


In the
Supreme Court of the United States



THOMAS E. DOBBS, STATE HEALTH OFFICER OF THE
MISSISSIPPI DEPARTMENT OF HEALTH, ET AL.,

Petitioners,

v.

JACKSON WOMEN'S HEALTH ORGANIZATION, ET AL.,

Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

**BRIEF OF AMICI CURIAE
ADVOCATES FOR YOUTH, INC. AND
NEO PHILANTHROPY, INC. d/b/a WE TESTIFY
IN SUPPORT OF RESPONDENTS**

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INTEREST OF THE AMICI CURIAE¹

Advocates for Youth (“Advocates”) partners with young people and adult allies to champion youth rights to bodily autonomy and to build power to transform policies, programs, and systems to secure sexual health and equity for all youth. For over 40 years, Advocates has worked to afford young people honest, affirming, inclusive sex education; access to confidential universal sexual health services; and the economic, educational, and social power to exercise their bodily autonomy and make informed decisions regarding their health and well-being. Advocates’ “Abortion Out Loud” program harnesses the power of storytelling, grassroots organizing, leadership development, and policy advocacy to end abortion stigma and strengthen support for young people’s access to abortion.

NEO Philanthropy, Inc., d/b/a We Testify (“We Testify”) is dedicated to the leadership and representation of people who have abortions, increasing the spectrum of abortion storytellers in the public sphere, and shifting the media’s understanding of the context and complexity of accessing abortion care. We Testify enables abortion storytellers to elevate their voices and expertise—particularly storytellers of color, those from rural and conservative communities, those who are queer-identified, those with varying abilities and

¹ Pursuant to Sup. Ct. R. 37.6, Amici certify that no counsel for a party authored this brief in whole or in part, and that no person or entity, other than Amici or their counsel, has made a monetary contribution to its preparation or submission. All parties have entered a blanket consent to amicus filers, per Sup. Ct. R. 37.2.

citizenship statuses, and those who needed support when navigating barriers while accessing abortion care.

Advocates and We Testify have documented² the abortion experiences of hundreds of women,³ trans and nonbinary people, and some men to give a voice to those who have relied upon the availability of abortion in America. These stories reveal the varied nature of real-life abortion experiences and the myriad factors that inform abortion decisions. Advocates and We Testify file this brief, which includes some of these stories, to help illuminate the facts and to contextualize the critical role of access to abortion.



SUMMARY OF ARGUMENT

Vast segments of American society have relied on this Court’s prior rulings guaranteeing abortion availability to “define their view of themselves,” to “define . . . their places in society,” to “participate equally in the economic and social life of the nation,” and to “order[] their . . . living.” *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, 856 (1992).⁴

² Each story shared in this brief has been attested to under penalty of perjury by the storyteller, and each such storyteller has given authorization to Amici to publish the stories here. Stories have been edited for length and spelling.

³ References to “women” in this brief may include certain trans and non-binary persons who have had abortions.

⁴ Unless otherwise indicated, all citations to *Casey* are to the plurality opinion of Justices O’Connor, Kennedy, and Souter.

A reversal of this Court's prior precedents to uphold Mississippi's fifteen-week abortion ban will work special hardships on Americans who have relied on the availability of abortion.

For nearly fifty years, Americans have relied on the guarantee of abortion availability to realize their Constitutional rights to liberty and bodily integrity. Under this Court's prior rulings, women cannot be forced to bring to term pregnancies against their will. Americans have relied on the guarantee of abortion availability to define themselves as autonomous individuals who have control over their bodies and reproductive lives.

Americans have relied on the guarantee of abortion availability under a wide range of circumstances. Some have relied on the guarantee of abortion rights to protect their own lives and their own health. Others have relied on the guarantee of abortion availability to determine whether and when they want to be parents, and how they want to be parents to the children they already have. Many have relied on abortion availability when contraception fails, and some have relied on the availability of abortion to order their lives when their immigration status might mean separation from their children.

American women have particularly relied on this Court's guarantee of abortion availability to "participate equally in the economic and social life of the nation" (*id.*), relying on the right to abortion to ensure access to education, to ensure the ability to escape abusive relationships, to break the cycle of unintended teenage pregnancy, and to fully participate in their careers.

The people who come forward to tell their stories in this brief are just a few examples of the estimated one in four women⁵ and countless men who have relied on the availability of abortion protected under this Court’s prior precedents. They are joined by thousands of others who have had abortions and sign their names in support of this brief. *See* Appendix below. The Court should not depart from the abortion precedents on which so many Americans have fundamentally relied to order their lives for decades.

Amici implore the Court to respect the societal reliance reflected by the abortion stories set forth in this brief, reject Mississippi’s fifteen-week ban, and uphold its prior precedents ensuring the availability of abortion.



ARGUMENT

I. RELIANCE IS A KEY *STARE DECISIS* FACTOR FAVORING UPHOLDING THE CONSTITUTIONAL RIGHT TO ABORTION.

Stare decisis requires this Court to weigh several factors when it considers departing from established precedents, including “whether the rule is subject to a kind of reliance that would lend a special hardship to the consequences of overruling and add inequity to the cost of repudiation.” *Casey*, 505 US at 855. “[R]eliance interests are of particular relevance because

⁵ Guttmacher Inst., *Fact Sheet: Induced Abortion in the United States* 1 (2019), https://www.guttmacher.org/sites/default/files/fact-sheet/fb_induced_abortion.pdf (Fact Sheet).

adherence to precedent promotes stability, predictability, and respect for judicial authority.” *Allied-Signal, Inc. v. Director*, 504 U.S. 768, 783 (1992) (quotation marks, alterations omitted). *Casey* states:

For two decades of economic and social developments, people have 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. The 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. The Constitution serves human values, and while the effect of reliance on *Roe* cannot be exactly measured, neither can the certain cost of overruling *Roe* for people who have ordered their thinking and living around that case be dismissed.

Casey, 505 U.S. at 856 (citation omitted); cf. *Dickerson v. United States*, 530 U.S. 428, 443 (2000) (holding that “*Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture”); *Arizona v. Gant*, 556 U.S. 332, 350 (2009) (clarifying that *Dickinson* “was referring not to police reliance on a rule requiring them to provide warnings but to the broader societal reliance on that individual right”).

II. AMERICANS HAVE RELIED ON ABORTION AVAILABILITY TO “DEFINE THEIR VIEWS OF THEMSELVES” AND “ORDER . . . THEIR LIVING”.

A. Americans Have Relied on the Availability of Abortion to Define Themselves as Autonomous Individuals Who Cannot Be Forced to Bear Children They Did Not Consent to Conceive.

This Court has long held that individuals have a fundamental Constitutional liberty interest in their bodily integrity. *See, e.g., Cruzan v. Director, Missouri Department of Health*, 497 U.S. 261, 280 (1990) (assuming “a constitutionally protected right to refuse life-saving hydration and nutrition.”); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965) (finding a Constitutional right to make one’s own decisions regarding birth control); *Rochin v. California*, 342 U.S. 165, 173 (1952) (finding a Constitutional right to be free from forcible stomach pumping); *Union Pacific Ry. Co. v. Botsford*, 41 U.S. 250, 251 (1891) (finding a Constitutional right to be free from an unwanted surgical procedure).

Americans who have been impregnated against their wills have relied on the availability of abortion to ensure their bodily integrity. An example is Megan Pietruska, who related her experience as follows:

I was sexually assaulted after a night of drinking. I came back to the US pregnant, with no money in my bank account from spending my savings on a once-in-a-lifetime opportunity to study in a foreign country, and a tremendous determination not to raise a child by myself my senior year of college.

. . . I was able to get an appointment soon enough to still get a medication abortion, meaning I could take the pills from my own apartment, with a friend at my side to keep my company through the cramps. . . .

Another such story comes from Cazembe Jackson:

I was a junior in college. It was the week before finals, and I was walking home from the library, at probably like one o'clock in the morning. These guys were riding by in a truck and saying that one of their friends had just gotten out of jail and was looking for a good time. I always have been a trans masculine person, so I was dressed in "boy" clothes. The conversation ended up being like, "We need to show you how to be a real woman." I got raped by four men and kind of left there, outside. . . .

I found out I was pregnant. I was on financial aid and basically already hustling trying to graduate, and did not want to be pregnant, did not want to have a kid. I was very suicidal and depressed. I stopped school for a little bit and went home. There was a Planned Parenthood around the corner from where I grew up, and I just went there. When I told them the story of what had happened, they set me up with a rape crisis center. . . .

My abortion cost \$300. I was a struggling college student. I ended up having to take out a payday loan, which cost way more than \$300 and took way longer to pay back.

B. Americans Have Relied on the Availability of Abortion to Define Themselves as Individuals Who Have Control Over Their Bodies and Lives.

1. Americans Have Relied on Abortion Availability to Protect Their Physical Health.

Americans have long relied on the right to abortion when medical intervention is necessary to protect the parent's health or life. Tara Schleifer chose abortion to avoid leaving her three-year-old son motherless:

After facing a nine-year grueling, exhausting, expensive repeating cycle of 23 hope and devastation due to unexplained infertility, I found myself pregnant, the old fashioned way. What an exciting surprise! My son, who was 3 at the time, would finally have a much-loved sibling. My dream of a family was finally coming true. My dream turned into my absolute worst nightmare . . . I learned how much the pregnancy itself was endangering my life. . . . Leaving my son motherless and my husband a grieving widow and single dad was not an option I was willing to entertain. I felt strongly my obligations to people already living and breathing trumped the rights of a very ill fetus. I know intimately the continuous grief that accompanies intellectual impairments and chronic illnesses from caring for my mother. That grief ripples through families and generations. I could not continue the cycle in good conscience.

Pamela Noblitt terminated her pregnancy to ensure her survival:

In 1971, a year before *Roe v. Wade*, I was a 22-year-old, married nursing student in Denton, Texas. I contracted tuberculosis and was placed on a regimen of multiple medications in an effort to control the disease. While on a new, experimental medication, I learned I was pregnant. The physicians explained that (1) they did not think I could survive a full-term pregnancy at that time and (2) there was a better than 50% chance that the baby would suffer severe and likely fatal birth defects subsequent to the medications I had been taking. . . . Of course we regret that the procedure was necessary, and we wish we had had other options, but the science was simply not advanced enough at that time. We believe we made the right choice for us, and we believe that every woman should have that choice to make.

2. Americans Have Relied on Abortion Availability to Protect Their Mental and Emotional Health.

In addition to relying on abortion rights to protect their own physical health, Americans have also relied on the right to choose abortion in order to protect and preserve their own mental and emotional health. Sal Alves was not healthy, mentally or physically, when she found out that she was pregnant:

I was 24 years old in June 2010 when I discovered I was six weeks pregnant. Just six months prior I was hospitalized for suicidal

ideation and a substance abuse problem. At six weeks along, I was still grappling with my mental illness and sobriety. I knew undoubtedly that I wanted an abortion because growing my family at this time would have been detrimental to my mental and emotional health. I made the choice to actively save my life post-hospitalization and having an abortion allowed me to do exactly this. . . .

Jenn Chalifoux had recently taken leave from school due to an eating disorder when she became pregnant, and quickly became suicidal:

I am a law student at the University of Colorado Law. . . . When I was sixteen, I was diagnosed with an eating disorder that followed me to college; I went on medical leave in September of 2010 and sought treatment from my hometown on Long Island. . . . Although I fought for recovery and showed progress, my menstrual cycle did not return. . . .

After weeks of treatment, I decided to rule out other explanations for my missing cycle. I purchased a pregnancy test and took it in my best friend's bathroom; it came back positive, even though I had been using the NuvaRing birth control method for more than a year. . . .

Immediately, I knew I wanted an abortion. . . . I got an ultrasound as soon as I could. My gynecologist was shocked when I explained what had happened—she hadn't seen this coming, either. Even with her help, I couldn't

get an appointment with an abortion provider for two weeks. The procedure that I needed involved two consecutive days of pre-surgical preparation, for which I had to travel into Manhattan. On the first day, after I received another ultrasound, I was yet again informed that my pregnancy was farther along than we had realized. My appointment was pushed back another week. If it were any later, I was told, I would have to travel out of the state. That week was the worst of my life. I was trapped in my pregnant body, which was changing against my will more and more with each passing day. Desperate to end my pregnancy and powerless against time, I stopped sleeping and became suicidal.

I finally got an abortion several days after my nineteenth birthday. The procedure took less than an hour. I have no doubt that ending my pregnancy was the right decision. . . .

If I had been forced to carry my pregnancy to term, I believe that I would have ended my life rather than give birth. Instead of doing either, I have gotten to graduate from college, recover fully from my eating disorder, and fall in love with someone with whom I intend to start a family.

3. Americans Have Relied on Abortion Availability to Order Their Lives When Contraception Fails.

When contraception fails – as it sometimes does – Americans have relied on abortion availability to order their lives and define themselves as individuals

who have control over reproduction decisions. Layidua Salazar's story is one such example:

I am an undocumented immigrant, and I am currently here under DACA. In 2012, I started a status adjustment process with my then husband and waited months for a response from immigration. In early 2013 I received a letter with a deportation date. . . .

The following day I had a Well-Woman appointment at my local Planned Parenthood. I was sitting on the examination table waiting for the doctor when the nurse came in to let me know that they would be unable to perform my exam because I was pregnant. I did not believe it. I asked the nurse to check again. The nurse said, "we know you're on birth control, we ran the test 3 times, you're pregnant." . . . The minute she closed the door I broke down sobbing, suddenly the deportation letter became real, and in 5 minutes which felt eternal, I had to think about what I wanted for my life, what I wanted for my future, and what I wanted my family to look like.

And what I knew was that I did not want to have a child under that degree of uncertainty, what I knew is that I did not want to have a child under the pending threat of deportation, and what I knew was that I did not have the capacity to fight a deportation case and be pregnant. When the nurse came back I made my appointment. Two days later I had an abortion. My abortion was routine, completely uneventful, as all abortions should be.

Life is complicated enough, accessing basic health should not have to be complicated.

Maryam Janani-Flores faced a similarly unplanned pregnancy as a result of a broken condom:

I was fortunate to attend Harvard for college where I majored in neurobiology, but my passion lay in ensuring that others had the same opportunities as me. So after college, I left for rural Kenya where I worked on health and education programs for a couple years. . . . I was dating a guy who had also come to Kenya to do the same, and the condom broke. . . . I took a morning-after pill the next morning, and it ended up not working . . .

. . . I called Planned Parenthood back in the U.S. when I could, late at night in Kenya in my bedroom, hoping that others would not hear me. I tried to get as much information as possible, tried to understand my options, and scheduled an appointment.

I flew back to the U.S. on my pre-scheduled departure day from Kenya. It was a long, crushing flight. But I was able to take a flight and get away from a place that restricted my rights, leave Kenya where abortion was illegal. I'm one of the lucky ones. . . .

Then-law-student Brittany Fowler's unintended pregnancy resulted from not knowing that medically prescribed antibiotics interfered with the effectiveness of her oral contraceptives:

I had an abortion in Austin, Texas, in November 2017. At the time, I was a third-year law student, dating another third-year law student in a monogamous relationship. I took regular oral contraception to prevent pregnancy, but as a result of an antibiotic I took for an unrelated infection, my oral contraception failed. My doctor didn't warn me that the antibiotic might interfere with my birth control, and it didn't occur to me that it might be a consequence.

I found I out I was pregnant at around eight weeks. Choosing to terminate the pregnancy wasn't difficult—I wasn't ready to be a parent, and my projected due date was when I planned to take the bar exam. I had committed to a clerkship and a cross-country move after graduation. It was the right choice for me. . . .

4. Americans Have Relied on the Availability of Abortion After Fifteen Weeks of Pregnancy to Order Their Own Lives.

For a host of reasons, Americans have relied on the promise of abortion availability to order their own lives later in pregnancy. Marisa Pizii's decision resulted from late discovered fetal abnormalities:

. . . [I]n 2010 I made the choice to end my second pregnancy at 22 weeks 3 days. This choice for me was many things—a healthcare choice, a parenting choice, a moral duty to prevent suffering, a reflection of maternal health statistics for black women. Unfor-

tunately, it was also a political choice, something I neither asked for nor consented to, yet here I am talking to you about my reproductive healthcare.

. . . My second pregnancy while hard was typical. We went to the 20-week ultrasound appointment with so much hope, feeling so much potential for our growing family. When the doctors first presented us with the devastating news that our child had serious health complications that were incompatible with life, I remember feeling the world crumble around me. As we were already parenting a toddler, I was committed to making choices for my children that centered their best interest to grow and develop into confident, kind, and fierce adults. My child's health complications meant that would never happen and in fact, we understood that being born would have created suffering for all of us — my unborn child, the attending medical staff, my husband, and me.

Due to underlying health conditions, Beth Vial did not find out she was pregnant until well after fifteen weeks:

I'm 23, and I have polycystic ovary syndrome (PCOS) and irritable bowel syndrome. . . . I have absent and irregular — if present at all — periods, nausea and vomiting, weight fluctuation from the PCOS, as well as cramping and more from the IBS-C/D, all of which are symptoms of an early pregnancy. I'd recently heard about a friend of a friend who didn't know she was pregnant and went

into premature labor. The idea of being pregnant for that long and not knowing scared me, and taking a pregnancy test is pretty standard anytime I go to the doctor to address PCOS-related issues. So I took a pregnancy test just in case, but the test came back negative and a doctor told me I was infertile due to my PCOS. When the symptoms persisted, though, I sought further care.

It was then that I found out I was pregnant, and then that I started experiencing challenges to accessing an abortion.

Unsure of what to do after I learned I was pregnant, an aide at my doctor's office told me to go to a clinic, which turned out to be an anti-abortion crisis pregnancy center, for a free ultrasound I thought I needed. . . . They handed me six ultrasound images and said I was 16 weeks pregnant. I explained I wanted an abortion, but they said it was dangerous. I now know it's a very safe procedure. I realized they were never going to help me, so I left.

The next day I went to a hospital near my home to get a real ultrasound. That's when I couldn't believe what they told me: I was actually 26 weeks pregnant. . . .

When I finally saw a doctor who could provide me with an abortion, she said she had to get approval from the hospital board because of hospital policy, which was denied. I cried. I didn't know what I would do. I didn't want to continue the pregnancy because I was too

sick, not ready, and I simply couldn't afford it. . . .

Eventually, my doctor referred me to a clinic in New Mexico, but that meant I had to fly across the country just to get an abortion — and it would be expensive. Because I was later in my pregnancy, the abortion would cost \$10,500, another \$1,500 for blood work and ultrasounds, and about \$1,000 to fly there. My insurance would only cover \$200.

. . . Two weeks later I flew to New Mexico and stayed with a family friend for six days. It was a long process, but I was able to get the abortion I needed.

. . . I know I'm lucky — I live in a state with no restrictions on when in pregnancy an abortion is allowed and Medicaid coverage of abortion care, yet it can still be inaccessible if we're misled or just can't afford it. This is especially true for young people.

III. Americans Have Relied on Abortion Availability to Define “Their Places in Society”.

Casey recognized a woman's “suffering is too intimate and personal for the State to insist, without more, upon its own vision of the woman's role, however dominant that vision has been in the course of our history and our culture”; and “[t]he destiny of the woman must be shaped to a large extent on her own conception of her spiritual imperatives and her place in society.” 505 U.S. at 582 (emphasis added). Numerous Americans have relied on the rights recognized in this Court's prior abortion decisions to define their places in our society.

A. Americans Have Relied on the Availability of Abortion to Define Their Own Families.

Reliance on this Court's decisions recognizing a right to abortion has enabled many Americans to make highly personal decisions about their own family structures. Jarvis Miller is a man who agreed with his partner's decision that terminating her pregnancy was the right decision, including to plan for a future family:

I was a senior in college in Texas. I had no money. And she couldn't afford to be pregnant for nine months. I know a lot of people say, "Oh, we'll just have the baby and give it up." But that's still a long commitment. And . . . she just didn't want to. She just didn't want to have a baby and give it away. So we agreed that she should have an abortion.

I could've stopped going to school and gotten a job, because there was no way that I could try and work 40 hours and do school. I could've dropped out, but then that would be limiting whatever I could do afterward. . . . my brother and I, we grew up really poor. We grew up in not great neighborhoods. And my biggest thing was, I'm going to make sure that my kids have a drastically different life.

Debra Hauser⁶ terminated her pregnancy so that she could be the mother she wanted to be to the son she already had:

In 1995, at age 35, I found myself alone, pregnant and caring for my six-month-old son. My husband had gone to work one day and did not return. Weeks passed without word. For more than a month, I didn't tell anyone that he was gone. Not my family, not my co-workers, not my friends. I simply went to work each day, attended to my job, and pretended everything was fine at home. Each evening, I left work, picked up my son from daycare and did my best to care for him without distraction. Six weeks had passed when I realized I was pregnant. Alone, with little money and a baby to care for, it was clear to me that I could not care for another child. I did not know where my husband was; I did not know what would happen to my marriage; I wasn't sure I could make ends meet. How could I add another child to such an untenable situation? I chose to have an abortion then and there. It was the best choice given my circumstances.

Much later, my husband returned. The following week he was diagnosed with bipolar disorder but refused to stay on his medication. We were eventually divorced and a few years later, he committed suicide. To this day, I am certain that choosing an abortion was the most responsible, moral,

⁶ President, Advocates.

and loving action that I could have taken—
for me and for my son.

Brittany Mostiller decided another child was not the right decision for her family:

When I was 22, I was a mama to three daughters and holding down a part-time job at a grocery store, and I realized I was pregnant again. I couldn't afford another child then — physically, emotionally, or financially. The decision to have an abortion was the easy part — but I couldn't afford it.

When I gave birth to my three daughters, Medicaid covered every aspect of my pregnancy and the delivery of my daughters. So I assumed it would cover my abortion, but because of the Hyde Amendment, it didn't. I had to figure out how to pay \$900 for the abortion out-of-pocket. That was more money than I made in a month. It took me several weeks to save up, which meant that while I tried to get my abortion during the first trimester, I was pushed to later in my pregnancy before I could finally afford the procedure. This was a really challenging and disheartening experience. . . .

B. Americans Have Relied on the Availability of Abortion to Escape Abusive Relationships.

Americans have also relied on the guarantee of abortion to extricate themselves from abusive relationships. Tohan O. is one example:

In 2018, I was faced with a life-changing decision. I was in a relationship that threatened my life and my future. My fiancé at the time was abusive and threatening, and I realized that I could not be married to him. . . . I canceled our wedding three weeks before the date. . . .

During all of this, I realized that I was pregnant. I felt it in my bones that I could not continue the pregnancy. . . . I needed to be able to permanently leave my abuser and I also knew I couldn't do it while pregnant. Having an abortion was the only way to keep my relentless abuser away from me and my son. I felt so scared and alone but took the leap of confiding in my father, a minister, who helped me get resources and call the authorities to protect me from my abuser. He supported my decision and we kept it a secret from the rest of my family. . . .

Angie Marie Luna was able to pursue her education and escape an abusive relationship because of the availability of abortion:

I had an abortion because I wasn't ready to become a mother yet. I was in an abusive relationship and I wasn't okay mentally. I knew I did not want to become a mother yet. My partner actually confessed to me that he got me pregnant because he didn't want me to go to school because he thought I was going to cheat on him. . . .

Because I was able to have an abortion, I was able to continue my undergraduate career

. . . I'm the first in my whole Mexican family to have gone to college and the first to have a masters. And I'm pursuing my dream to go to medical school each day I know I made the right decision and I don't regret it. . . .

C. Americans Have Relied on the Availability of Abortion to Define Their Places in Society as Immigrants.

Some Americans have also relied on the promise of abortion availability when, due to the person's immigration status, any child the immigrant chose to bear might become forcibly separated from the parent. This is the story of Alejandra Pablos:

I have been fighting deportation for 9 years now. I was born in Mexico, and I have lived in the United States all of my life with my mom, brother, and family. I was a permanent resident until immigration customs enforcement commonly known as ICE targeted and arrested me at a meeting with a probation officer, interrupting the "justice process". I wasn't even able to finish probation when ICE locked me up in jail for two years.

When I became pregnant the most recent time, I knew my immigration status would devastate the family I would create. When I first found out, I was conflicted. For a minute or two, I smiled at the idea of becoming a mother. Then, I quickly had a reality check and knew I couldn't start a family here, right now. The same people who would force me to continue my pregnancy are the same people who would rip my baby from my arms

and deport me because of my immigration status. I can't ignore the irony of lawmakers whose only mission is to control our bodies and refuse to support us in accessing childcare and livable wages for our families. I didn't want my family to be separated like that. It would have been too much to handle. I've already experienced this separation. I spent 2 years in a detention center separated from my family in 2011 and 43 days in one last spring. The same systems denying undocumented people basic, full-spectrum healthcare, are the same who are placing barriers on all of us to choose an abortion.

D. Americans Have Relied on the Availability of Abortion to Avoid Going on Public Assistance.

The promise of abortion availability has also shaped Americans' ability to "define their places in society" as working adults who do not require public assistance. Linda Stoker's story is one example:

I was six weeks pregnant when I had the abortion, and it was the most difficult decision I've ever had to make. Raising my daughter on my own with sporadic child support was difficult at times. The only way I could have a baby is if I quit my good job and went on public assistance. In my mind that was not an option. There would have been no way I could pay for full-time daycare for two children. My focus was on my daughter, to give her the best life possible, and having another child would mean that I would not

be able to feed, clothe, house, and adequately provide for all the needs of two children. I agonized trying to make the decision to have or not have an abortion. It was not done lightly as many anti-abortion people suggest. There is no question, no doubt in my mind that abortion was the best thing for me to do at that time.

IV. Americans Have Relied on Abortion Availability to “Participate Equally in the Economic and Social Life of the Nation”.

The Court’s decision in *Casey* observed: “The 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.” 505 U.S. at 856. That observation remains true today—Americans, and women in particular, have relied on the right to abortion recognized by this Court to achieve greater economic and social equality.

A. Americans Have Relied on the Availability of Abortion to Access Education.

Holly Bland’s decision enabled her to complete college:

I had an abortion in 2014 when I was 19 years old. I had just graduated high school and was working two minimum-wage jobs trying to pay for my second semester of college out of pocket. I remember standing in my bathroom with my back against the door and dramatically sliding down until I plopped on the floor. Instantly, the test read positive. I immediately burst into tears and

frantically took to the internet. I needed an abortion, and I needed it now. I'm bipolar, I have polycystic ovaries, and mostly, I just wasn't ready to be a parent. . . . My decision to have an abortion wasn't a difficult one. It was a necessary one, and it was a beautiful one. For the first time in my life I was able to make a decision for myself, my life, and my future—one that has allowed me to graduate college and put me on a path to recovery from a decade of disordered eating.

The availability of abortion enabled Zoraima Pelaez to become a first-generation college graduate and current law school student:

As the child of Mexican and Colombian immigrants, growing up in poverty, I never expected to go to college. After graduating from high school, I, like others in my family, began a career in cosmetology. While cosmetology was never my passion, the opportunity to grow my business over the years gave me the courage and financial stability to finally prioritize and pursue my education. But not long after enrolling in community college, I learned that I was pregnant. Immediately, I thought of my sisters who had become young mothers and the barriers they faced in parenting their children in safe and sustainable environments. I thought of my future. Would I be able to continue my education and become the first in my family to graduate from college? I considered my options and decided to have an abortion. In the most fundamental sense, the oppor-

tunity to exercise my constitutional right to abortion made me who I am today. Not only was I able to transfer from community college to The University of Texas at Austin, but I also graduated with honors and am now a successful third-year law student at The University of Texas School of Law. As a law student and future attorney, I am dedicated to using my legal education to advocate for everyone's right to access abortion so that people can plan and provide for the families they want—despite age or income—and do so in an environment that centers their aspirations and fosters their personal success.

B. Americans Have Relied on the Availability of Abortion to Make Decisions When Faced with Unintended Teenage Pregnancy.

Young Americans who are facing unintended pregnancies as teenagers have relied on abortion availability to order their lives. Nicole Perez's story is an example:

I was 17 at the time and my birthday was a month away when I found out that I was pregnant. . . . My boyfriend was delivering pizza in his first year of college. I was about to graduate high school and start college. We knew [having a child] wasn't possible, but that does not mean it was easy. . . . Being that we did not want our parents to know, we could not use our insurance and had to pay for [the abortion] on our own. When we

first started calling, we kept hearing \$700-\$1100, which was not in our price range. We needed to get it as soon as possible; I was showing. After a few days we came across a place for \$350. It was the lowest we could find. . . . I am so grateful that abortion is legal in New York City, because if it was not I could not be following my dreams. I know it will be the right time when I'm done with college, and I know that I had to do it because I was not ready.

Stephanie Gómez relied on abortion as a high school senior:

In 2012, I became pregnant after having sex for the first time. I was 18 and a senior in high school. Instead of planning my prom night, I made plans to get an abortion at a Planned Parenthood in Houston. . . .

. . . . I needed a ride, so I was at the mercy of the person who impregnated me. He was abusive. I was on his schedule and if it did not line up perfectly, it wasn't going to happen. And I said that I was not going to be pregnant. I didn't want to be pregnant. So I made it work with the help of an abortion fund.

Veronika Granado's decision to have an abortion late in high school enabled her to attend college and become an electrical engineer:

My abortion story was one of the best, most adult decision I've ever made. I'd just been accepted into college and was ready to move cities when I found out I was pregnant. I

knew what I had to instantly make a smart decision for myself because I was nowhere near ready to have a child. I barely knew how to take care of myself emotionally and financially. I had to get the judicial bypass and was constantly worried that I wouldn't get it, and my future was destined to be a struggle. . . . I ended up getting the bypass and continued my education into electrical engineering, a job that I knew would be the best for my future family and myself.

C. Women Have Relied on the Availability of Abortion to Participate Fully in Their Careers.

In addition to the law students whose stories are shared above, there are countless other stories of Americans who have relied on the availability of abortion to participate fully in their legal and other careers. Shelby Vaughn terminated her pregnancy so that she could remain in the military:

I was barely 18, and toward the end of completing a military training cycle at Fort Sam Houston, TX when I found out I was pregnant. . . . Being in the military and in the midst of training, I didn't know how to approach anyone about obtaining an abortion and any answers of how it would affect my progress in completing the cycle. When I informed my drill sergeant I was pregnant and wanted an abortion, he ignored my request and said things like I needed to take responsibility for my actions and accept I'd be a mother soon. . . . I was mortified, and

for many reasons. First, I was experiencing an unplanned pregnancy and emotionally distraught about my future. Second, I was brushed aside by male authority figures who were determined I was going to have a child. Third, I was part of an organization that was denying me my constitutional rights to access an abortion and had a right to because when I enlisted I became property of the U.S. Army. And, as their property it was decided abortion was not an option for me. Once again I was mortified, along with feeling loneliness, anxiety, and fear. I appealed to my liaison, who, without any surprise, supported my commander's decision and he basically told me I had no "choice," but to concede and accept the consequences of my actions. . . .

When I returned to training [after having an abortion], I faced an indifferent drill sergeant and commander who used their time and influence to make my life more difficult than should be until the training cycle ended. I was also faced with the loss of respect and negative judgments of fellow soldiers, male and female, with some turning their backs on me completely. I know what it's like to have your choice and constitutional rights violated by the very institution that is sworn to defend and uphold the U.S. Constitution. For a moment in time I knew what it felt like to be under the thumb of a man and institution who has the power to dictate my reproductive decisions, and the

emotional distress, loneliness, feelings of devastation and breathlessness accompanied with having “no choice,” along with the judgment passed against me for choosing abortion. At that moment in time, being forced against my will to undergo a pregnancy, I [knew] what it feels like to have no control over the future, with my goals and dreams of the future shattered by the will of men who vehemently exercised their power to control my reproductive choices.

Tamara Marzouk terminated her pregnancy so that she could start her first job and afford a family when she was financially and emotionally ready for one:

Right when I finished grad school, I found out I was pregnant. I was in that in-between time where I was still covered by my university insurance, right before starting a brand new job. Even before I took a pregnancy test, I knew that I would have an abortion if I were pregnant. I was just about to start my first full-time job since graduating with two master’s degrees. My partner was working at a restaurant. We knew that we did not want to parent yet, and we were not in a financial or emotional position to do so. . . .

I was 6.5 weeks pregnant when I had my abortion procedure. . . . A few weeks after my procedure, I noticed that I was still bleeding, . . . After 7 weeks of wearing pads every day and dreading taking off my underwear to see spots of blood, I started to grow worried. I contacted a new doctor and went

in for a visit. They found a collection of cells in my uterus.

They gave me the choice between waiting longer to see what might happen, or having a second abortion procedure to remove what was left. . . . I opted for a second procedure. . . . I am glad I did, because they called me the next day and told me that the first procedure had been unsuccessful; the collection of cells was pregnancy tissue that the first procedure had missed.

For all of the people that say that abortion complications are a reason to rob people of the right to have abortions: I had abortion complications and I never once have regretted my decision to have an abortion. . . .

Renee Bracey Sherman is an advocate for abortion rights due to her reliance on abortion availability:

. . . Like most weekends, I was with my boyfriend at his best friend's house, lounging on the couch while they played video games. In between texting my friends, I napped. A lot. So much that his best friend looked at me and said, "Dude, she's pregnant." I laughed it off because it was ridiculous. I was on birth control. I couldn't be pregnant. But, was I? I hadn't picked up a new pill pack because payday was still a few days off. Friends had told me that I'd be fine because when you're on the pill for a long time it's harder to get pregnant. Turns out that's definitely not true. . . . I wasn't ready to parent. And to be

honest, I simply didn't want to be pregnant. . . .

. . . I'd been in the bathroom crying for 20 minutes when I came out. I called [my boyfriend] into the living room and we talked. . . . I said I wanted an abortion and after a bit of discussion, he agreed.

. . . Since my abortion, I was able to refocus myself in work, graduate college, receive a master's degree from Cornell University, and build a career advocating for people across the nation. Every day, I am thankful for the ability to make the best decision of my life: my abortion.



CONCLUSION

This Court should not overturn precedents upon which vast segments of American society have justifiably relied. For fifty years, Americans have relied on the availability of abortion to exercise their rights to self-determination and bodily integrity; to ensure their physical and emotional health; to make decisions about when to become parents and how to raise their families; to enable themselves to escape abusive relationships, break the cycle of poverty, continue their educations, and fully participate in their careers. The abortion stories in this brief attest to the varied and personal reasons people choose to terminate unwanted pregnancies, and the thousands of signatures in support of this brief attest to the fact that these stories reflect a greater societal reliance. That reliance weighs heavily in favor of upholding this Court's prior precedents ensuring the availability of abortion.

Respectfully submitted,

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SEPTEMBER 17, 2021