

Published February 28, 2024. Editor's headline: "Reacting to Dobbs, Roe, and more."

https://www.thecheyennepost.com/opinion/columnists/reacting-to-dobbs-roe-and-more/article_aff626be-d671-11ee-b5cb-7bd8fbf0745a.html

When I put my Cheyenne house on the market, the buyers were two women married to each other. I had no problem with that; my church had a gay woman minister whose partner bore the couple two children.

The importance of my buyers' and my pastor's legal state was driven home to me when I read Christy Warren's 2023 memoir "Flash Point: A Firefighter's Journey Through PTSD."

The author, a gay woman, tells of a meeting with her workers' compensation attorney in which she and her partner Lisa were asked if they were married. They affirmed that yes, they were legally married, whereupon the lawyer told Christy, "Good, because if you weren't, they [the insurance people] could force Lisa to testify against you. You two wouldn't be protected, and Lisa wouldn't have the attorney-client privilege."

It's not often most of us consider the disadvantages of living together without marriage, but they are many. Considering that gay marriage was ruled legal by Supreme Court decision only in 2015, much heart break was foisted upon LBTIQA+ communities before the Court reached that momentous decision.

Justice Anthony Kennedy wrote the Court's opinion, joined by Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor, and Elena Kagan. Dissenting justices were Chief Justice Roberts, Antonin Scalia, Clarence Thomas, and Samuel Alito. The ruling was long overdue, yet it could have gone the other way. Justice Kennedy was a swing vote; sometimes he sided with his conservative colleagues, sometimes he didn't.

We will return to the dissenting justices shortly, but first to another Court decision with rigorous dissent, *Dobbs v. Women's Health*.

Within days of the Supreme Court's *Dobbs* ruling on June 24, 2022, which eliminated the constitutional right to abortion, a ten-year-old rape victim was forced to flee Ohio to find treatment. The child was almost six and half weeks pregnant, just past the cutoff for Ohio's "fetal heartbeat" ban.

Since *Dobbs*, nine states have enacted laws where a rape victim under age 18 is forced to carry a fetus to term. In four states that's true even if a threat exists to the girl's or woman's health.

As grim as this has been, ultra-conservatives want to make things worse. Their goal is a national abortion ban that would spread these horrors into every state. Worse, the Alabama

Supreme Court recently ruled that frozen embryos are “children,” yet another aspect of how radical conservatives force their way into the intimate decisions of women and families.

Since 1981, in vitro fertilization (IVF) has been available as a sought-after option in the United States. It is a popular process; for many individuals and families, IVF represents the only viable means of attaining pregnancy. It is often expensive and difficult, and it may take several tries before establishing a successful pregnancy. In the wake of the ruling by the Alabama court, would-be parents in Alabama have lost access to IVF.

The Alabama court’s chief justice seems to believe that Christian nationalists must impose fundamentalist values into every aspect of American society and law. Under a ruling that turns every fertilized egg into a “child,” thousands of individuals and couples seeking to start a family will go childless. IVF is currently responsible for 84,000 babies a year, writes Mark Sumner in his article of February 23, 2024, for Daily Kos. It’s the preferred way for many LGBTQ+ couples to have a child—which seems why conservatives are anxious to see the process stopped.

Additionally, the Supreme Court is on the cusp of deciding the fate of the widely used abortion drug mifepristone, which was approved in 2000. To block access to mifepristone, claimants argue that the FDA didn’t use a lawful review process. Conservative judges have repeated this claim even though they lack any evidence.

From the moment the Supreme Court returned control over women’s bodies to the men running state governments, the conservative right-wing moved into a war on birth control, writes Sumner. The conservative Christian group Alliance Defending Freedom wants to convince Americans that the birth control pill was a mistake, Sumner quotes a leader of the group. A propaganda campaign insisting that the birth control pill is dangerous is now being spread by Elon Musk.

The Heritage Foundation loves to brag about having been instrumental in selecting the ultra-conservative judges that now pack the Supreme Court. The Foundation is quite open about where it wants to go from there. It has posted a video to its X (formerly Twitter) account that should make Americans cringe.

After a series of false claims about the dangers of birth control pills, the speaker moves into her argument: “It seems to me that a good place to start would be a feminist movement against the pill and for rewilding sex, returning the danger to sex, returning the intimacy and, really, the consequentiality to sex.”

In other words, women should have sex only to become pregnant. That’s the “rewilding,” the “danger,” and the “consequentiality” the video speaker says she wants.

The goal of the Heritage Foundation, the politicians it empowers, and the judges it selects, is to end the option of sex for any purpose other than reproduction. They want us to return to the Bronze Age—and they are proud of it. If it means women surrender agency over their lives, well, that’s the goal.

It's been less than two years since the Dobbs decision, but America is a fundamentally different nation now than it was in the 50 years leading up to that disreputable Supreme Court order. Where we go from here will be decided in November—by women, and by everyone who genuinely respects them.

What's the position of the justices who ruled against the right to abortion? What are their dissenters saying, not just from the bench but from the public? Let's delve into the hornet's nest with my next column.