



Statement

The members of the Progressive Religious Coalition of Augusta are concerned about the draft of the decision on the Mississippi anti-abortion law – both for the content and the precedent.

Overturing *Roe v Wade* is a rare, perhaps unique, instance of the court **taking away** a previously established right of the American people. It is saying that women don't have the moral and intellectual capacity to make nuanced moral decisions – that they can't balance the interests of everyone involved and decide what is best. It is said that the hard decisions are not between good and evil – those are easy. The hard ones are between good and better and between bad and worse.

Focusing on the worst-case scenarios of pregnancy resulting from rape or incest ignores this larger context. Everyone has the right about what happens to their body. They can decide to have a life-saving operation, to get vaccinated against measles or COVID, to have a facelift or liposuction, or to donate an organ. Restricting a woman's right to decide about having an abortion is literally giving her fewer rights than a corpse whose organs cannot be harvested without prior consent.

In his book, *Humanhood*, the Episcopal priest and ethicist Joseph Fletcher wrote about the ethics of abortion. He said the developing fetus and subsequently the child gains rights as it progresses to maturity. That progression is what we are recognizing with increasingly stringent restrictions placed on abortions as the fertilized egg progresses to becoming an embryo, a fetus, and then a baby. It is the position that the great majority of Americans support – abortions should be legal but with restrictions.

This decision is clearly based on the Justices' personal conservative Christian views. Most other religions, indeed, most Christians, have a much different understanding of abortion rights. The constitution specifies there can be no religious test for holding a federal office, yet that is clearly the test the Republican senators have been applying during the confirmation process for Supreme Court justices. It is a case of using one's position of power to impose one's private religious beliefs on the entire nation.

The Catholic church in dealing with this question through the centuries said that ensoulment (the time when a being become fully human) occurred at birth, later they said it was when movement could be felt, finally they said we really don't know so let's just be safe and say it is when the egg is fertilized. But even here they are inconsistent. Probably a third to a half of all fertilized eggs do not implant and are swept out with the next menstrual flow, but they have never funded or even urged scientists to try to develop treatments to get more fertilized eggs to implant.

The medical and legal definition of when death occurs is the cessation of brain function. After that the body should be treated with respect, but it is not a person. Embryologists have shown that the brain circuits associated with cognition don't develop until the 24 to 28 weeks of gestation. Until then the fetus is not legally a person under the accepted definition of death.

The other reason for our concern is the broader implications for the decision. Alito recognized this when he was adamant that the reasoning does not apply to any other cases on which the court has ruled; e.g., interracial marriage, availability of contraceptives, or same sex marriage. That has no force of law; Mississippi could easily enact a law that makes interracial marriage illegal and that such marriages would not be recognized as legal in that state. Exactly the same reasoning as used in the current case would apply. The five justices who signed the draft at the very least misled the senate about their beliefs about overturning Roe v Wade during their confirmation hearings. There is no reason to believe they wouldn't overturn any other "settled" law that didn't fit with their religious beliefs. Overturning or affirming laws at the whim of five unelected justices is a recipe for chaos.

It almost doesn't matter if the leaked draft decision is finalized substantially as is or if it is modified during the discussion among the justices. The damage has been done. The reputation of the court is in tatters with its lowest approval rating in living memory. most Americans now view the court as just another political body, albeit one that is not subject to recall by an election.

Four of the five justices were appointed by presidents who were elected with a minority of the votes. The Republican senators who approved the justices received 43 million fewer votes than their Democratic colleagues. We live in a country in which the minority (granted a sizable minority) rules. We condemn other countries with minority rule but ignore our own situation. The coming gerrymandering of new congressional districts will only exacerbate that.

The conservatives have played the long game is reaching this point where Roe v Wade may be overturned. They organized and worked at the local level to recruit and prepare candidates who could then go on to state and national office to work for their cause. They prioritized a candidate's stance on appointing judges who would be favorable to their interpretations of the laws. They were focused on their goal.

Liberals/progressives must now adopt the same focused approach. In the short term, we see little that can be done but to vote for and support candidates at all levels who are committed to a woman's right to control her own body. There are real differences between the parties. Neglecting to vote because "they are all just a bunch of crooks" punishes those who are trying to do what is best for the country. It discourages good people from even running and causes those who are working for the best interest of the country to retire. And we must recognize the importance of local and state elections. It's where most of our current senators and congressmen got their start.

We can't overlook the "support" part of immediate action. Although liberals have their wealthy donors, they don't match the money that pours into conservative coffers from corporations and conservative multimillionaires. We have to counter size with volume. Those who favor a woman's right to control her own body far outnumber those who are pushing for government control of some of our most private decisions. We must put our money and time where our values are.

The future of our democracy and our right to control our own lives is literally at stake.