

## **Roe v. Wade / Practice Free Response Question (●●●)**

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The Mississippi legislature passed the Gestational Age Act, which states: “Except in a medical emergency or in the case of a severe fetal abnormality, a person shall not intentionally or knowingly perform, induce, or attempt to perform or induce an abortion” when “the probable gestational age of the unborn human being has been determined to be greater than fifteen (15) weeks.”<sup>1</sup>

The day Mississippi enacted the 15-week ban, Jackson Women’s Health Organization filed a case in federal court seeking a temporary restraining order against its enforcement and challenged the constitutionality of the law. The U.S. District Court and the Fifth Circuit Court of Appeals declared Mississippi’s ban on abortion after 15 weeks of pregnancy unconstitutional, citing precedents including *Roe v. Wade* (1973). Ultimately, Mississippi asked the U.S. Supreme Court to reverse the lower courts’ decisions.

At the Supreme Court, in *Dobbs v. Jackson Women’s Health Organization* (2022), the issue considered was whether all pre-viability prohibitions on elective abortions were unconstitutional. The Court found that the Constitution does not protect the right to an abortion; therefore, states have the authority to regulate abortion.

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**Based on the information above, respond to the following questions.**

1. Identify the implied right in question that was the basis for the decision in *Roe v. Wade* (1973) and reconsidered in *Dobbs v. Jackson Women’s Health Organization* (2022).
2. Explain the principle of *stare decisis* and to what extent it was adhered to in the *Dobbs v. Jackson Women’s Health Organization* decision.

3. Explain how an interest group who disagrees with the Court's decision in *Dobbs v. Jackson Women's Health Organization* (2022) might take action at the state level to mitigate the impact of the decision.

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<sup>1</sup> [MS Code § 41-41-191 \(2018\)](#)