical reasons weighing in favor of overruling *Roe* and *Casey* that link together to create new specifications of consideration for precedent: “the nature of their error, the quality of their reasoning, the “workability” of the rules they imposed on the country, their disruptive effect on other areas of the law, and the absence of concrete reliance.” (*Dobbs v. Jackson Women’s Health Organization*, 2022).

“The nature of their error” is a rather ominous way to contextualize the ruling in *Roe*, though it does not prevent Alito from utilizing it as the first justification for overturning precedent. Comparing *Roe* to the infamous *Plessy v. Ferguson* case, the majority argues that *Roe* was egregious and deeply damaging as its constitutional analysis extended beyond the scope of

⁸ The Library of Congress has a web page titled “Constitution Annotated” designed to present engaging, yet accessible material regarding the Constitution and the Supreme Court has an entity, including a table of all overturned Supreme Court decisions. <https://constitution.congress.gov/resources/decisions-overruled/>

reasonable interpretations of the constitution, affirming a return to originalism. In the eyes of the Court, the error made in the *Plessy* ruling was equally as damaging to the democratic process as *Roe* as both decisions wielded raw judicial power that “usurped the power to address a question of profound moral and social importance that the Constitution unequivocally leaves for the people.” (*Dobbs v. Jackson Women’s Health Organization*, 2022) It is rather bold to make the *Plessy* and *Roe* comparison, as it seems like apples and oranges, and as insensitive as it may be to compare the question of slavery to reproductive freedom, Alito’s opinion makes it clear that such egregious errors require correction in the future that justifies overturning landmark precedent.

Alongside the nature of the error committed by the *Roe* and Casey benches, Alito sheds doubt on the quality of the reasoning behind the landmark cases. The opinion states that *Roe* “stood on exceptionally weak grounds. *Roe* found that the Constitution implicitly conferred a right to obtain an abortion, but it failed to ground its decision in text, history, or precedent.” (*Dobbs v. Jackson Women’s Health Organization*, 2022) The 2022 majority found that the historical narrative presented in *Roe*’s opinion was erroneous that focused on unrelated matters that didn’t pertain to the Constitution; it didn’t utilize appropriate precedents that impacted the root of the Constitutional question in play; and the Court set out a list of rules governing the limitations to a right to abortion without grounding these rules in precedent. The *Roe* opinion is, in part, grounded in a historical narrative reliant upon 19th century American law regarding “quickenings”, that resulted in “a [woman’s] substantially broader right to terminate a pregnancy than she does in most States today.” (*Roe v. Wade*, 1973) Unfortunately the connections that the *Roe* bench laid out were insufficient, they led to a list of rules governing abortion access limitations that the *Dobbs* bench found trouble with.

According to the *Dobbs* justices, the “scheme” outlined in *Roe* was a judicial overstep given the resemblance the policy had to legislation. What underscores the Court’s issue with the guidelines outlined by the *Roe* bench was the reliance upon the determination of fetal viability which Alito argues is more compelling as a legislative issue than it is one for the Court. Cited by Alito in the *Dobbs* opinion is a portion of the plurality opinion from *Webster v. Reproductive Health Services*, 492 U.S. 490, 519 (1989) wherein the Court asks for the following consideration: “The definition of a ‘viable’ fetus is one that is capable of surviving outside the womb, but why is this the point at which the State’s interest becomes compelling? If, as *Roe* held, a State’s interest in protecting prenatal life is compelling “after viability,” 410 U. S., at 163, why isn’t that interest ‘equally compelling before viability’?” This highlights the central problem regarding the quality of the reasoning. The current bench was not compelled by the question of viability, nor were they compelled by the historical analysis conducted by the *Roe* bench previously. Taken together, these two points set forth a new, and more explicit, form of consideration necessary to ensure that the Court’s position remains within the boundaries of what falls within their purview. So far, the Court, through eviscerating the historical analysis and viability framework outlined in *Roe*, has demonstrated that the role of the Court must be tethered to an textualist interpretation of liberty that cannot be extended to moral questions. Precedent, in the eyes of the *Dobbs* bench, relies not only on former Court decisions that can only be applied within a limited scope, but also on the historical legacy of the nation.

Workability, or the lack thereof, is also a criteria that this Court outlines as a necessary consideration when overruling former precedent. Both *Roe* and *Casey* relied upon the argument that no person seeking an abortion should face any undue burden in attempting to receive intervention. Utilizing the dissent authored in *Casey* by Justice Scalia, the *Dobbs* bench took

issue with the ambiguity of what an “undue” burden is, arguing that “whether a particular obstacle qualifies as *substantia* is often open to reasonable debate... huge burdens are plainly substantial and trivial ones are not, but in between these extremes, there is a wide gray area” (*Dobbs v. Jackson Women’s Health Organization*, 2022). The majority opinion in *Roe* did indeed leave the question of “undue burden” to interpretation, though this was rooted in the historical legacy of quickening termination, wherein women in the 19th century were often forced to travel beyond state lines to receive treatment. Future cases, such as those that would build on requiring consent for termination from an embryo’s biological father to laws allowing minors to proceed with termination without parental consent, utilized the framework of undue burden in order to advance vital aims in protecting reproductive rights. Unfortunately, the muddiness of this standard reflects a barrier to the Constitutionality of the right to abortion, giving the *Dobbs* bench enough pause to reconsider the ability of the *Roe* precedent to stand.

Further criteria for consideration of reversing precedent is the impact that a case has on other areas of the law, which in the case of *Dobbs*, has led to a “distortion” of important legal doctrines. Alito argues that *Roe* and subsequent Court cases discussing abortion have led to a dilution of the strict standard that is usually upheld in constitutional challenges and a distortion of First Amendment doctrines pertaining to free speech⁹. Alito argues, in relationship to the distortion of the First Amendment, that *Roe*’s legalization of abortion “require[s] courts to engineer exceptions to longstanding background rules, [meaning] the doctrine “has failed to deliver the ‘principled and intelligible’ development of the law that *stare decisis* purports to secure” (*Dobbs v. Jackson Women’s Health Organization*, 2022). This rationale, however, was a

⁹ Referencing the 2000 case *Hill v. Colorado* 530 U. S. 703 which upheld a Colorado law that restricted individuals from being within 100 feet of a healthcare facility and distributing leaflets, protesting, or displaying signage. This is a common practice outside of reproductive health care centers that allow access to abortions in an attempt to convince those who enter to follow through with pregnancy

troubling addition to the opinion that Alito authored given the longstanding history of restrictions on freedom of speech due to time, place, and manner, a doctrine that originated in 1965 in *Cox v. Louisiana*, 379 U.S. 536. No case, other than *Hill v. Colorado*, is referenced in the footnotes of the opinion to try to argue these engineered exceptions to longstanding background rules despite *Hill* adhering to former precedent as well as satisfying the *stare decisis* requirements that *Dobbs* allegedly failed (the nature of error, quality of reasoning, “workability”, effect on other areas of law, and concrete reliance). *Roe* and *Casey* certainly marked a change in the Court’s involvement in socio political matters, though Alito’s argument that these decisions distorted understanding of First Amendment protections to free speech grossly oversimplified the legal reasoning in the opinions. The subtle and implicit biases of the *Dobbs* bench tend to be well masked throughout the opinion, but Alito’s section on the effect on the law that *Roe* and *Casey* had reveal the slight disdain for the decisions.

The final justification provided for overturning *Roe* and *Casey*, which outlines future considerations of precedent, was the lack of concrete reliance interests. The Court has previously defined reliance interests in tangible terms as they relate to property and contracts, however, this definition was shifted especially during the expansion of civil rights and civil liberties throughout the 1950s-1970s. Professor Rachel Bayefsky from the University of Virginia Law School published her article *Tangibility and Tainted Reliance in Dobbs* in the Harvard Law Review Forum, explaining the role that reliance interest holds in abortion cases. Bayefsky asserts that “a ‘more intangible form of reliance’ — consisting of expectations about women’s status in society and the structure of personal relationships — does not fall within the judicial power to assess; therefore, the Supreme Court did not credit this form of reliance” (Bayefsky 2023). Part of the justification of less tangible reliance interests in *Roe* and *Casey* was the presumption that

traditional reliance interests could not be implicated in cases regarding abortion given the unplanned nature of abortion procedures. *Casey*, in particular, emphasized that “people [had] organized intimate relationships and made choices that define their views of themselves and their places in society . . . in reliance on the availability of abortion in the event that contraception should fail” and that “[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives” (*Planned Parenthood of Southeastern Pennsylvania v. Casey*, 1992). The *Dobbs* bench did not agree with the assessment of reliance interests that were outlined in former precedent establishing cases, which usually pertain to property and contract rights, thus finding the intangible reliance interests to be equivalent to an absence of them. Yet again, the textualist perspective of this current bench clashes with the form of jurisprudence practiced by the *Roe* and *Casey* majorities with these justifications leading to sufficient grounds to overrule two landmark cases.

These traditional *stare decisis* factors were the focus of the Court’s opinion, designed to cast doubt upon the legitimacy of the arguments made in *Roe* and *Casey*. Unlike other Court decisions, *Dobbs* not only aided in accomplishing the task of reducing abortion restrictions, which aligns with the personal politics of many sitting Justices, but it also allowed the Court to reflect upon its own role. Within their analysis of the *Roe* and *Casey* arguments, the Court revealed a greater deference to the role of the legislature, more so than other iterations of the bench have in the past. While many legal scholars and observers of the Court had predicted this shift prior to *Dobbs*, a case pertaining to abortion was the perfect opportunity to realign the Court with a policy of textualism that feels like a direct dig at any other form of jurisprudence, though it also heeds a warning to any future cases that may end up in the Court. Given the outlined factors for *stare decisis* considerations in the future, the nature of error, quality of reasoning,

“workability”, effect on other areas of law, and concrete reliance must all be in line with the specifications outlined in *Dobbs*. The lack of affection for the historical analysis and interpretation of liberty found in *Roe* as well as the shift in composition of reliance interests found in *Casey* don’t sit right with this current bench, despite them having stood the test of time in the prior decades. This subjective analysis from the *Dobbs* bench, however, was not the only factor for consideration in overturning *Roe* or *Casey*.

Though shocking, the final consideration aside from the originalist *stare decisis* factors in overturning the landmark decisions was something touched upon in the *Casey* plurality opinion: *what would the American people think?* In the eyes of the *Dobbs* bench, “The American people’s belief in the rule of law would be shaken if they lost respect for this Court as an institution that decides important cases based on principle, not ‘social and political pressures’” (*Dobbs v. Jackson Women’s Health Organization*, 2022). Utilizing this argument, the Court reveals what they view to be the way the American public perceives the bench, an institution of historical legacy and originalism, not a safe haven for those seeking remedies, expanded rights, or even recognition under the law. For many marginalized groups, the Supreme Court has been the quickest and most effective way of expanding rights and protections. The Civil Rights Era, was in large part, based on a thorough and transformative legal battle that played out in the Court that was rooted in expanding legislation beyond the scope of what it had originally laid out. Litigators such as Thurgood Marshall in the expansion of Civil Rights for black Americans or Ruth Bader Ginsburg in fighting for gender to become a protected class were championed as legal heroes for the courage and tact behind their litigation strategies, even if some of those cases broke the mold of what Supreme Court cases usually look like. In *Dobbs* the Court asserts that the legislature is the key to ensuring that abortion is protected in a democratic way, where representatives that are

voted into power are able to enact legislation that reflects the views of their constituents, but will this hold up?

With the Supreme Court having agency to make decisions on when they grant certiorari, it becomes rather clear that *Dobbs* was explicitly selected as a case to be heard in order to advance the political policy of this current bench. Not only did the majority wish to make clear that a right to abortion is not guaranteed, but they further defined a rigid, textualist consideration of precedent that will make future cases seeking to expand reproductive rights rather limited within the Court. If a concern of the Court was the way in which Americans would value, or in this case question the value, of the rule of law, the Court picked the wrong case. Despite the desire of this bench to create clarity on *stare decisis* and the role of the Court, the backlash amid the overturning of *Roe* and *Casey* represents a disconnect between the intent of the bench and the interpretation of the decision on behalf of the American people. This argument, however, is not one that relies upon scholarly literature, it's grounded in empirical evidence.

An Empirical Look into the Impact of *Dobbs*

The responses to the ruling in *Roe* have been studied in the social sciences given the dramatic shift that took place politically in the 1970s and 1980s with the Moral Majority entering the political fold shaping the reactions to the Culture Wars. Even if not immediate, the *Roe* decision allowed an interfaith coalition to gather in opposition to the decision and the aftermath of this is still felt today. The effects of *Dobbs*, however, are still unfolding. Contemporaneously with this project, a new case is arising from the Alabama Supreme Court where the bench ruled that embryos created through in vitro fertilization have personhood, therefore any destroyed

embryos could be prosecuted under the Wrongful Death of a Minor Act¹⁰. *James LePage, et al. v. The Center for Reproductive Medicine and Mobile Infirmary Association* is the horrific reality of the post-*Dobbs* world that is allowing these decisions to live up to judicial scrutiny, especially in conservative states that have always pushed against *Roe*. Three of the largest fertility clinics in Alabama have shut down since February 2024 fearing lawsuits and persecution that may arise from the destruction of embryos.¹¹

While it might seem that the impact *Dobbs* would have on fertility treatments was unintended while issuing the opinion, legal scholars and writers saw this possibility well before the ruling. Published in 2019 was the fourth edition of the legal textbook *The Constitutional and Legal Rights of Women* that frequently appears in many law school classrooms or undergraduate political science seminar courses. A useful quality of the textbook is the detailed analysis of foundational cases that ends with important questions for consideration to test a reader's understanding of the decision. Following the *Roe* case brief, the authors ask readers to consider the following: "Doctors are already able to implant embryos conceived in a petri dish into the womb of someone not the genetic mother. Should states be allowed to mandate that 'extras' of such embryos may not be destroyed?" (Goldstein et al., 2019). Legal scholars didn't need a crystal ball to look at the devastating impacts that the lack of *Roe* protections would result in. These are *foreseen* complications that the Court should have considered when ruling in *Dobbs* as it was the *application* of *Roe* that made the decision a vital one.

¹⁰ Please see Joshua Sharfstein's article *The Alabama Supreme Court's Ruling on Frozen Embryos* in the Johns Hopkins School of Public Health Periodical for more details

¹¹ Please refer to Kim Bellware and Maham Javaid's article in the Washington Post *Third Ala. IVF clinic halts operation after state high court ruling* for more information

Alabama isn't the only state that is currently finding itself in the middle of a contentious debate regarding a post-*Dobbs* abortion issue¹². Idaho has been thrown into center stage as a new battleground over the fight against abortion. Oral arguments were heard in the *Idaho and Moyle, et al. v. United States* case on April 24, 2024. At issue here is whether the Emergency Medical Treatment and Labor Act, which requires hospitals to stabilize patients in medical emergencies before transferring to other hospitals or before discharging, which does include emergency abortion procedures¹³. This process is at odds with Idaho's incredibly restrictive abortion permissions that allow for few exceptions. The oral arguments were divisive, with the Justices equally grilling the attorney for Idaho as well as the Solicitor General. What was shocking, however, was the way in which a few of the Justices reacted. Justice Amy Coney Barrett, in particular, joined Justices Kagan, Sotomayor, and Jackson in expressing disbelief over the language of the Idaho statute prohibiting abortion in circumstances that would have an impact on the health¹⁴ of a woman. Unfortunately a majority opinion in the Idaho case is not to be expected for several months, though it will certainly contribute to our understanding of the consequences of the ruling in *Dobbs* when it does come down from the bench.

¹² While not central to understanding the consequences of the *Dobbs* ruling, the role of the lower courts in pushing through these cases is an important component of understanding how these challenges came to be. To understand the role of these lower courts, please refer to University of Illinois at Chicago professor Kevin Lyles' book *The Gatekeepers: Federal District Courts in the Political Process*. The American Bar Association has frequently referred to this text in amicus briefs submitted to the Court, but there is also a clarity with which Professor Lyles writes that highlights how presidentially appointed district court judges serve to enact political policy through their judicial seats.

¹³ The ACLU keeps up to date information regarding this case, given their involvement in submitting *amicus* briefs in conjunction with Cooley LLP, a well known litigation firm. For continued information regarding the status of this case, please reference the following website <https://www.aclu.org/cases/idaho-and-moyle-et-al-v-united-states>

¹⁴ It is important to distinguish here the question of health and life. Justice Kagan, in particular, questioned the attorney from Idaho with a variety of true hypothetical scenarios to see if Idaho would be in compliance with EMTALA's accepted standard of care, which would be to perform a termination of pregnancy, though the life of the woman would not be immediately in danger. Justice Kagan wished to make the distinction that *health* is an equally important consideration for following EMTALA protocol as in some tragic circumstances, women who do not receive abortions are likely to suffer from complications with their renal functions, their hearts, and other organs controlling fertility such as the uterus which has transpired in states like Florida, Texas, Mississippi, and Idaho when women do not receive appropriate medical care in a timely fashion. During her grilling of the Idaho attorney, Justice Kagan states "Idaho says, 'Sorry, no abortion here' and the result is that these patients are now helicoptered out of state," reflecting the gravity of confusion and disappointment Justice Kagan finds in Idaho's practices.

It is important to distinguish, however, the difference in reaction to *Dobbs* of the state legislatures and judiciaries versus the general public. While most literature in the field does point to a contentious debate over abortion, the question of personhood, and when life begins, most Americans support access to abortion to some extent. This polarization, and the outcry to the *Dobbs* ruling, will be felt in the polls in a move to elect leaders who will either solidify a right to abortion or leaders who will reinforce the ruling made by the Court through further limiting laws. Given the upcoming election cycle, one that remains contentious due to extant forces, it is worth investigating how Americans have been reacting to the *Dobbs* decision to monitor social attitudes towards abortion support. The U.S. Supreme Court has clearly taken the stance that it is up to individual states to determine the right to abortion access, therefore understanding social attitudes is imperative to gauge where this debate is heading.

In question within the second part of this project is whether the *Dobbs* decision has increased support for abortion access among Americans and how attitudes have changed toward the Supreme Court as an institution. At the outset it is important to note that attitude changes toward abortion are difficult to achieve and they take a significant amount of time. Many of the subsequent challenges to *Roe* took years to come through the courts, *Casey* was presented 19 years after *Roe*, though still addressed many of the same questions brought up nearly two decades earlier. Much like a religious or political affiliation, a stance on abortion is usually something incredibly rigid. The *Dobbs* decision, however, has implications that stretch far beyond abortion access as we see currently playing out in Alabama. *Dobbs* impacts women seeking abortive procedures that are medically necessary in states like Texas and Missouri, women seeking IVF in states like Alabama, so this study presumes that Americans will take note of these potentially devastating implications. Further, this study presumes *Dobbs* may cause

attitudinal shifts and discusses an experiment conducted utilizing the National Opinion Research Center's 2021 and 2022 General Social Survey data to test whether the *Dobbs* ruling altered attitudes toward abortion support and the Supreme Court.

As much as the Supreme Court declares to be an apolitical institution, recent years of intense polarization have brought the Court into the center of political discourse. Alongside this, the rise in popularity of white Christian Nationalism and Christian Libertarianism, has resulted in the resurgence of a call to traditional values. This political movement of the Christian Right has threatened issues like abortion access, contraceptive access, trans rights, and immigration rights, all of which have battles that played out, or will play out, in the Courts. The Supreme Court of today seems like it has an agenda and with the shock value of the *Dobbs* decision to Americans and the international community, logic would hold that some attitudinal shifts would take place.

There is no hiding the outrage that many have felt over *Dobbs*. It's especially hard to argue in favor of the impact of the decision when, on average, most Americans support some level of abortion access. According to a Gallup poll run in May 2023, among Americans "34% believe abortion should be legal "under any circumstances," 51% say it should be legal "only under certain circumstances," and 13% say it should be *illegal* in all circumstances." (Gallup 2023). With this backlash, an immediate reaction is that in the fall-out of *Dobbs*, more Americans will hear about the devastating impacts that a decision like this has on women's healthcare and lives, thus leading to a reactionary change in level of abortion support.

Understandably, most individuals' stance on abortion is crystalized either through their religious and ethical beliefs or their partisanship, so at the outset expectations for change in stances on abortion must be tempered. While some change is expected, the coefficients for change will likely be on the lower end. This does not necessarily imply a failure of the

alternative hypothesis, especially when considering how challenging it is to convince someone to change their stance on abortion or party affiliation. A more mild correlation that is statistically significant will maintain large implications that are worth investigating. The reaction of the American public to *Roe* took years to play out with the intensity of these reactions being felt many years after the decision. Much like the obscurity surrounding the reaction to *Roe* shortly following the decision, *Dobbs*' impacts are in the early stages of unfolding. As it pertains to the level of trust in the Supreme Court, one only needs to return to the Gallup poll statistics to realize how contrarian *Dobbs* is to the sentiment of the American people. Coupled with what is taking place in Alabama and Texas, it would stand to reason that Americans are, to a great extent, rather disillusioned with the stance the Court opted to take.

Writing for the American Bar Association in *One Year Later: Dobbs v. Jackson Women's Health Organization in Global Context*, authors Risa E. Kaufman and Katy Mayall take a qualitative look at the global implications of the decision. Notably, Kaufman and Mayall mention that "abortion bans and restrictions disproportionately impact communities already facing barriers to health care, including Black, Indigenous, and other people of color, people living on low incomes and in poverty, people who are disabled, undocumented people, people in rural areas, and young people. In states where abortion remains legal, available resources are strained, clinic appointments are taking longer to schedule, and patients must travel longer distances and incur greater expenses for transportation, childcare, and lodging." (Kaufman and Mayall, 2023). These were *foreseen* repercussions of the decision and while many pro-choice activists have pointed to the disparity in impact of restrictions of abortions, it's worth mentioning as something to keep in mind. Kaufman and Mayall aren't necessarily addressing a gap in the literature with

their assertion, but the emphasis on this point does underscore a vital ramification of *Dobbs* that maybe the Supreme Court bench didn't consider.

It's also worth noting, as Kaufman and Mayall point out, that *Dobbs* has turned some heads in the international community. The authors assert that "human rights experts and the global community have widely condemned the *Dobbs* decision and its discriminatory impacts on marginalized communities" (Kaufman and Mayall, 2023). Evidently, this decision has placed the United States' stance on abortion under the microscope within the international community, but Kaufman and Mayall fail to address the scrutiny or reaction at home that could illuminate the ways in which Americans feel about this case. Researchers at the Princeton School of Public and International Affairs, Chelsey S. Clark, Elizabeth Levy Paluck, Sean J. Westwood, Maya Sen, Neil Malhotra and Stephen Jessee, have attempted to bridge the gap in the literature by discussing a study they conducted to monitor the impact of *Dobbs*. Their article, *Effects of a US Supreme Court Ruling to Restrict Abortion Rights* discusses the results of "a three-wave survey panel (5,489 interviews) conducted before the leak of the drafted *Dobbs* opinion, after the leak, and after the official opinion release, and cross-sectional data from these three time points (10,107 interviews) show that the ruling directly influenced views about the constitutional legality of abortion and fetal viability." (Clark et. al, 2023).

The team at Princeton found statistically significant results to argue that respondents were statistically more likely to report that "other Americans generally support abortion" after the *Dobbs* ruling. This article helped inform some of the statistical analysis that comes into play in this experiment. The key distinction between the Princeton study and this one is that the Princeton team was looking at the respondent's assessment of abortion support among other Americans, whereas this study is looking at the respondent's own opinions on abortion support.

Ideally, the results of the bivariate and multivariate regressions within both of these studies will work in tandem to illustrate just how impactful *Dobbs* has been on the level of support for abortion access and trust in the Supreme Court.

Survey data, though challenging to collect effectively, is a critical component of social science research. With enough experience, manpower, and funding, there are a few surveys in the field that historically maintain the benchmark of efficacy, one being the National Opinion Research Center's General Social Survey (NORC GSS)¹⁵. From year to year, some questions are modified slightly though a large portion remain the same, allowing for a comparison to be conducted about attitudinal changes from year to year, which is one of the many reasons that the GSS is an optimal choice to monitor social change. The 2021 and 2022 surveys respectively contain samples of 4,032 and 3,544 fully completed questionnaires taken from a random and representative sample of Americans. The 2021 GSS was administered from December 1, 2020 through May 3, 2021 with the 2022 survey taking place from May 4, 2022 through December 20, 2022. These dates are vital for the subsequent research design of the experiment.

In order to test whether the *Dobbs* decision had an impact on the attitudes of respondents toward abortion access, respondents were coded into two groups. Pre-*Dobbs* respondents were coded as "0"s and post-*Dobbs* respondents as "1"s after indexing the data based on the June 24, 2022 date of the release of *Dobbs*. This does reveal a limitation of the GSS dataset as it creates a disparity in the amount of respondents that are in each group given that the 2021 GSS data helps to increase the sample size of the pre-*Dobbs* group. In total, our pre-*Dobbs* respondents equal

¹⁵ Since 1972, NORC has been administering the GSS to a nationally representative sample of Americans. The purpose of the survey is to collect yearly data on trends regarding a variety of social issues including, but not limited to: civil liberties, crime and violence, intergroup tolerance, morality, national spending priorities, psychological well-being, social mobility, and stress and traumatic events. Among the questions designed to survey social attitudes, the GSS contains a comprehensive set of questions to survey the demographics of all respondents, from race, gender identity, religious affiliation, education level, age, partisanship, among a variety of other criteria.

4639 individuals and post-*Dobbs* 2937 individuals. For the purposes of the experiment, we are to treat *Dobbs* as a random occurrence that divides the group into a pre-*Dobbs* control and a post-*Dobbs* treatment group.

Abortion access support is measured by the GSS through a variety of questions. Respondents who answered “NO” to each respective question were coded as “0”s and those who answered “YES” were coded as “1”s. From 2021 to 2022 the questions asked in the survey did not change, so responses were added together to create a continuous variable of abortion support, measured from 0-7. Each question that was answered in the affirmative added to a total sum on this 0-7 scale that represents the amount of circumstances in which a respondent supported access to abortion. The questions included the following that were all preceded by “Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion...”:

1. If there is a strong chance of serious defect in the baby?
2. If she is married and does not want any more children?
3. If the woman’s own health is seriously endangered by the pregnancy?
4. If the family has a very low income and cannot afford any more children?
5. If she becomes pregnant as a result of rape?
6. If she is not married and does not want to marry the man?
7. If the woman wants it for any reason?

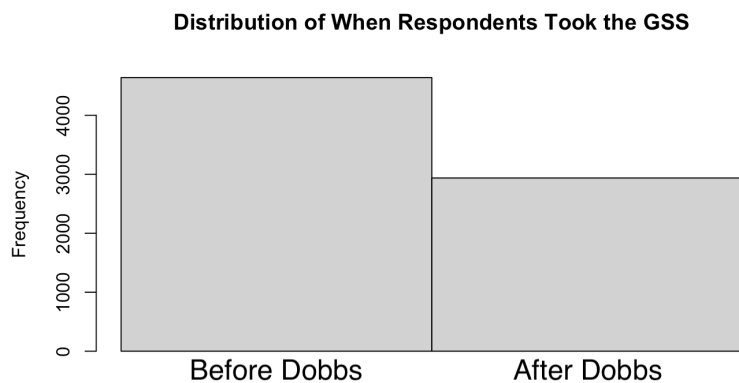
In order to monitor the changes in level of trust in the Supreme Court among respondents, the pre- and post- *Dobbs* indexing remains the same, though the dependent variable in this case does change. The GSS asked respondents in 2021 and 2022 the following: “I am going to name some institutions in this country. As far as the people running these institutions are concerned,

would you say you have a great deal of confidence, only some confidence, or hardly any confidence at all in them”. Variable name CONJUDGE in both studies asked this of respondents in regards to the Supreme Court. Subsequently, the data was recoded for purposes of analysis to be “0”s for “hardly any confidence,” “0.5”s for “only some confidence,” and “1”s for “a great deal of confidence”.

Though simple bivariate regressions reveal a great deal of information regarding the relationship between the *Dobbs* decision, abortion access support, and attitudes toward the Supreme Court, controls were added to the abortion access support experiment. As is industry standard in the social sciences, controls were added to account for gender and partisanship to ensure that confounding variables were accounted for. Gender was coded into a binary “0” or “1” with male gender identification taking the “0” value and female the “1”. Partisanship in the GSS is asked on a continuum, therefore is coded as a categorical variable ranging from 1-7. The available selections for respondents respectively coincide with how they are coded for the purposes of the experiment: Strong Democrat, Moderate Democrat, Weak Democrat, No affiliation, Weak Republican, Moderate Republican, and Strong Republican.

Results & Analysis

postdobbs

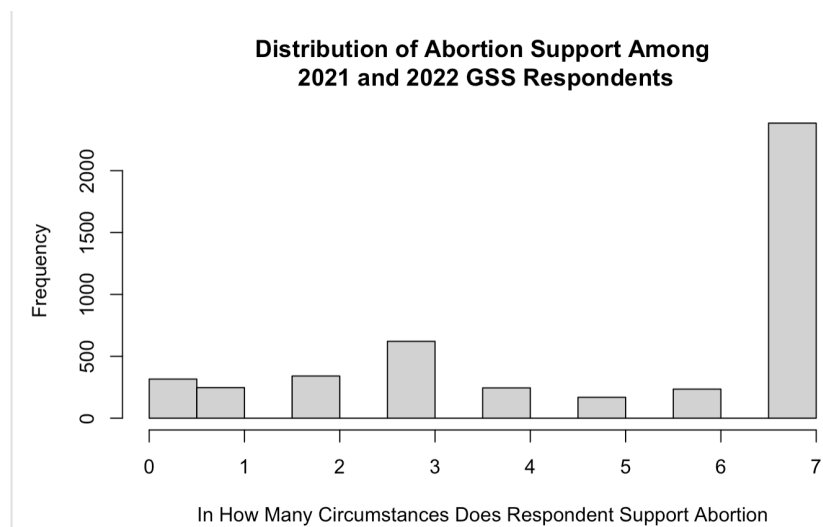


Given the binary nature of the variable indexing the dates of responses to the GS into the pre- or post- *Dobbs* groups, the distribution leaves very little to

the imagination. As stated previously, there are significantly more respondents in the pre-*Dobbs* group given the utilization of the 2021 GSS dataset that helps to increase the sample size. The variable itself contains a mean of 0.38 and a median of 0, confirming that respondents were more likely to participate in the GSS prior to the *Dobbs* ruling as is shown in the histogram.

abortion_support

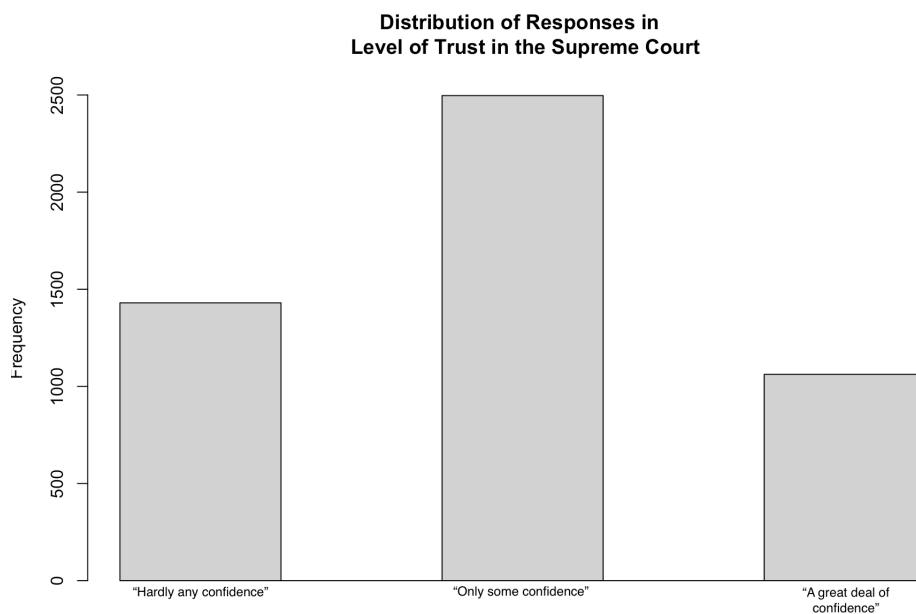
Keeping in mind the Gallup poll aforementioned, the distribution of abortion support among 2021 and 2022 GSS respondents should come as no surprise.



As outlined in the Gallup poll, which although uses different data, follows the same trend as shown in the GSS: of a majority of respondents supporting abortion in all 7 circumstances asked about in the survey. The data skews left with fewer respondents showing low levels of support for abortion access. The variable contains a mean of 4.9835, indicating that, on average, respondents were likely to support 4.9835 of the abortion related circumstances as outlined by the GSS. A median value of 7 circumstances in which the respondent supports abortion is found in this data set, showing that over 50% of respondents in the 2021 and 2022 GSS supported abortion access in all 7 circumstances.

conscotus

The distribution of responses to the level of trust that GSS respondents have in the Supreme Court doesn't necessarily reflect well on the sitting bench. The histogram reveals that most respondents have "only some confidence" in the people running the Court, followed by "hardly any confidence" eliciting the second-most responses. The mean of this variable is 0.4631, confirming what is shown in the histogram itself. This mean indicates that, on average,



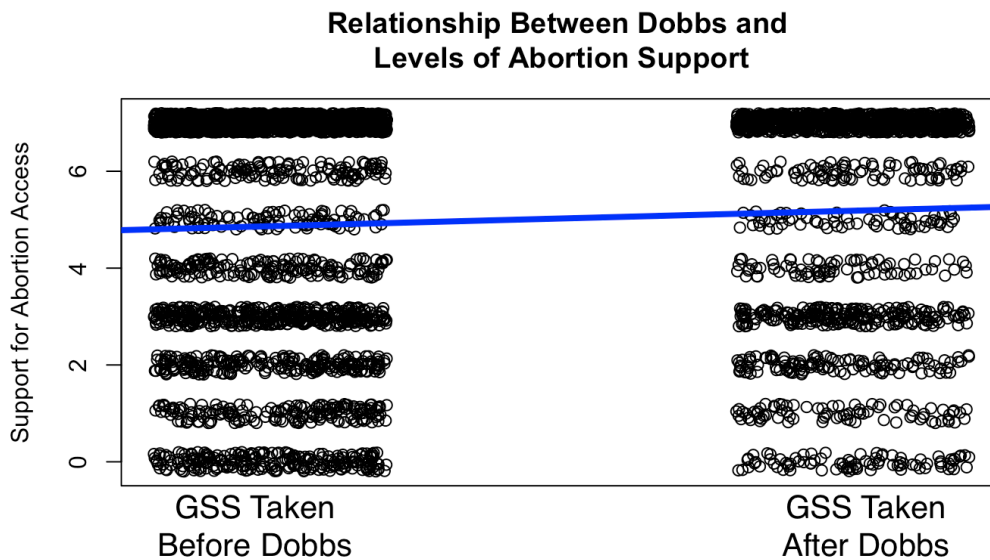
respondents were likely to answer that they contain "only some confidence" in the sitting Supreme Court bench.

Initial correlation results show promise. When testing the

correlation between the *Dobbs* decision and level of abortion support among respondents (postdobbs and abortion_support), $r=0.06299567$. While the correlation is not incredibly strong, it is a statistically significant and positive correlation ($p<2.08 \times 10^{-5}$). When testing the correlation between the *Dobbs* decision and level of trust in the Supreme Court among respondents (postdobbs and conscotus), $r=-0.1759704$. This correlation shows a greater strength than that of the level of support for abortion access and it is a statistically significant and negative correlation ($p<2.2 \times 10^{-16}$).

Bivariate Regressions

The initial bivariate regression looking at the impact of *Dobbs* on the level of support for abortion access is promising. Modeled with a linear regression (formula $y = 4.865 + 0.32044x$, $p < 2.08 \times 10^{-5}$) the plot reveals a high density of respondents agreeing with all seven abortion access questions and it's worth noting the subtle slope of the linear regression. This line, as well



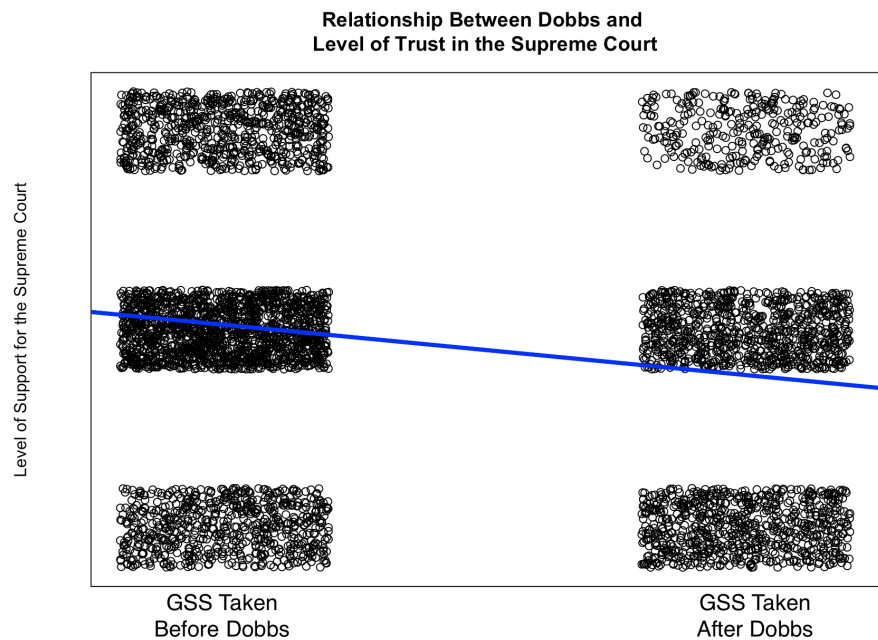
as the 0.32044 coefficient included in the formula, indicate that there is a subtle, but positive increase in

abortion support for respondents who took the GSS post-*Dobbs*. This coefficient reveals that a respondent is more likely to answer in the affirmative to 0.32044 questions in the GSS.

Empirically, this sounds strange, however when taking into account how difficult it is to alter perspectives about abortion, this increase offers support for the working hypothesis that *Dobbs* had an impact on attitudes regarding abortion support. Further, the intercept of the regression in this case refers to the anticipated level of support for abortion when a respondent has taken the GSS prior to the *Dobbs* decision. This means that, on average, respondents who took the GSS prior to the *Dobbs* decision are likely to support 4.85 of the questions measures that are categorized under the abortion support variable. The subtle 0.32044 increase, when placed into

concert with the intercept of the regression, essentially increases a respondent's affirmative response level by one question, a promising start. Additionally, a p-value of 2.08×10^{-5} does reveal statistical significance, meaning this relationship is not a random occurrence, but a genuine relationship.

Looking at the linear regression model for the relationship between *Dobbs* and the level of trust in the Supreme Court, a pretty grim picture is painted of Americans' attitudes towards the Court. Modeled by the linear regression, (formula $y = 0.512263 - 0.12697x$,



$p < 2.2 \times 10^{-16}$) the plot reveals that a respondent taking the GSS after the *Dobbs* decision is, on average, likely to be less trusting in the Court by 12.697%. The intercept of 0.512263 signifies that a majority of pre-*Dobbs* respondents were likely to have “only some confidence” in the Court and when accounting for the -0.12697 coefficient, respondents post-*Dobbs* were likely to have that value decrease, heading closer to “hardly any confidence” in the Court.

Unfortunately in both cases, the r-squared value is on the lower end. For the impact of *Dobbs* on abortion support and on confidence levels in the Supreme Court, the values are 0.003968 and 0.03097, respectively. This lower value indicates that there is some variation in the

data that cannot be explained by the bivariate regressions that are modeled as there are likely confounding variables impacting these results. This suggests that it's time to run a multivariate regression taking into account partisanship and gender, two variables that will undoubtedly adjust the way these regressions play out.

Multivariate Regressions

Both of the multivariate regressions have an improved fit and model the relationship between all variables better, however it is worth looking into just how controlling for partisanship and gender impacts each relationship.

In the case of the level of abortion support, it was only partisanship that had a

Coefficients:

	Estimate	Std. Error	t value	Pr(> t)
(Intercept)	6.89650	0.08495	81.184	< 2e-16 ***
postdobbs	0.29955	0.06908	4.336	1.48e-05 ***
gender	-0.10824	0.06726	-1.609	0.108
partisanship	-0.53882	0.01659	-32.476	< 2e-16 ***

statistically significant impact on the

regression (two-tailed t-test value of -32.476 and $p < 2 \times 10^{-16}$). The

coefficient of -0.53882 indicates that

the further Right on the political spectrum a respondent goes, they are likely to support abortion in fewer circumstances, something that is supported by the secondary literature of the field. It is also worth noting that the GOP has adopted a largely conservative stance on abortion, with some Republican states fully attempting to ban abortion after six weeks. It is, however, surprising that gender was not a statistically significant confounder in the level of abortion support among respondents. Usually the secondary literature points to women being more likely to support abortion in all circumstances given the closer proximity women have to abortion than men. One explanation for this lack of relationship could be that *Dobbs*, and the outrage surrounding it, brought the question of abortion access to a much larger and more popular audience that didn't

discriminate based on gender. Further analysis will be needed to find a more thorough explanation of this relationship. The r-squared of this regression does jump to 0.1986, indicating that while the model is a better fit, there is still some variable that might be impacting this relationship.

Looking at the multivariate regression for the level of confidence in the Supreme Court, we see statistical significance within both the partisanship and gender controls. There is also a

Coefficients:					slight adjustment to the coefficient and
	Estimate	Std. Error	t value	Pr(> t)	
(Intercept)	0.453269	0.012921	35.079	< 2e-16 ***	intercept for the postdobbs variable,
postdobbs	-0.133315	0.010153	-13.131	< 2e-16 ***	leading to the conclusion that when
gender	-0.048785	0.010012	-4.872	1.14e-06 ***	controlling for both partisanship and
partisanship	0.024374	0.002484	9.813	< 2e-16 ***	

gender, respondents are likely to decrease their level of trust in the Court by 13.315% and lean closer to “hardly any confidence” in the Court even if they took the GSS pre-*Dobbs*. Gender had statistical significance in both the *p-value* and *t-test* with a negative relationship, leading to a decreased level of trust in the Court, particularly among women. Partisanship had a mild, yet positive relationship, leading to the conclusion that respondents who identified as more conservative voters were likely to have a very slight increase in confidence toward the Court. Given the politicized nature of the question of abortion, this result is not shocking and the effect itself is still very small in the grand scheme of the regression. Unfortunately, the r-squared for this multivariate regressions is only 0.05805, which is not that large of an increase from the bivariate regression, meaning that there is likely a missing confounding variable that is causing variation in the data.

The results from the bivariate and multivariate regressions both point to a rejection of the null hypothesis. Data from the 2021 and 2022 GSS, a nationally representative sample of

Americans, illustrates that there is a statistically significant and positive relationship between respondents who took the GSS after *Dobbs* and their level of abortion support, as well as a statistically significant and negative relationship between respondents who took the GSS after *Dobbs* and their level of confidence in the Supreme Court. Given this, it would seem that there is support for the theory behind the study, however, there is still much more to unearth. Further regressions are necessary in order to account for more confounding variables that are causing variability in the data. There is, very likely, an important link to socioeconomic status, education, and religious beliefs that could significantly alter results and reveal a more nuanced relationship than has been discussed thus far.

Research about the impact of *Dobbs* is still being conducted and it's really just starting to begin even if the consequences themselves are unfolding at what seems like lightning speed. In the meantime, this study is able to contribute to the literature by revealing that there are attitudinal shifts taking place among American constituents in regards to an issue that, while polarized and fiery, doesn't see a lot of Americans changing their minds about, as well as a loss of confidence in one of the branches of the federal government. Both of these changes and developments are key to realize as attitudinal changes offer an engaged perspective into social values at any given time, but also because of the upcoming 2024 election cycle. Issues like reproductive rights, LGBTQ rights, environmental concerns, and the war in Gaza will be key determinants of the upcoming election cycle, so these shifts revealed in the study point to a key agenda point that needs to be focused on. More troubling, however, is the state of the election more generally. The sitting bench that pushed *Dobbs* forward will be hearing cases regarding Donald Trump's ability to appear on the presidential ballot and whether he is able to be pardoned for the events on January 6, 2021. How hopeful will Americans be that the bench will rule

appropriately in this trial? Will reactions to those decisions cause another insurrection? There are many large implications to the coming decisions of the Supreme Court, but that data shows that now, *post-Dobbs*, more than ever, the Court is under a microscope with the American public looking onto it.

Whether the Court intended to make it an infamous decision or not, *Dobbs* will stand out in history. Not even two years after the decision came down from the Court, additional rulings and clarifying challenges to the decision have found their way to the Courts, but even quicker than that were the state legislatures taking action to restrict access to abortion. The legacy of *Dobbs* will be a contentious one, with many pro-life advocates heralding the decision as a just correction of the wrongs committed by *Roe* and *Casey*, but for many others *Dobbs* marks a devastating turn for healthcare and reproductive rights. There is still much obscurity regarding the impact that *Dobbs* will have on the American public moving forward, even despite the several short term changes aforementioned, but undoubtedly this case has left a mark on the legal world. Intentionally, the Court sought out to clarify *stare decisis*, outlining what are meant to be important considerations for legal issues moving forward, as well as reminding us all that not every legal decision or case is meant to be set in stone. The bench further desired to decenter itself from the moral question of abortion, leaving the decision up to state legislatures as a way of protecting the democratic process. Unintentionally, the Court has placed itself in a greater position of scrutiny, with many pro-choice advocates blaming the bench for the challenges being made to IVF and women in emergent medical situations that require pregnancy termination, but not receiving them due to strict restrictions on abortions and doctors who are terrified of the legal repercussions of providing life-saving care.

For the next several months many will anxiously await the ruling in the *Idaho* case as the Supreme Court finds itself back in the center of the debate over abortion. The case docket for this year in particular contains issues with broad reaching consequences for many and turning point choices that will decide what the political landscape of the nation looks like, which is not to be taken lightly. Moving forward, more consideration in the social sciences should be given to the impacts of Supreme Court cases both in the short and long term. With such contentious rulings and issues being presented in the Court, dramatic changes in the political landscape and in the way that many Americans vote are possible indicating a necessity for scholarship to keep up with these changes. *Dobbs*' impacts will continue to be felt for years to come, not just because of the Court's desire to realign our understanding of *stare decisis*, but because of the way the nation is reacting. Supreme Court decisions do not exist in a vacuum or as complex legal jargon formatted in a specific way. There are real, tangible impacts especially in a case like *Dobbs* that deserve the attention of the media and of scholarship moving forward.

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