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Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Thomas E. Dobbs, State Health Officer of the Mississippi Department of Health, et al. v. Jackson Women's Health Organization, et al., No. 19-1392.

Dear Mr. Harris:

This case involves a challenge to Mississippi's Gestational Age Act, which prohibits abortions after fifteen weeks' gestation, with exceptions for medical emergency or severe fetal abnormality. *See* Miss. Code Ann. § 41-41-191. The District Court held that the Act violated women's due process rights under the Fourteenth Amendment and that permanent injunctive relief was appropriate to enjoin the enforcement of the legislation. *See Jackson Women's Health Org. v. Currier*, 349 F. Supp. 3d 536 (S.D. Miss. 2018). The Fifth Circuit affirmed. *See Jackson Women's Health Org. v. Dobbs*, 945 F.3d 265 (CA5 2019). This Court granted certiorari on the question whether all pre-viability prohibitions on elective abortions are unconstitutional. *Dobbs v. Jackson Women's Health Org.*, 141 S. Ct. 2619 (May 17, 2021) (No. 19-1392).

Virginia joined a group of twenty-two States, the District of Columbia, and the North Carolina Attorney General contending that Mississippi's prohibition on pre-viability abortions is—and should remain—unconstitutional based on precedent including *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992), and *Roe v. Wade*, 410 U.S. 113 (1973). *See* Brief for State of California, et al. as *Amici Curiae*, *Dobbs v. Jackson Women's Health Org.*, No. 19-1392 (Sept. 20, 2021).

Following the change in Administration on January 15, 2022, the Attorney General has reconsidered Virginia's position in this case. The purpose of this letter is to notify the Court that Virginia no longer adheres to the arguments contained in its previously filed brief. Virginia is now of the view that the Constitution is silent on the question of abortion, and that it is therefore up to the people in the several States to determine the legal status and regulatory treatment of abortion.

Virginia now urges this Court to reverse the Fifth Circuit. It is Virginia's position that the Court's decisions in *Roe* and *Casey* were wrongly decided. Unmoored from the Constitution's text, the Court's abortion jurisprudence has proven unworkable, and the Court's effort to save it has distorted other areas of the law. This Court should restore judicial neutrality to the abortion debate by permitting the people of the States to resolve these questions for themselves.

I would appreciate it if you would circulate this letter to the Members of the Court.

Sincerely,

/s/ Andrew N. Ferguson

Andrew N. Ferguson
Solicitor General of Virginia

CC: See attached service list.

19-1392

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