



FORD
FOUNDATION



Plain Language Edition

Our Bodies, Our Rights:
What's Going On at the
Supreme Court?

This toolkit was made possible in part by the generous support of the Ford Foundation and the WITH Foundation. No WITH or Ford Foundation funds were used to produce the components of this toolkit which may constitute lobbying.

Our Bodies, Our Rights: What's Going On at the Supreme Court?

What is an abortion?

When a person is pregnant, they have a new human growing inside of them. This new human is called a **fetus**. An **abortion** is when a person decides to end their pregnancy without giving birth. There are a couple ways that abortions happen. One is a **medication abortion**. This is where a pregnant person takes pills that are designed to end their pregnancy. Another is a **surgical abortion**. This is when a pregnant person has surgery to end their pregnancy.

(We say “pregnant people” instead of “women” to include all people who can get pregnant. Some transgender men and non-binary people can get pregnant. Also, not all women can get pregnant.)

People have lots of debates about abortion. Some people say that abortion should be illegal. Other people say that abortion should be legal.

ASAN believes that abortion should always be legal. We believe people have the right to **bodily autonomy** and **self-determination**. Bodily autonomy means people control what happens to their bodies. Bodily autonomy means people get to make their own decisions about their bodies. All people have the right to bodily autonomy.

Self-determination is the right to make choices about your own life. Self-determination means people get to choose what they do with their lives. All people have the right to self-determination.

When abortion is illegal, pregnant people can't decide to get an abortion if they need one. That interferes with pregnant people's bodily autonomy. It interferes with pregnant people's self-determination.

Right now, abortion is legal in some states. Abortion is not legal in other states. We will talk about why this is in a later section.

Why does abortion matter to people with disabilities?

People have abortions for lots of reasons. We think that about 1 in 4 women [will have an abortion by the time they turn 45](#). (We say “women” here because the study only looked at women who get abortions.)

[Some of the reasons people get abortions are:](#)

- They do not want to be pregnant and have a child
- They cannot afford to be pregnant and have a child
- It is not the right time for them to be pregnant and have a child
- They do not want to be pregnant and have a child in their current relationship
- They already have children who they need to focus on. Being pregnant and having another child would take away from that

Abortion matters to people with disabilities for a lot of reasons. The reasons we just talked about are also important to people with disabilities. Here are more reasons why abortion matters to people with disabilities:

For some pregnant people with disabilities, their pregnancy is causing them harm by making their disability worse. For example, [epilepsy](#) (a disability that causes seizures) can get really bad during pregnancy. Epilepsy can get so bad during pregnancy that it can kill the pregnant person or the fetus. If a person with disabilities gets pregnant, they may not want to risk their disability getting worse.

Some people with disabilities take medication that would hurt the fetus if they got pregnant. For example, a lot of medications that people take [for mental health disabilities](#) can harm fetuses. But for a lot of people with disabilities who take medication, they can't easily go off their medication. If they go off their medication, their disabilities could get worse. Or they might have really bad side effects from the process of going off their medications. Some pregnant people with disabilities who take medication choose abortion because they feel it is the best choice for them.

Being able to choose if, and when, we have children is a key part of bodily autonomy and self-determination. We should be able to choose if, and when, we have children. If we get pregnant and don't want to be, we should be able to get an abortion. People with disabilities have a long history of not having bodily autonomy or self-determination. Having the right to get abortions is one way we do have bodily autonomy and self-determination.

What is Roe v. Wade?

Roe v. Wade was a court case decided in 1973. We sometimes call Roe v. Wade "Roe" for short. A woman who used the fake name "Jane Roe" for privacy needed an abortion in Texas. But Texas law said that abortion was illegal. So Jane Roe brought a **lawsuit** to try and change the law so she could get an abortion. A lawsuit is when you take someone to court. You tell the court what the person did or is trying to do to you. Then, you ask the court to tell the person what to do. The case made its way to the Supreme Court.

The **Supreme Court** is the highest court in the United States. They have the final say on laws. The Supreme Court is made up of 9 justices. **Justice** is what we call a judge on the Supreme Court. The President of the United States picks justices to be on the Supreme Court.

Supreme Court decisions matter to people with disabilities. Some

Supreme Court decisions said people with disabilities have certain rights. Other Supreme Court decisions said people with disabilities do not have certain rights.

The Supreme Court made a decision in *Roe v. Wade*. They decided that it wasn't okay for states to make abortion illegal all together. The Supreme Court said that states could make some laws about when abortion could be illegal. But the Supreme Court said that states had to let abortions be legal at least for the first few months of a person's pregnancy.

A typical pregnancy is about 9 months long. The Supreme Court made rules about abortion based on how long someone had been pregnant. The Supreme Court said that abortion had to be legal during the first 3 months of pregnancy. The Supreme Court said that states can pass some laws about abortion in the second 3 months of pregnancy. But the laws can only be to protect the health of the pregnant person. The Supreme Court said that states can pass laws to make abortion illegal in most cases in the third 3 months of pregnancy.

What changes have there been to Roe?

In 1992, the Supreme Court made a decision in another case. This case was called **Planned Parenthood of Southeastern Pennsylvania v. Casey**. (We sometimes call *Planned Parenthood of Southeastern Pennsylvania v. Casey* "Casey" for short.) Planned Parenthood is a group that provides abortions and other health care. They brought a lawsuit against the state of Pennsylvania. Pennsylvania had passed laws making it harder to get an abortion in that state. The lawsuit made its way to the Supreme Court.

Before, the Supreme Court said laws about abortion needed to be based on how many months someone was pregnant. Now, the Supreme Court changed its mind. Now, the Supreme Court said the new system would be about fetal viability. Fetal viability is whether the fetus can survive outside of the pregnant person's body. States could only pass laws

making abortion illegal once the fetus could survive outside the pregnant person's body. This meant that states could pass laws making abortion illegal earlier in people's pregnancies than before.

Where are we now?

Abortion is legal in some states. It is illegal in other states. States have been passing laws to make abortion illegal in their state. States have been trying to do this since the Supreme Court decided Roe in 1973. But some states have especially been trying to make abortion illegal in their state in the past few years.

For example:

In 2018, the state of Mississippi made a law saying pregnant people couldn't get abortions if the fetus was more than 15 weeks old. A fetus is not viable at 15 weeks old. A fetus cannot survive outside the pregnant person's body at 15 weeks old. So, Mississippi's law goes against what the Supreme Court said in Casey. But Mississippi still made the law. Mississippi still wants abortion to be against the law after 15 weeks of pregnancy. Mississippi's law is part of another Supreme Court case. We will talk about that case in the next section.

What is Dobbs v. Jackson Women's Health Organization?

Dobbs v. Jackson Women's Health Organization is another Supreme Court case. The Supreme Court decided it this year, in 2022. We sometimes call Dobbs v. Jackson Women's Health Organization "Dobbs" for short.

In 2018, the state of Mississippi made a law saying pregnant people couldn't get abortions if the fetus was more than 15 weeks old. This went against what the Supreme Court said in Roe and in Casey. Mississippi asked the Supreme Court to change its mind. Mississippi wanted the Supreme Court to undo its decisions in Roe and Casey.

[ASAN and another disability rights organization, DREDF, filed an amicus brief in the Dobbs case.](#) An amicus brief is a way for people who aren't part of a lawsuit to tell a court what decision it should make. The brief explains how important it is for people with disabilities to make choices about our own bodies. The brief says that the Supreme Court should decide to keep its decisions in Roe and Casey. The brief talks about the following things:

- The 15-week abortion ban would deny the bodily autonomy of pregnant people. People have bodily autonomy all the time, including when they are pregnant. Bodily autonomy means people control their bodies. Nobody else should decide what a person does with their body. But if the Supreme Court agrees with the 15-week ban, they will be saying pregnant people don't have bodily autonomy if their pregnancy is more than 15 weeks along. That is not right.
- The 15-week abortion ban would have especially bad effects on people with disabilities. Some disabilities get worse while a person is pregnant. Some disabilities can get so bad that if the person doesn't have an abortion, they could die. But not all people find out they are pregnant before their pregnancy is 15 weeks along. Some disabilities that get bad with pregnancy only get really bad at the end of pregnancy.
- A lot of places have really limited access to abortions. Some states only have one clinic left that performs abortions. But accessing abortion can be even harder for people with disabilities. We might not be able to travel easily to a clinic to get an abortion. Or, we might need a lot of time to consider all our choices and make the decision to have an abortion. If the Supreme Court agrees with the 15-week ban, that would take away many people with disabilities' access to abortion.

- Some people are on medications that would make it really bad if they got pregnant. Some of these medications can be harmful to a fetus. Other medications cause really bad side effects during pregnancy. Not everyone can safely stop taking their medications during pregnancy. Some people will die without their medications. Some people will get really sick without their medications. If the Supreme Court agrees with the 15-week ban, that would mean people taking these medications might not be able to get abortions.
- The Mississippi 15-week ban has some exceptions for abortions after 15 weeks of pregnancy. But those exceptions don't cover many reasons people with disabilities might need abortions. There is an exception if the pregnant person's life is in danger. And there is an exception if continuing the pregnancy will hurt someone physically in a bad way that can't be undone. But the ban doesn't say anything about hurting someone mentally or emotionally. Some disabilities can get really bad during pregnancy. But they don't put the pregnant person in danger of dying. And they don't put the pregnant person in danger of getting physically hurt in a way that can't be undone. So the exceptions to the ban are not good enough.
- People with disabilities are more likely to be poor than people without disabilities. It could take a person with disabilities a long time to save up for an abortion if they needed one. They might not be able to afford an abortion before the 15th week of pregnancy. Then, they might not be able to get an abortion at all.
- A ban on abortion might lead to more people with disabilities getting sterilized against our will. When someone is **sterilized**, they have surgery so that they can't ever get pregnant. If we are under guardianship, our guardians might decide to sterilize us so we can't ever risk getting pregnant. Our guardians might decide to do this because people with disabilities [are more likely to be sexually assaulted](#). Sexually assaulted means being forced to have sex with someone. (And, there is no exception in the ban if we get pregnant from being sexually assaulted.)

- Being able to get an abortion is part of bodily autonomy. If the Supreme Court agrees with the abortion ban, it would hurt bodily autonomy. That might lead to people not being able to have bodily autonomy in other ways, like people with disabilities being forced to have abortions.

What happened at the Supreme Court?

The Supreme Court made a decision in Dobbs. The decision said [the Supreme Court would undo their decisions in Roe and Casey](#). That means that Mississippi's 15-week ban would be legal. It means states can make abortion illegal all together again. It means that in some states, pregnant people can't get abortions at all anymore.

This is a very bad decision. It means abortion is no longer a right in the United States. This decision is already affecting people. Many states have laws against abortion now. People who need abortions now can't get care in many states. Some states have not banned abortion yet but likely will soon. This will force people to need to travel to get abortions. Many people will not be able to do this. Those people will not be able to get abortions, even if they need abortions.

This decision is not right. It is not fair. Everyone who needs an abortion should be able to get one. People shouldn't have to travel between states to get abortions.

Why are some people so angry?

People are angry because the Supreme Court undid the decision in Roe v. Wade. Abortion doesn't have to be legal anymore. Different states can say that abortion is illegal in those states. People can't get abortions anymore in states where it is now illegal. This is very bad. People have bodily autonomy. A pregnant person should be able to get an abortion if they want one.

Banning abortions does not stop abortions from happening. It only means people who want abortions might have to do illegal things. And it would mean that pregnant people might have to travel long distances to get abortions. Some states are making abortion illegal. Other states are not. So people will have to travel between states to get an abortion. Traveling between states to get an abortion costs a lot of money. This would mean people who don't have a lot of money couldn't travel to get abortions.

People also worry about the right to privacy. The **right to privacy** is a right that says the government should not interfere with people's privacy. When we say "the right to privacy," we are not just talking about people doing things in private. We are talking more about the government not getting to decide what people do in their personal lives. Without the right to privacy, people wouldn't have a lot of other rights.

The Supreme Court's decision in Dobbs threatened the right to privacy. One of the justices on the Supreme Court wrote in the Dobbs decision that he wanted to undo the right to privacy and a lot of other rights. Some of these rights are:

- The right to get birth control. **Birth control** is medication that makes it so you can't get pregnant as long as you keep taking it.
- The right for two adults of the same gender to get married.
- The right of two adults of the same gender to have sex with each other.
- The right for two adults of different races to get married.
- The right of people not to be sterilized if you don't want to be.

(We don't know that the Supreme Court would get rid of these rights. But we are pretty sure they would if they got the chance.)

All these rights are based on the right to privacy. All these rights have to do with bodily autonomy and self-determination. Bodily autonomy and

self-determination say that people have the right to make choices about their own bodies and lives. Many rights have to do with bodily autonomy and self-determination, such as:

- The right to get birth control.
- The right for two adults of the same gender to get married.
- The right of two adults of the same gender to have sex with each other.
- The right for two adults of different races to get married.
- The right of people not to be sterilized if you don't want to be.

For example: People have the right to get birth control without the government knowing about it. This is because people have the right to keep their medical decisions private from the government. Getting birth control is a medical decision. Right now, the government can't say only certain people can get birth control. This is because of the right to privacy. The government has to let anyone who wants birth control get it. But the Supreme Court could undo the right to privacy. Then the government could say who is or isn't allowed to get birth control.

What can we do?

- Talk about abortion and bodily autonomy with others. We talked about how abortion is really common and lots of different people have abortions. It's important to talk about how abortion is normal. It's important to talk about how everyone has the right to bodily autonomy. It's important to talk about how everyone has the right to self-determination. That way, more people can learn about these topics. Not everyone will agree with you. People have many different opinions about abortion. But some people will agree with you. They can help you advocate for abortion access.
- Look out for different ways you can advocate. Different groups have different ways you can help them with their advocacy. For example, ASAN might send out an Action Alert asking you to contact your elected officials.

- Advocate for laws in your state that make it easier to get an abortion. Right now, each state has different laws. Some states make it very easy to get an abortion. Some states make it very hard to get an abortion. Advocate for laws in your state that make it easier to get an abortion. You can learn more about your state's laws here: <https://www.guttmacher.org/state-policy/explore/overview-abortion-laws>. You can learn more about bills your state has introduced that have to do with abortion here: <https://www.guttmacher.org/state-policy>.
- Give money to abortion funds, if you can. **Abortion funds** are groups that give money to people who need abortions. Abortion funds run off of donations, meaning other people need to give money to them. Abortion funds are very important. They help people pay for abortions, traveling to get an abortion, and other related costs. You can find a national list of abortion funds here: <https://abortionfunds.org/funds/>.

Why does bodily autonomy matter to people with disabilities?

Bodily autonomy is very important to people with disabilities. We have the right to make our own choices about our bodies. We should be the only ones to decide what happens to our bodies. Nobody else should get to decide for us.

In the past, bodily autonomy was taken away from people with disabilities a lot. This still happens sometimes today.

What is forced sterilization?

In the past, many people with disabilities were **forcibly sterilized**. Forced sterilization is when the government forces someone to get a surgery that makes it so that person can't have children. Forced sterilization has been used a lot against people with disabilities. It has also been used a lot against people of color, immigrants, and people who don't have a lot of money.

The Supreme Court has made a few decisions about bodily autonomy and forced sterilization.

In 1927, the Supreme Court made a decision in a case called **Buck v. Bell**. Carrie Buck was a woman with an intellectual disability who lived in an institution. The state of Virginia wanted to forcibly sterilize her because she had an intellectual disability. The state of Virginia had a law saying people living in institutions could be forcibly sterilized. Carrie Buck brought a lawsuit against the people who ran the institution. In Carrie Buck's case, she was asking the court to tell the people who ran the institution not to forcibly sterilize her.

The lawsuit made its way to the Supreme Court. The Supreme Court decided it was okay for the state of Virginia to sterilize Carrie Buck. The Supreme Court said it was alright because Carrie Buck had an intellectual disability. The state of Virginia forcibly sterilized Carrie Buck. The state of Virginia had a law saying people in institutions could be forcibly sterilized until 1974.

Other states also forcibly sterilized people. Many states sterilized people with intellectual and developmental disabilities. They didn't think that people with intellectual and developmental disabilities should have the right to bodily autonomy. They didn't think that people with disabilities should have the right to decide to have children. They didn't want people with disabilities to have children. They especially did not want people with disabilities to have children with disabilities.

Many states also forcibly sterilized people of color. In California, [many Mexican immigrant women were forcibly sterilized](#). Doctors would pressure women to agree to sterilization while giving birth. The doctors would lie and say that the sterilization was reversible. The women did not speak English fluently and often did not understand what the doctors were saying. In North Carolina, Black women were forcibly sterilized more often than white women. [Black women were forcibly sterilized 3 times more than white women](#).

All these things were part of eugenics. **Eugenics** is the idea that some people have “good traits” and some people have “bad traits.” People who support eugenics think that people they believe have “good traits” should have lots of children. They want to reduce or get rid of groups of people that they think have “bad traits” by making sure those groups don’t have children. People who believe in eugenics think that people with disabilities are worth less. People who believe in eugenics also think that people of color are worth less. Eugenics is always wrong. [ASAN is against eugenics.](#)

The Supreme Court has never undone their decision in Buck v. Bell. That means that it is still legal for states to pass laws saying that certain people can be forcibly sterilized. However, most states no longer have laws saying that certain people must be forcibly sterilized.

This was wrong! All people, including people with intellectual disabilities, have bodily autonomy. Our thoughts and choices about our bodies matter. The government should not force people to be sterilized. The government should not be able to force people to get medical care of any kind. And the government should not be able to stop people from getting medical care, like abortion.

Are people still forcibly sterilized today?

Although most states no longer have laws saying certain people should be forcibly sterilized, forced sterilizations still happen. In the last few years, a lot of forced sterilizations have taken place [in prisons and jails](#). In many cases, people were told that they would have to serve less time in jail or prison if they got sterilized. The people technically had a “choice” whether or not to get sterilized. But it wasn’t a real choice. If they didn’t get sterilized, they would go to jail or prison for longer. That makes it not a real choice.

In 2020, a worker at a jail in Georgia talked about what was happening in the jail. The worker said that the people who ran the jail were forcibly

sterilizing [immigrant women in the jail](#). The worker said that the women who had been forcibly sterilized didn't know why they were forcibly sterilized.

People with disabilities under guardianship can still be forcibly sterilized in many states. If a person's guardian says yes to the sterilization, the doctor performing the sterilization might not even ask the person themselves. 31 states and Washington, D.C. have laws that [allow people with disabilities to be forcibly sterilized](#). These laws let other people make the decision about whether to sterilize a person with disabilities. The other people might be the person's guardian or a judge. Only 2 states, Alaska and North Carolina, ban forced sterilization of people with disabilities.

What is Doe ex. rel. Tarlow v. D.C.?

There are other ways that the government can violate people with disabilities' bodily autonomy. One way is through forcing people with disabilities to have surgeries other than forced sterilization. For example, in [the case Doe ex rel. Tarlow v. D.C.](#), three women with intellectual disabilities brought a lawsuit against the Washington, D.C. Developmental Disabilities Administration. The Developmental Disabilities Administration is the part of the Washington, D.C. government that works with people with intellectual and developmental disabilities. The women said that the Developmental Disabilities Administration forced them to have surgery against their will. One woman said she was forced to have eye surgery. The other two women said they were forced to have abortions.

Doe ex rel. Tarlow v. D.C. did not go to the Supreme Court. But one of the lower court judges who decided it is now a Supreme Court Justice. That Justice's name is Brett Kavanaugh. In Doe ex rel. Tarlow v. D.C., Brett Kavanaugh said that the Developmental Disabilities Administration didn't have to ask the women what they thought about the surgeries. Brett Kavanaugh said that what the women thought about the surgeries didn't matter.

That is wrong! What the women thought about the surgeries did matter. It should have been the women's choice whether they got the surgeries, not the Developmental Disabilities Administration's decision. Everyone has bodily autonomy. The women in *Doe ex rel. Tarlow v. D.C.* had bodily autonomy. It is wrong to force someone to get any surgery that they do not want to. It is wrong to say someone's wishes don't matter because they have a disability.

Forcing people with disabilities to have abortions is also part of eugenics. It is part of eugenics because it is saying people with disabilities shouldn't have children. People with disabilities also have the right to have children if we want to. Other people shouldn't be able to make us have abortions.

Self-determination

Self-determination is the right to make choices about your own life. People use self-determination all the time. Some ways people use self-determination are:

- Choosing where they will live and who they will live with
- Choosing what they want to do during the day
- Choosing where they want to work
- Choosing if, and when, they want to have children

Having children is a big decision. People should be able to choose if, and when, they have children. People with disabilities should be able to choose if, and when, we have children. Other people shouldn't do things to stop us having children. And other people shouldn't force us to have children if we don't want to.

Some people with disabilities need help making decisions. Instead of having a guardian, these people can use supported decision-making. **Supported decision-making** is a way to make decisions. A person with

a disability chooses someone to help them understand or communicate a decision. The person they choose is their **supporter**. The person with a disability makes their own decision and has help from the supporter. Supported decision-making can help people with disabilities make big decisions, like the decision if, and when, to have children.

It is important to remember that all people, including people with disabilities, have the right to self-determination. Someone's right to self-determination doesn't go away because they have a disability. It doesn't go away because they need help making a decision. It doesn't go away even if someone is under guardianship.

Reproductive justice

Reproductive justice is a human right. ("**Reproductive**" means "related to having children.") Reproductive justice says that all people have the right to:

- Have bodily autonomy and self-determination
- Have children, if they want to
- Not have children, if they want to
- Parent their children in a safe and healthy world

Women of color, especially Black women, coined the term "reproductive justice." The reproductive justice movement focuses on more than just whether abortion is legal. The reproductive justice movement focuses on whether abortion is accessible to all people. Reproductive justice focuses on whether people can access abortion in their area. Reproductive justice focuses on whether people can afford to pay for an abortion.

Reproductive justice also focuses on more than just abortion. Reproductive justice also talks about access to things like:

- Birth control
- Sexual education
- Health care during pregnancy
- Safe homes and living spaces
- Getting paid enough to support a family

Reproductive justice is really important. It is important that people have access to all different kinds of choices around pregnancy, abortion, and parenting. It is important that people have all the information and support they need to live the life they want. It is important that people have all the information and support they need to choose whether or not they have children.

For example: People of color are more likely than white people [to not have a lot of money](#). People of color are less likely than white people [to have safe, stable housing](#). When people don't have a lot of money or safe housing, they may feel like they can't have children, even if they want to. Making sure people have enough money that they feel they can have children is part of reproductive justice. Making sure people have safe, stable housing where they feel they can have children is part of reproductive justice.

Reproductive justice is also about health and safety during pregnancy and giving birth. All people deserve to be safe and healthy during pregnancy. But in the United States, about 700 people die each year because of pregnancy or its complications. (**Complications** are medical conditions that happen because someone is pregnant. For example, some people get diabetes while pregnant. Their diabetes is a complication of pregnancy.) Black people are much more likely than white people to die because of pregnancy or its complications. One study found that [Black people are 3 times as likely as white people](#) to die

because of pregnancy or its complications. We don't know exactly why this is. But we think it is because of racism in the health care system. We think it is because doctors take less good care of Black pregnant people than they do of white pregnant people.

Reproductive justice is important to people with disabilities. Like we already talked about, people with disabilities are more likely to be forcibly sterilized. Also, when people with disabilities do have children, the government might say [we can't be good parents because we have disabilities](#). The government [might take our children away from us because we have disabilities](#). This is wrong! People with disabilities can be good parents. We deserve to parent our children, just like other parents do.

We don't just want a world where abortion is legal. We want a world where abortion, parenting, and other choices about pregnancy are *accessible* to everyone. We want a world where people who want abortions can get them without having to travel long distances or spend a lot of money. We want a world where people who want to have children can parent their children in safe, healthy environments without fearing the government will take their children away.

Words to Know

Abortion

When a person decides to end their pregnancy without giving birth.

Abortion funds

Groups that give money to people who need abortions.

Amicus brief

A way for people who aren't part of a lawsuit to tell a court what decision it should make.

Birth control

Medication that makes it so you can't get pregnant as long as you keep taking it.

Bodily autonomy

The right of people to control what happens to their bodies. Bodily autonomy means people get to make their own decisions about what happens to their bodies.

Buck v. Bell

A Supreme Court case decided in 1927. Carrie Buck was a woman with an intellectual disability who lived in an institution. The state of Virginia wanted to forcibly sterilize her because she had an intellectual disability. The state of Virginia had a law saying people living in institutions could be forcibly sterilized. Carrie Buck brought a lawsuit against the people who ran the institution. In Carrie Buck's case, she was asking the court to tell the people who ran the institution not to forcibly sterilize her. The Supreme Court decided it was okay for the state of Virginia to sterilize Carrie Buck. The Supreme Court said it was alright because Carrie Buck had an intellectual disability.

Complications

Medical conditions that happen because someone is pregnant.

Dobbs v. Jackson Women's Health Organization

Another Supreme Court case. The Supreme Court will make a decision in it this year, in 2022. We sometimes call Dobbs v. Jackson Women's Health Organization "Dobbs" for short. In 2018, the state of Mississippi made a law saying pregnant people couldn't get abortions if the fetus was more than 15 weeks old. This goes against what the Supreme Court said in Roe and in Casey. Now, Mississippi is asking the Supreme Court to change its mind. Mississippi wants the Supreme Court to undo its decisions in Roe and Casey.

Doe ex. rel. Tarlow v. D.C.

A court case that has to do with bodily autonomy for people with disabilities. Three women with intellectual disabilities brought a lawsuit against the Washington, D.C. Developmental Disabilities Administration. The women said that the Developmental Disabilities Administration forced them to have surgery against their will. Doe ex rel. Tarlow v. D.C. did not go to the Supreme Court. But one of the lower court judges who decided it is now a Supreme Court justice. That justice's name is Brett Kavanaugh. In Doe ex rel. Tarlow v. D.C., Brett Kavanaugh said that the Developmental Disabilities Administration didn't have to ask the women what they thought about the surgeries. Brett Kavanaugh said that what the women thought about the surgeries didn't matter.

Eugenics

The idea that some people have "good traits" and some people have "bad traits." People who support eugenics think that people they believe have "good traits" should have lots of children. They want to reduce or get rid of groups of people that they think have "bad traits" by making sure those groups don't have children. People who believe in eugenics think that people with disabilities are worth less. People who believe in eugenics also think that people of color are worth less.

Fetus

The new human growing inside a pregnant person.

Forcibly sterilize

When the government forces someone to get a surgery that makes it so that person can't have children.

Justice

A judge on the Supreme Court.

Lawsuit

When you take someone to court. You tell the court what the person did or is trying to do to you. Then, you ask the court to tell the person what to do.

Medication abortion

When a pregnant person takes pills to end their pregnancy.

Planned Parenthood of Southeastern Pennsylvania v. Casey

A Supreme Court case decided in 1992. Planned Parenthood is a group that provides abortions and other health care. They brought a lawsuit against the state of Pennsylvania. Pennsylvania had passed laws making it harder to get an abortion in that state. The Supreme Court decided that abortion would still be legal. But the Supreme Court also decided that there could be more laws against abortions.

Reproductive

Related to having children.

Reproductive justice

A human right that says all people have the right to:

- Have bodily autonomy and self-determination
- Have children, if they want to
- Not have children, if they want to
- Parent their children in a safe and healthy world

Right to privacy

A right that says the government should not interfere with people's privacy. When we say "the right to privacy," we are not talking so much about people doing things in private. We are talking more about the government not getting to decide what people do in their personal lives.

Roe v. Wade

A Supreme Court case decided in 1973. We sometimes call Roe v. Wade "Roe" for short. A woman who went by the fake name Jane Roe for privacy needed an abortion in Texas. But Texas law said that abortion was illegal. So Jane Roe brought a lawsuit to try and change the law so she could get an abortion. The Supreme Court decided that abortion had to be legal in most cases during pregnancy.

Self-determination

The right to make choices about your own life. Self-determination means people get to choose what they do with their lives.

Sterilized

Having surgery so you cannot get pregnant anymore.

Supported decision-making

A way to make decisions. A person with a disability chooses someone to help them understand or communicate a decision. The person they choose is their supporter. The person with a disability is free to make their own decision but has help from the supporter.

Supporter

A person that a person with disabilities chooses to help them make or communicate a decision.

Supreme Court

The highest court in the United States. They have the final say on laws.

Surgical abortion

When a pregnant person has surgery to end their pregnancy.

To Learn More and Where We Got Our Information

Sources with an asterisk (*) are cited in the text

Note: Unless otherwise indicated, sources are not plain language/Easy Read.

About Abortion

Planned Parenthood “What facts about abortion do I need to know?”: <https://www.plannedparenthood.org/learn/abortion/considering-abortion/what-facts-about-abortion-do-i-need-know>

Scarleteen “All about abortion”: https://www.scarleteen.com/article/bodies/all_about_abortion

NPR “7 persistent claims about abortion, fact-checked”: <https://www.npr.org/2022/05/06/1096676197/7-persistent-claims-about-abortion-fact-checked>

About Why Abortion Matters to People with Disabilities

* Guttmacher Institute “Abortion Is a Common Experience for U.S. Women, Despite Dramatic Declines in Rates”: <https://www.guttmacher.org/news-release/2017/abortion-common-experience-us-women-despite-dramatic-declines-rates>

* BMC Women’s Health “Understanding why women seek abortions in the US”: <https://bmcwomenshealth.biomedcentral.com/articles/10.1186/1472-6874-13-29>

* Therapeutic Advances in Neurological Disorders “Management of epilepsy during pregnancy: an update”: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4784252>

* Brain Sciences “Use of Prescribed Psychotropics during Pregnancy: A Systematic Review of Pregnancy, Neonatal, and Childhood Outcomes”: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6770670/>

* NPR “The Sexual Assault Epidemic No One Talks About”: <https://www.npr.org/2018/01/08/570224090/the-sexual-assault-epidemic-no-one-talks-about>

About Bodily Autonomy, Self-Determination and Doe ex. rel. Tarlow v. D.C.

United Nations Population Fund “Bodily autonomy: Busting 7 myths that undermine individual rights and freedoms”: <https://www.unfpa.org/news/bodily-autonomy-busting-7-myths-undermine-individual-rights-and-freedoms>

Positive Women’s Network “Bodily Autonomy: A Framework to Guide Our Future”: <https://www.pwn-usa.org/bodily-autonomy-framework/>

The Arc of the United States and AAIDD: “Self-Determination Position Statement”: <https://thearc.org/position-statements/self-determination/>

ASAN “Self-Determination”: <https://autisticadvocacy.org/self-determination/> (plain language)

ASAN “The Right to Make Choices: International Laws and Decision-Making by People with Disabilities”: <https://autisticadvocacy.org/policy/toolkits/choices/> (Easy Read/plain language)

ASAN “Letter to Senate Judiciary Committee On Doe ex rel. Tarlow v. District of Columbia”: <https://autisticadvocacy.org/2018/09/asan-letter-to-senate-judiciary-committee-on-doe-ex-rel-tarlow-v-district-of-columbia-2/>

* Rewire News Group “Brett Kavanaugh’s ‘Forced Abortion’ Decision Is About Far More Than Reproductive Rights”: <https://rewirenewsgroup>.

[com/article/2018/08/28/brett-kavanaughs-forced-abortion-decision-is-about-far-more-than-reproductive-rights/](https://www.washingtonpost.com/article/2018/08/28/brett-kavanaughs-forced-abortion-decision-is-about-far-more-than-reproductive-rights/)

About Roe, Casey, and Dobbs

Washington Post “Who was Jane Roe, and how did she transform abortion rights?": <https://www.washingtonpost.com/history/2022/05/05/what-is-roe-v-wade/>

NPR “Roe established abortion rights. 20 years later, Casey paved the way for restrictions”: <https://www.npr.org/2022/05/06/1096885897/roe-established-abortion-rights-20-years-later-casey-paved-the-way-for-restricti>

Center for Reproductive Rights “Dobbs v. Jackson Women’s Health Organization” <https://reproductiverights.org/case/scotus-mississippi-abortion-ban/>

KFF “Abortion at SCOTUS: Dobbs v. Jackson Women’s Health”: <https://www.kff.org/womens-health-policy/issue-brief/abortion-at-scotus-dobbs-v-jackson-womens-health/>

* ASAN “ASAN, DREDF File Amicus Brief in Supreme Court Reproductive Health Case”: <https://autisticadvocacy.org/2021/09/asan-dredf-file-amicus-brief-in-supreme-court-reproductive-health-case/>

Politico, “Read Justice Alito’s initial draft abortion opinion which would overturn Roe v. Wade”: <https://www.politico.com/news/2022/05/02/read-justice-alito-initial-abortion-opinion-overturn-roe-v-wade-pdf-00029504>

* NPR “Supreme Court overturns Roe v. Wade, ending right to abortion upheld for decades”: <https://www.npr.org/2022/06/24/1102305878/supreme-court-abortion-roe-v-wade-decision-overturn>

About Buck v. Bell, Forced Sterilization, and Eugenics

* Berkeley Political Review “America’s Forgotten History of Forced Sterilization”: <https://bpr.berkeley.edu/2020/11/04/americas-forgotten-history-of-forced-sterilization/>

* ACLU “Immigration Detention and Coerced Sterilization: History Tragically Repeats Itself”: <https://www.aclu.org/news/immigrants-rights/immigration-detention-and-coerced-sterilization-history-tragically-repeats-itself>

* National Women’s Law Center “Forced Sterilization of Disabled People in the United States”: https://nwlc.org/wp-content/uploads/2022/01/%C6%92.NWLC_SterilizationReport_2021.pdf (plain language)

PBS Learning Media “The Supreme Court Rules for Eugenics in Buck v. Bell”: <https://illinois.pbslearningmedia.org/resource/amex32ec-soc-buckvbell/the-supreme-court-rules-for-eugenics-in-buck-v-bell-the-eugenics-crusade/>

Eugenics Archive “Buck vs. Bell Trial”: <http://www.eugenicsarchive.org/html/eugenics/static/themes/39.html>

NPR “The Supreme Court Ruling That Led To 70,000 Forced Sterilizations”: <https://www.npr.org/sections/health-shots/2016/03/07/469478098/the-supreme-court-ruling-that-led-to-70-000-forced-sterilizations>

* PBS Independent Lens “No Más Bebés”: <https://www.pbs.org/independentlens/documentaries/no-mas-bebes/>

* The Conversation “Forced sterilization policies in the US targeted minorities and those with disabilities – and lasted into the 21st century”: <https://theconversation.com/forced-sterilization-policies-in-the-us-targeted-minorities-and-those-with-disabilities-and-lasting-into-the-21st-century-143144>

Autism Against Fascism “Introduction to ‘Positive Eugenics’ in the IDD Community”: <https://autismagainstfascism.wordpress.com/2021/08/09/introduction-to-positive-eugenics-in-the-idd-community/> (plain language)

* ASAN “Statement on Genetic Research and Autism”: <https://autisticadvocacy.org/wp-content/uploads/2022/03/genetic-statement.pdf> (plain language)

About Reproductive Justice

“Reproductive Justice Briefing Book: A Primer on Reproductive Justice and Social Change”: <https://www.protectchoice.org/downloads/Reproductive%20Justice%20Briefing%20Book.pdf>

See, especially, “Disabled Women and Reproductive Justice” (page 46) and “The Myth of the Norm: Genetic Technologies and the De-Selection of Disabled Bodies: A Reproductive Justice Perspective” (page 48).

SisterSong “Reproductive Justice”: <https://www.sistersong.net/reproductive-justice>

In Our Own Voice: National Black Women’s Reproductive Justice Agenda “Reproductive Justice”: <https://blackrj.org/our-issues/reproductive-justice/>

* National Poverty Center “The Colors of Poverty: Why Racial & Ethnic Disparities Persist”: http://www.npc.umich.edu/publications/policy_briefs/brief16/PolicyBrief16.pdf

* ASAN “Crisis in our Communities: Racial Disparities in Community Living”: <https://autisticadvocacy.org/policy/toolkits/disparities/> (Easy Read/plain language)

* MMWR “Racial/Ethnic Disparities in Pregnancy-Related Deaths — United States, 2007–2016” <https://www.cdc.gov/mmwr/volumes/68/wr/>

[mm6835a3.htm](#)

* Rooted In Rights “Disabled People Have the Right to Raise Children”:
<https://rootedinrights.org/disabled-people-have-the-right-to-raise-children/>

* National Council on Disability “Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children”: <https://www.ncd.gov/publications/2012/Sep272012>