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LDF Joins Amicus Brief in Mississippi Abortion Rights Case Now Before the U.S. Supreme Court

This week, the NAACP Legal Defense and Educational Fund, Inc. (LDF) joined an amicus brief filed by the Leadership Conference on Civil and Human Rights and the Lawyers Committee for Civil Rights Under Law in *Dobbs v. Jackson Women’s Health Organization*, a major abortion rights and abortion access case the Supreme Court will hear next Term. The case, which involves a challenge to Mississippi’s prohibition on elective abortions after 15 weeks, directly challenges the Supreme Court’s seminal abortion rights cases, including *Roe v. Wade* and *Planned Parenthood v. Casey*. Together, those cases confirm that the Fourteenth Amendment’s liberty interest includes the right to physical autonomy without government interference. Thus, the Supreme Court has affirmed and reaffirmed that pregnant people have a right to choose to seek abortion care up to the point in pregnancy when a fetus becomes viable, i.e., can live outside the womb on its own, which is usually around 24 weeks into the pregnancy. Only after that point in the pregnancy does the state have an interest in the life of the fetus and can limit or prohibit elective abortions.

“By passing an abortion law prohibiting most abortions after 15 weeks into a pregnancy, Mississippi directly challenges nearly 50 years of precedent that has affirmed and reaffirmed a person’s right to obtain an abortion before viability,” said Director of Litigation Samuel Spital. “The Court’s decision to review this case, which directly asks the Court to overturn *Roe* and *Casey*, is a troubling indication of this Court’s openness to consider overruling longstanding precedent, not because of any change in the constitutional doctrine underlying *Roe* and *Casey*, but because the Court’s conservative-supermajority composition makes doing so a real possibility. This case is critical, not only for the preservation of abortion rights, but for the preservation of the legitimacy of the Court and of the rule of law.”

The amicus brief highlights that substantially limiting access to late-term abortions, as the Mississippi law and other anticipated laws throughout the country would do, would inflict grievous harm on Black and low-income people in particular, who have relied on the right to an abortion—and the right to access an abortion later in pregnancy—at higher rates than other groups.

“Since the Supreme Court decided *Roe v. Wade*, access to abortion care has been a fundamental part of reproductive care for Black people and low-income people throughout the country and specifically in Mississippi,” said Mahogane Reed, the John Payton Appellate and Supreme Court Advocacy Fellow at LDF. “A Supreme Court decision undermining this right will be disproportionately felt by these same people, and especially those who—due to systemic inequities, as well as having unreliable access to sexual education, effective contraception, or basic reproductive healthcare because of Mississippi state policies—have sought out and obtained abortions more than any other group.”

Read the brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).