VICE News

The Right Is Obsessed With the Roe v. Wade Leak—Not the Erosion of Abortion Rights

Conservatives who defended Donald Trump are suddenly very concerned about the lack of decorum in politics.

Paul Blest

May 3, 2022

Nearly 50 years after Roe v. Wade enshrined the constitutional right to an abortion and helped pull women across America <u>out of the warehouses and back alleys</u>, the majority-conservative Supreme Court is poised to end it with a monumental decision American conservatives have sought for decades, which more than 70 percent of Americans disagree with, and is likely to result in the deaths of many abortion-seeking people.

So rather than gloat about a win that's been decades of slowly chipping away at abortion access in the making, the sorest winners in American politics are <u>complaining about the leak</u> of the opinion to Politico.

The draft opinion written by Justice Samuel Alito in Dobbs v. Jackson*'s* Women's Health Organization, which is not finalized and so far has not changed abortion access, argues that Roe "was egregiously wrong from the start," and that "the Constitution does not confer a right to abortion."

"*Roe* and *Casey* must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives," Alito wrote, referring to the 1992 decision <u>that weakened *Roe* but upheld the basic right to an abortion</u>.

The rare but not wholly unprecedented leak of the opinion, however, has conservatives up in arms. Ilya Shapiro, a Georgetown University School of Law faculty member and former Cato Institute vice president, tweeted that the leak "is inexcusable and threatens the Court's functioning."

"The most plausible explanation is that it's someone on the left engaged in civil disobedience—so yet again it's those who bemoan the 'loss of norms' who break them," Shapiro said.

Shapiro is best remembered as the conservative legal academic who said earlier this year, before President Joe Biden even nominated Justice-Designate Ketanji Brown Jackson to the Supreme Court, that his selection <u>would lead to a "lesser Black woman" rising to the court</u>.

"The fact that some are praising this leak shows how utterly craven we have become in our politics," added Jonathan Turley, a George Washington University law professor who <u>testified against impeaching Donald Trump</u> after Trump attempted to force a country that's militarily reliant on the U.S. to investigate a domestic political rival. "There appears no ethical rule or institutional interest that can withstand this age of rage."

Sen. Ted Cruz, a former Supreme Court clerk himself, tweeted that he was "appalled by the shocking breach of trust posed by this leak."

"This is a blatant attempt to intimidate the Court through public pressure rather than reasoned argument," said Cruz, who supported overturning the result of a free and fair presidential election even after a mob of Trump supporters rioted at the Capitol and briefly delayed certification of the results.

Far-right social media personality Matt Walsh called the leak "an attack on our system 100000000 times more serious than the Capitol riot."

"The SCOTUS leak is an actual insurrection," Walsh said. "An attempt to completely upend and delegitimize the rule of law, incite violence and chaos, and potentially plunge the nation into civil war. January 6th was a stroll in the park compared to this."

The leak has also unleashed a wave of racist rhetoric on social media toward a person believed by the right—despite a lack of evidence—to be the alleged leaker, with some conservatives calling for the impeachment of Justice Sonia Sotomayor and jailing the person they believe to be behind the leak.

But while conservatives whine about the tragic loss of decorum at the Supreme Court—which now includes two men accused of sexual harassment and misconduct, and another who owes his seat on the Court to the GOP's raw exercise of power— the consequences of the likely decision to end nationwide legal abortion are beginning to come into view.

A nationwide ban on abortion—for which anti-abortion activists are generating support among Republican lawmakers looking toward a post-*Roe* world, according to a report published by the *Washington Post* Monday—would lead to a more than 20% increase in maternal mortality, according to a study published last year.

Nearly half of all abortions performed in the world are unsafe, according to a 2017 study in *The Lancet*, and as many as 31,000 maternal deaths annually are related to abortion globally, according to the Guttmacher Institute—which noted that in many countries, deaths from unsafe procedures plummeted after abortion was legalized.