

# US Supreme Court abolishes constitutional right to abortion

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On Friday, at the stroke of a pen, six unelected judges ended the right to abortion, dramatically altering the country's legal and social landscape. For the first time in American history, the Supreme Court eliminated a fundamental constitutional right broadly recognized and supported by the overwhelming majority of the country's population.

The 6-3 decision in *Dobbs v. Jackson Women's Health Organization* is effective immediately. Abortion is now or will imminently become illegal in at least 21 states with a combined population of 135 million people. For the vast majority of working women, travel to the mostly coastal states where abortion remains legal will not be an option.

This is the new reality: Many will die in botched back-alley operations. Doctors who perform abortions or prescribe medication to terminate pregnancies will be sent to prison. There is often no exception to abortion bans in cases where the individual is a child or was impregnated through rape or incest.

The decision is the opening salvo in an historically unprecedented attack by the ruling class on all democratic rights. The concurring opinion by Clarence Thomas announces that the court will now begin to revisit all prior cases in which the Supreme Court protected the substantive due process rights of the population. "In future cases," Thomas wrote, "we should reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*." These decisions, respectively, protected the right to contraceptives, overturned laws criminalizing sodomy, and legalized same-sex marriage.

Though these decisions are first on the chopping block, Thomas' concurrence makes clear they are just the starting point. "After overruling these demonstrably erroneous decisions, the question would remain whether other constitutional provisions guarantee the myriad rights that our substantive due process cases have generated," he wrote.

Such cases include *Brown v. Board of Education* (barring school segregation), *Gideon v. Wainwright* (establishing the right to free criminal defense counsel), *Loving v.*

*Virginia* (banning laws against interracial marriage), *West Coast Hotel Co. v. Parish* (upholding minimum wage and child labor restrictions), and many more. The day before issuing its decision in *Dobbs*, the court issued a separate decision drastically scaling back protections against police violating the rights of those under arrest.

The decision is not legally legitimate. It is part of a far-right political conspiracy. It is the latest in a long train of reactionary decisions legitimizing state surveillance, police violence, mass deportations and corporate domination of the electoral system. It was issued by a court that does not constitute a democratic branch of government but a battering ram for medieval clericalism and bigotry.

The court is now dominated by fascistic ideologues. Three of the justices voting with the majority in *Dobbs* (Gorsuch, Kavanaugh and Coney Barrett) were appointed by Donald Trump, the would-be dictator who conspired with two of the justices (Alito and Thomas) to orchestrate a coup attempt on January 6, 2021, seeking to overturn the results of the 2020 election and establish a dictatorship.

*Dobbs* is the judicial continuation of Trump's coup attempt. It is being wildly celebrated by the far-right across the country, which views it as a testament to their power and prospects for the future.

Trump issued a pious statement declaring that "God made the decision." In Texas, pro-Trump state Attorney General Ken Paxton declared June 24 a holiday and closed state offices "in honor of the nearly 70 million unborn babies killed in the womb since 1973," the year of *Roe v. Wade*.

The Republican Party will press forward in the fight to abolish abortion even in those states where it remains legal. Fascist congresswoman and January 6 co-conspirator Marjorie Taylor Greene declared, "We are one step closer to ending the mass genocide of abortion in America," but warned that "it's not totally over." Former Vice President Mike Pence said, "We must not rest and must not relent until the sanctity of life is restored to the center of American law in every state in the land."

The response of the Democratic Party confirms beyond a

shadow of a doubt that the defense of even the most basic democratic rights is impossible through the framework of capitalist two-party politics.

At a press conference Friday, Democratic House Speaker Nancy Pelosi read a poem and solemnly said, “We hope that the Supreme Court will open its eyes.” House Democrats gathered on the steps of the Capitol building and sang “God Bless America” as protesters chanted in the background. President Joe Biden stumbled through a perfunctory 11-minute speech in which he called the decision “sad” and urged “Congress to restore protections of *Roe v. Wade* as federal law,” which everyone knows will never happen.

Biden did not announce that the Democratic Party would use the last months of its House and Senate majority to overturn the filibuster, appoint additional Supreme Court justices, or initiate impeachment proceedings against Clarence Thomas for his role in Trump’s coup. Instead, Biden absolved himself of any responsibility, declaring that “no action of the president” can protect abortion. After admitting that the Democratic Party will do nothing to legally protect abortion on a federal level, he then urged people to vote for Democrats in the upcoming midterm elections.

Biden also gave voice to the Democratic Party’s primary concern that mass opposition to the decision may produce a social explosion and warned protesters not to “intimidate” the far-right. “Keep all protests peaceful. No intimidation. Violence is never acceptable. Threats and intimidation are not speech.” As Biden spoke, a phalanx of Capitol Police deployed to respond to a protest that had broken out at the Supreme Court building. In marked contrast with January 6, 2021, the police were wearing full riot gear and there were snipers deployed on the courthouse roof.

The day before the Supreme Court ruling, as the fifth day of hearings took place showing the Republican Party was fully engaged in Trump’s coup plot on January 6, Biden referred to the Republican Party during a press conference as “my Republican friends.” In the same remarks, Biden blamed Russian President Vladimir Putin for rising gas prices and defended the massive armament of Ukraine as necessary to spread “democracy” and combat “Putin’s murderous ways.”

Biden and the Democrats rely on their “Republican friends” to wage US imperialism’s neocolonial war against Russia, which aims to open up Eastern Europe and all of Eurasia to the unbridled domination of American corporations, risking nuclear war. But this bipartisanship legitimizes the extreme right, provides wind in the sails of an increasingly fascist Republican Party, and paves the way for the Supreme Court’s rampage on democratic rights.

*Dobbs* decision has the character of a “~~final~~ ruling,” akin to the Supreme Court’s 1857 decision in *Sanford v. Dred Scott*, which hastened the outbreak of the American Civil War of 1861-65 by ruling that southern slaves remained private property when taken to northern free states, and that all individuals of African descent had no rights because they were not citizens.

Today, Biden is playing the role of then-Democratic President James Buchanan, who was inaugurated two days before *Dred Scott* was issued and whose administration was defined by his efforts to conciliate his slaveholding “friends” in the doomed, reactionary belief that accommodation with the right would preserve the union.

*Dred Scott* shocked the Northern population and contributed to a growing realization that democracy was incompatible with the “peculiar institution” of slavery, which allowed a tiny slaveholding elite to dominate the laws of the entire country. The conflict over slavery came to be seen as “irrepressible,” and the question was resolved through the revolutionary war for emancipation.

Today, millions are coming to similar conclusions about capitalism, in which a handful of reactionary oligarchs dominate the political system, attempt to establish dictatorships, wage war with potentially catastrophic consequences, allow the deaths of millions through the preventable spread of diseases like SARS-CoV-2, destroy the environment for profit and oversee the expansion of massive levels of social inequality and poverty.

The *Dobbs* decision shows that the defense of basic democratic rights today is entirely dependent on the development of a mass movement of the working class independent of the rotten two-party system. Such a movement is developing in the United States and internationally, spurred by the rising cost of living, which is driving millions into deeper levels of economic hardship.

To defend democracy and stop imperialist war, this movement must have as its goal the abolition of the capitalist system. This means the seizure and redistribution of the financial aristocracy’s wealth and the socialist transformation of the world economic system to meet the needs of the international working class.



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