

# Supreme Court could reverse Roe v. Wade with Mississippi abortion case

**Mississippi Today**  
**by Will Stribling**

The U.S. Supreme Court will review Mississippi’s 15-week abortion ban — and the conservative court could use it to reverse Roe v. Wade.

The U.S. Supreme Court on Monday said it will review Mississippi’s ban on abortions after 15 weeks of pregnancy — serving as the first opportunity for the 6-3 conservative-majority court to challenge Roe v. Wade.

The 15-week ban, passed by state lawmakers in 2018 and immediately blocked by lower federal courts, will provide one of the first reproductive rights cases argued before the Supreme Court since Justice Amy Coney Barrett was confirmed in 2020. The 6-3 conservative majority is widely expected to curtail access to abortion.

“As the only abortion clinic left in Mississippi, we see patients who have spent week saving up the money to travel here and pay for child-care, for a place to stay, and everything else involved. If this ban were to take effect, we would be forced to turn many of those patients away, and they would lose the right to abortion in the state,” Diane Derziz, owner of Jackson Women’s Health Organization, the state’s sole abortion

clinic, said in a statement. “Mississippi politicians have created countless barriers for people trying to access abortion, intentionally pushing them later in the pregnancy. It’s all part of their strategy to eliminate abortion access entirely.”

The court met 13 different times to consider taking the case, a move many legal analysts have called unprecedented. The taking of this case marks the first time since the landmark 1973 abortion rights case Roe v. Wade that the U.S. Supreme Court has taken up a a pre-viability ban case — a law that prohibits access to abortion based on the amount of time pregnant before the fetus is viable, or around 24 weeks when it is able to live outside the womb.

The authors of Mississippi’s abortion ban bill said their intent in 2018 for passing then the strictest-in-the-nation abortion ban was that the U.S. Supreme Court could challenge Roe v. Wade.

“Assuming this bill were to become law, these challenges take two to three years to make their way up to the Supreme Court,” state Sen. Joey Fillingane, the Republican who authored the bill, said at the time. “The United

States Supreme Court ... has indicated that the state has a couple of interests when it comes to regulating abortion. One is protecting the health and life of the mother. Another is protecting the potentiality of human life.”

The only abortion clinic in Mississippi, which provides abortions until 16 weeks, sued the state after Republican Gov. Phil Bryant signed the law in 2018. The case has been in the federal court appeals process since then.

Legal precedent dictates that states do have legitimate interests in restricting abortion, but that states cannot outright prohibit abortions before viability, nor require an “undue burden” on women seeking an abortion. Courts have said Mississippi’s law banning abortion after 15 weeks does not meet the viability standard. The state has argued that the law is not a ban, and that the “undue burden” standard should come into factor.

If Roe is overturned or its scope limited, abortion would not immediately become illegal across the U.S. But it could allow states to ban or continue to severely limit it.

Both the state’s 2018 15-week law and subsequent stricter 2019 6-week law

were ruled unconstitutional twice in the last two years — by both a U.S. District Court and the 5th Circuit Court of Appeals.

After the New Orleans-based federal appeals court upheld the lower ruling by also overturning both Mississippi’s 15-week and 6-week bans in 2019 and 2020. Attorney General Lynn Fitch petitioned the Supreme Court to take the case, citing state’s interests in regulating abortion.

The Center for Reproductive Rights, which represents Jackson Women’s Health Organization, responded in August by asking the Court to deny hearing the case based on long-standing precedent. Fitch filed again in October, after the high court three times postponed their conference to decide to take the case or not — twice after Justice Ruth Bader Ginsberg’s death — pointing to two recent cases that differently interpreted the court’s last abortion case, June Medical vs Russo that allowed an abortion clinic to stay open.

Per precedent, states can regulate abortion before viability, but not outright ban it. Previously, Mississippi has argued that the so-called balancing test should apply in this case — weighing the burdens and benefits of the law.

Every federal court that has heard the case has said that doesn’t apply because based on the nature of the law, an outright ban is un-

## Special Pop-Up Vaccination Clinics Coming to Sunflower County

**News Release**

The Mississippi State Department of Health (MSDH) will host special pop-up COVID-19 vaccination clinics in Sunflower County on May 19-22.

No appointments necessary. Drop by, or make an appointment at <https://covid-vaccine.umc.edu>.

Thursday, May 20th  
9 a.m. – 3 p.m.

Friday, May 21st  
9 a.m. – 3 p.m.

Saturday, May 22nd  
9 a.m. – noon

Mississippi Delta CC  
J.T. Hall Coliseum  
Hwy 3 and Cherry Street  
Moorhead, Mississippi

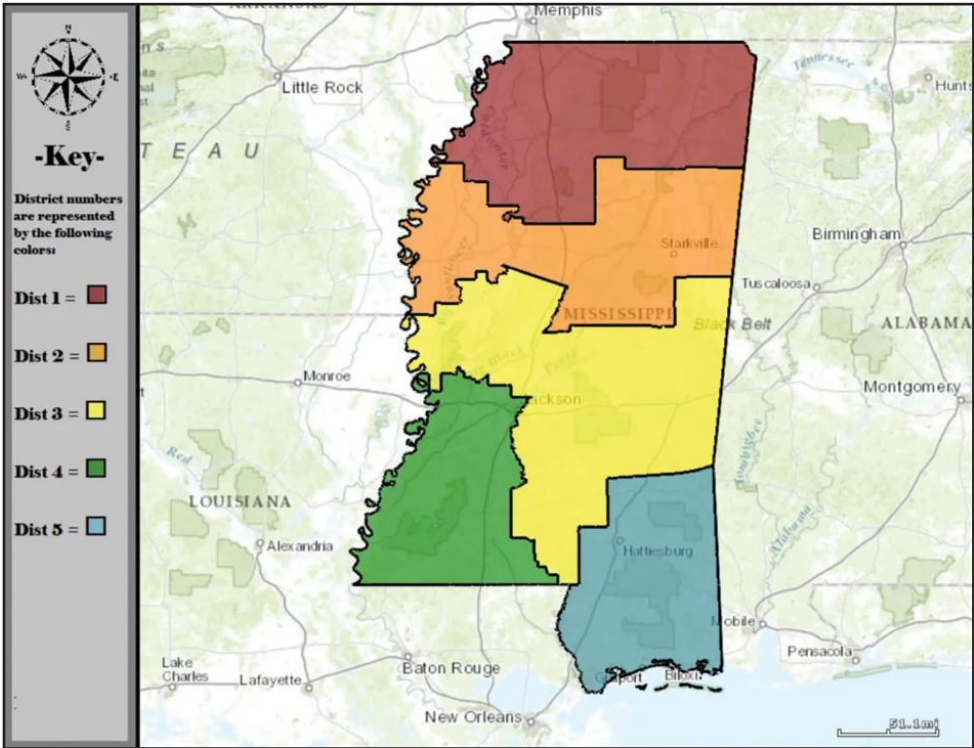
Anyone 16 years and older is eligible for vaccination. Pfizer two-dose vaccine and Johnson & Johnson single-dose vaccine (for those 18 and over) will be available. No documentation or identification is required. Second vaccine doses will be available in the area three weeks later.

### \*Holmes County

(Continued from page 1.) serving as mayor of the City of East St. Louis, IL, and news director for GEMM Media Centre in East St. Louis, IL.

“Holmes County, the time is now! If not now, when? Together, there is nothing we can’t do,” Dr. Powell said. “We must pool our resources, talents, and time to prepare a solid foundation of success constitutional regardless of the state’s interests or benefits. Essentially, a regulation that limits choice, such as other laws in Mississippi that require two doctor’s visits and waiting periods for the procedure, merit the benefit or burden test. Outright bans that eliminate choice for certain women are on their face unconstitutional and don’t warrant the balancing test.

# Task of redrawing U.S. House districts not as daunting as in 2000



Mississippi lawmakers again face the task of redrawing U.S. House districts after preliminary census data was released last month.

**Mississippi Today**  
**by Bobby Harrison**

In 2001, House Speaker Tim Ford of Baldwin supported the plan of fellow Democrats to place much of suburban Jackson in a congressional district with northeast Mississippi.

Explaining the congressional redistricting effort featuring the Tupelo to Jackson district, Ford off-handedly dubbed it “the tornado plan” because of the way it looked on the map. Ford’s intent

was not to sabotage the plan, and most likely opposition to the plan would have been intense regardless of what it was called, but the “tornado” moniker stuck and not in a good way.

Indeed, the moniker helped galvanize opposition.

The political landscape of the state was much different in 2001, though in hindsight the writing already was on the wall portending the rise of the Republican Party and fall of the Democratic Party.

As a result of the 2000 Census, Mississippi’s number of U.S. House seats was reduced from five to four - not because the state lost population but because it did not grow as much as other states. Legislators faced the difficult task of redrawing the districts, knowing they would be forced to pit two incumbent U.S. House members against each other.

Legislators could not complete the task after the 2000 Census. And legislators also failed to draw congressional

districts based on the population shifts found by the 2010 Census. In both 2000 and 2010, the federal judiciary ended up drawing the districts.

Now, 10 years later, legislators again face the task of redrawing House districts. The preliminary census data was released last month. Both Senate Pro Tem Dean Kirby, R-Pearl, and Rep. Jim Beckett, R-Bruce, who are heading up their chambers’ redistricting efforts, have said they intend for the Legislature, not the courts, to redraw the congressional districts — early in the 2022 session.

They will not have much time. The qualifying deadline for candidates to run for the U.S. House is March 1.

Like in 2000 and 2010, Mississippi will have four U.S. House members. The state is not losing a U.S. House seat even though it was one of only three states to lose population, according to early census data.

In 2000, Mississippi’s five U.S. House members were Democrats Gene Taylor of the 5th District on the Gulf Coast; Ronnie Shows of the 4th District, which stretched from Jackson into southwest Mississippi; Bennie Thompson of the 2nd District, who was the state’s sole African American member representing most of the Delta; and Republicans Roger Wicker

of the 1st District in north Mississippi; and Chip Pickering of the 3rd District, which included parts of the Jackson suburbs and much of east Mississippi.

The consensus was that Pickering and Shows would be thrown into the same district — in part because they had less experience than some of the other members and in part for the sake of the compactness of the districts.

Democrats, who controlled both the state House and Senate in the form of Speaker Ford and Lt. Gov. Amy Tuck, reasoned that it made sense to move the Republicans in high voter turnout Jackson suburbs in Madison and Rankin counties from Pickering to Wicker.

Democrats reasoned that the tornado plan would result in the re-election of Thompson and Taylor for their side and put the incumbents Shows and Pickering in a toss-up district. On the other hand, people from northeast Mississippi feared the tornado plan could make Wicker, a Tupelo resident, vulnerable to a Republican from the Jackson suburbs.

At any rate, Tuck, though a Democrat, would not go for the tornado plan.

The result was a November special session where the two redistricting chairs, Rep. Tommy Reynolds and Sen. Hob Bryan, essentially did nothing other than call

meetings where they rejected each other’s offers on behalf of their leadership and then regaled those in attendance with their vast knowledge of literature, ranging from Shakespeare to Tennessee Williams to Faulkner to the Bible.

After seven days, the House leadership opted to end the special session. The Senate stayed in session, knowing that if one chamber refused to go home the other would be forced to return.

But then Gov. Ronnie Musgrove, Mississippi’s last Democratic governor, stepped in to conclude the session based on a constitutional clause that said the governor could end the session if the two chambers could not agree.

With the Legislature not able to complete its task, the courts, both on the state and federal levels, got involved in a complex process that involved multiple high profile attorneys. The end result was a plan that looked nothing like a tornado where Pickering easily defeated Shows.

In 2003, Tuck, facing anger from Democrats, ran and won re-election as a Republican. In 2010, Taylor lost to Republican Steven Palazzo, leaving the Democrats with one U.S. House member: Thompson.

The upcoming effort to redistrict the House is not expected to result in such dramatic changes.