



Plain Language Edition

Our Rights Under Threat:

**What Dobbs v. Jackson
Women's Health Organization
Means for People with
Disabilities**

What is this toolkit about?

This toolkit is about the Supreme Court's recent decision in the case *Dobbs v. Jackson Women's Health Organization*. (In this toolkit, we call *Dobbs v. Jackson Women's Health Organization* "Dobbs" for short.) *Dobbs* is a case about the right to abortion. But the decision in *Dobbs* affects a lot of other rights as well. The decision in *Dobbs* affects rights like:

- The right to get married
- The right for adults to have sex
- The right to get birth control
- The right to have children

This toolkit will talk about these rights and more. It will talk about why these rights are important. It will talk about why these rights are in danger after the *Dobbs* decision. It will talk about what we can do to protect our rights.

This toolkit is based on a legal report ASAN and other organizations wrote about the Dobbs case. The legal report is not written in Easy Read or plain language. You can read the legal report here: [“Memorandum: Dobbs v. Jackson Women’s Health Organization and Its Implications for Reproductive, Civil, and Disability Rights.”](#) This toolkit is not an exact Easy Read translation of the legal memorandum. It has more information in it than the legal memorandum does.

What is abortion?

When a person is pregnant, they have a new human growing inside them. This new human is called a **fetus**. An **abortion** is when a person decides to end their pregnancy without giving birth. After getting an abortion, a person isn’t pregnant anymore.

(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.)

There are a couple ways that abortions happen. One is a **medication abortion**. This is where a pregnant person takes pills to end their pregnancy. Another is a **surgical abortion**. This is when a pregnant person has surgery to end their pregnancy.

People have lots of arguments 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.

You can read our toolkit "[Our Bodies, Our Rights: What's Going On at the Supreme Court?](#)" for more about:

- What abortion is.
- The right to abortion.
- Bodily autonomy.
- Self-determination.

What is 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 judges. **Justice** is what we call a judge on the Supreme Court. Justices serve for life. Once they are on the Supreme Court, they can either die or retire. 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.

What are Roe v. Wade and Planned Parenthood of Southeastern Pennsylvania v. Casey?

Before we can talk about Dobbs vs. Jackson Women's Health Organization, we need to talk about the cases that led up to it. There are two other major Supreme Court cases that have to do with abortion. The two cases are Roe v. Wade and Planned Parenthood of Southeastern Pennsylvania v. Casey.

Roe v. Wade

Roe v. Wade was a Supreme Court case decided in 1973. In this toolkit, we will call *Roe v. Wade* “*Roe*” for short. A woman who went by the fake name Jane Roe 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 made a decision in *Roe v. Wade*. They decided that it wasn't okay for states to make abortion totally illegal. 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 pregnancy is usually around 9 months long. The Supreme Court said that abortion had to be legal in most cases for about the first 6 months of pregnancy.

Planned Parenthood of Southeastern Pennsylvania v. Casey

In 1992, the Supreme Court made a decision in another case. This case was called **Planned Parenthood of Southeastern Pennsylvania v. Casey**. (In this toolkit, we will 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.

The Supreme Court made a decision in the case. The Supreme Court decided that abortion would still be legal. But the Supreme Court also decided that there could be more laws against abortions. This meant that states could pass laws making abortion illegal earlier in people’s pregnancies than before.

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 June 2022. We sometimes call *Dobbs v. Jackson Women's Health Organization* "*Dobbs*" for short.

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

The Supreme Court made a decision in *Dobbs*. The Supreme Court undid their decisions in *Roe* and *Casey*. That means that Mississippi's 15-week ban would be legal. It means states can make abortion completely illegal again. It means that in some states, pregnant people can't get abortions at all. Now, [some states are now making abortion illegal again](#). (For more information about *Dobbs* and why abortion bans are bad, you can read "[Our Bodies, Our Rights: What's Going On at the Supreme Court?](#)")

Which of our rights are in danger?

Our right to abortion is in danger because of *Dobbs*. Many of our rights are in danger because of *Dobbs*. It is not just the right to abortion that is in danger.

The right to abortion mainly affects people who can get pregnant. Other rights that are in danger affect many more people. Some of the rights that are in danger affect everyone.

Certain groups of people will be affected much more than other groups. For example, people of color will be affected much more than white people. People who are [gay, lesbian, or bisexual](#) will be affected much more than people who are straight. People who are [transgender](#) will be affected much more than people who are not transgender. People with disabilities will be affected much more than people without disabilities.

A lot of the rights that are in danger are especially important to people with disabilities. People with disabilities have been denied a lot of these rights. We often have been denied these rights more than people without disabilities.

Here is a list of our rights that are in danger. This list will not explain why these rights are in danger. We will talk about that next. To learn more about why these rights are in danger, you can read the section "Why are our rights in danger?"

- The right to get married.

This includes the right for two people of different races to get married. This is called “interracial marriage.” This includes the right of two people of the same gender to get married. This is called “same-sex marriage.” This includes the right of people who owe child support to get married. Child support is money that one parent pays the other parent to take care of their children. Child support happens if the parents are not married.

- 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 to live with who you choose.
- The right to medical privacy.

Medical privacy means that your doctors usually can't tell other people about your medical care. Medical privacy also means that you don't have to tell other people about your medical care.

- The right to say no to medical care you don't want.
- The right to have children.
- The right to not be forcibly sterilized.

Sterilization is when someone gets a surgery that makes it so they can't have children anymore. **Forced sterilization** is when someone else (like the government) forces a person to get sterilized.

- The right to have sex with other consenting adults.

“Consenting” means that both people say yes to having sex.

Why are our rights in danger?

The Supreme Court's decision in Dobbs attacks many rights we have. That is because the decision in Dobbs is not just about abortion. It is also about the right to privacy. And it is about how laws and courts work. We will explain all of these ideas.

The right to privacy

The **right to privacy** is a right we have. The right to privacy 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.

The right to privacy is the basis of many other rights we will talk about in this toolkit. For example, these rights are all based on the right to privacy:

- The right to get birth control
- The right to abortion
- The right for consenting adults to have sex with each other

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.

The decision in *Dobbs* threatens the decision in another court case, *Griswold v. Connecticut*. *Griswold v. Connecticut* was decided in 1965. (In this toolkit, we will call *Griswold v. Connecticut* "*Griswold*" for short.) In *Griswold*, the Supreme Court decided that married couples had the right to get birth control.

But *Griswold* was not just a case about birth control. *Griswold* was the case that created the right to privacy. Without *Griswold*, we might not have the right to privacy. Without *Griswold*, the government could interfere more in our personal lives.

The main *Dobbs* decision does not explicitly talk about undoing the *Griswold* decision. But one of the concurrences does.

(**Concurrences** are opinions Supreme Court justices can write. Concurrences agree with the main decision in a case.) One of the Justices is named Clarence Thomas. Justice Thomas wrote a concurrence saying he wants to undo the decision in *Griswold*. Justice Thomas also wrote that he wants to undo decisions in other cases. Two of the other cases Justice Thomas wants to undo are:

- *Obergefell v. Hodges*.
- *Lawrence v. Texas*.

We will talk about these cases later in this section.

The Supreme Court's decision in *Dobbs* threatens their decision in *Griswold*. It threatens the right to privacy. That means it threatens the rights that are based on the right to privacy.

The Constitution and our rights

Many of the rights we have today are not talked about in the Constitution. This includes the right to privacy. The **Constitution** is a document that talks about how our government should work. It does not talk about all the rights people have. The Supreme Court in the past has said that the Constitution protects many rights that are not written down. One way the Constitution protects rights is through amendments. **Amendments** are changes to the Constitution that give people more rights.

One amendment to the Constitution is the **14th Amendment**. The 14th Amendment was added to the Constitution after the Civil War. The 14th Amendment was written to give people in the United States more rights. But the 14th Amendment especially gave Black people who used to be enslaved more rights. The 14th Amendment says that states can't take away people's rights without going through a process. This is called the "**Due Process Clause**."

For example:

Marguerite is a person with a disability. The government wants to put Marguerite under guardianship. Putting Marguerite under guardianship would take away a lot of Marguerite's rights. The government can't just automatically put Marguerite under guardianship. The government would have to go through a process to put Marguerite under guardianship. This process could look like:

- Asking whether Marguerite really needs a guardian
- Looking at other options besides guardianship that could help Marguerite
- Letting Marguerite say why she doesn't need to be under guardianship

The government can only put Marguerite under guardianship after they go through this process.

The 14th Amendment also says that states have to apply their laws to everyone equally. This is called the "**Equal Protection Clause.**"

For example:

Say Marcus and Jay both commit the same crime. Marcus is Black. Jay is white. The government can punish Marcus and Jay for the crime. For example, the government can send them to jail. But the government can't give one of them a worse punishment because of their race. The government has to punish them equally. Even though the government is punishing Marcus and Jay, the government still has to apply the laws equally.

The Supreme Court has said that the 14th Amendment means the government usually can't take away people's rights. The Supreme Court has said that the 14th Amendment protects a lot of rights.

But now, the Supreme Court is saying that people should only have rights that are part of "history and tradition." That may not include many of the rights we recognize today. We don't know which rights the Supreme Court thinks are part of "history and tradition." This is very different from how the Supreme Court has talked about rights in the past. We don't know how it will affect our rights in the future. We don't know how this will impact the right to privacy. We don't know how this will impact what the Supreme Court says about the 14th Amendment.

Stare decisis

The Supreme Court's decision in Dobbs also hurt stare decisis. **Stare decisis** is the idea that courts should follow the rules they made in previous cases. Stare decisis says that courts should not undo their old decisions. Stare decisis is important. It keeps things stable in the legal system. It means that people can predict what the courts will do. We can predict what our rights will be. Without stare decisis, it is harder to predict what the courts will do. It is harder to know if our rights will stay the same. Not having stare decisis means the law might change quickly. Without stare decisis, the Supreme Court could undo its old decisions quickly. That means rights we had might be undone.

Some courts and judges do not care about stare decisis anymore. Those courts and judges want to go back to a time before people had as many rights. The Supreme Court's decision makes it easier for other courts to not use stare decisis if they do not want to. So, even cases that do not reach the Supreme Court might be affected by there not being stare decisis.

For example:

In 1999, the Supreme Court made a decision in a case called *Olmstead v. L.C.*. The Supreme Court decided that people with disabilities have the right to get services in our communities. We don't have to live in institutions to get services. *Olmstead v. L.C.* is an important decision for people with disabilities. Stare decisis is an important part of making sure *Olmstead v. L.C.* keeps protecting our right to live in the community. With stare decisis, the Supreme Court has kept saying people with disabilities have a right to live in the community. Without stare decisis, the Supreme Court could undo the ruling in *Olmstead v. L.C.*. Then, people with disabilities could be forced to live in institutions again.

How to think about court cases

Court cases are built off of other court cases. Think of court cases like bricks in a wall. If one brick is pulled out, the wall weakens. If enough bricks are pulled out, the whole wall will fall down. The Supreme Court undoing their decisions in cases like *Roe* and *Casey* is like someone pulling bricks out of the wall. Without those bricks there, other bricks may fall down as well. Without those bricks there, it is easier for someone to take more bricks out of the wall. *Stare decisis* is like the glue holding bricks together. With glue, it is harder to take bricks out of the wall. But without glue, it is very easy to take bricks out of the wall. With *stare decisis*, it is harder to undo decisions in cases. But without *stare decisis*, it is easy to undo cases.

The right to get married

There are three main Supreme Court cases that talk about the right to get married. All of them are in danger from the decision in *Dobbs*. The three main cases are *Loving v. Virginia*, *Obergefell v. Hodges*, and *Zablocki v. Redhail*.

Loving v. Virginia is a Supreme Court case. It was decided in 1967. In this toolkit, we will call Loving v. Virginia "*Loving*" for short. In *Loving*, the Supreme Court said that it was legal for people of different races to marry each other. Marriage between people of different races is also called "interracial marriage." The Supreme Court said that bans on interracial marriage went against the Due Process Clause of the 14th Amendment. The Supreme Court said that bans on interracial marriage went against the Equal Protection Clause of the 14th Amendment. The Supreme Court said it was not right for states to ban interracial marriage. Because of *Loving*, two people of different races can marry each other.

Obergefell v. Hodges is a Supreme Court case. It was decided in 2015. In this toolkit, we will call Obergefell v. Hodges "*Obergefell*" for short. In *Obergefell*, the Supreme Court said that it was legal for people of the same gender to marry each other. Marriage between people of the same gender is also called "same-sex marriage." The Supreme Court said that bans on same-sex marriage went against the Due Process Clause of the 14th Amendment. The Supreme Court said that bans on same-sex marriage went against the Equal Protection Clause of the 14th Amendment. The Supreme Court said it was not right for states to say people couldn't marry people of the same gender. Because of *Obergefell*, two people of the same gender can marry each other.

Zablocki v. Redhail is a Supreme Court case. It was decided in 1978. In this toolkit, we will call Zablocki v. Redhail "*Zablocki*" for short. In *Zablocki*, the Supreme Court said that people could get married even if they owed child support. Child support is money that one parent pays the other parent to take care of their children. Child support happens if the parents are not married. The Supreme Court said that bans on people who owe child support getting married were not legal. The Supreme Court said these bans went against the Equal Protection Clause of the 14th Amendment. The Supreme Court said it was not right for states to ban people who owe child support from getting married. Because of *Zablocki*, people who owe child support can get married.

The Supreme Court might undo their decisions in all three of these cases. This is because these cases are all affected by the Due Process Clause or the right to privacy. The decision in *Dobbs* threatens the Due Process Clause and the right to privacy. That means that the Supreme Court could undo their decisions in all three of these cases. If the Supreme Court undoes their decisions in these cases, states could restrict who could get married. States could say that only people of the same race could get married. States could say two people of the same gender couldn't get married. States could say people who owed child support couldn't get married.

Obergefell is especially in danger. Remember, Justice Thomas wrote an opinion saying he wanted to undo the decision in *Obergefell*. We don't know for sure that other justices agree with him. But his opinion makes it more likely the Supreme Court will try to undo the decision in *Obergefell*.

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. Birth control matters for people with disabilities. We may not want to get pregnant. Or, our disabilities might make it very dangerous for us to be pregnant. Birth control can help stop us from getting pregnant. Birth control can mean we can still have sex if we want to, even if we don't want to get pregnant.

Birth control can also help with some disabilities. For example, endometriosis is a disability that causes people a lot of pain. Birth control can help treat endometriosis. Birth control can help people control pain from endometriosis.

There are two main Supreme Court cases that have to do with birth control. The first is *Griswold*. In *Griswold*, the Supreme Court said that people have the right to privacy. But the Supreme Court also said that married couples had the right to get birth control. The Supreme Court said married couples had this right even though it was not in the Constitution. The Supreme Court said that the 14th Amendment protects people's rights to "life, liberty, and property." "Liberty" includes the right to married couples getting birth control.

Eisenstadt v. Baird is another Supreme Court case that has to do with the right to get birth control. It was decided in 1972. In this toolkit, we call *Eisenstadt v. Baird* "*Eisenstadt*" for short. In *Eisenstadt*, the Supreme Court said that unmarried people also had the right to get birth control. The Supreme Court said this was because of the Equal Protection Clause. The Equal Protection Clause protects the right to birth control for all adults. Because of *Eisenstadt*, all adults can get birth control.

The Supreme Court's decision in *Dobbs* threatens their decision in *Griswold*. Justice Thomas also wrote in his concurrence that he wants to undo the decision in *Griswold*. That makes it very likely that the Supreme Court will undo their decision in *Griswold*. If the Supreme Court undoes their decision in *Griswold*, they would also undo their decision in *Eisenstadt*. This is because the decision in *Eisenstadt* is based on the decision in *Griswold*. If the Supreme Court undoes these decisions, it would mean people wouldn't have a right to get birth control anymore. States could make birth control illegal. Or, states could say that only certain people, like married couples, could get birth control.

The right to choose who we live with

There is one main Supreme Court case that has to do with the right of people to live with who they choose: *Moore v. City of East Cleveland*. *Moore v. City of East Cleveland* was decided in 1977. In this toolkit, we will call *Moore v. City of East Cleveland* "*Moore*" for short. In *Moore*, the Supreme Court said that cities could not say how many generations of a family could live together. For example, the Supreme Court said cities could not stop a grandmother from living with her grandchildren. The Supreme Court said that laws that limit this go against the Due Process Clause. Because of *Moore*, families of multiple generations can live together.

The Supreme Court's decision in *Moore* is in danger. It is based on the Supreme Court's decision in *Griswold*. The decision in *Moore* also talks about cases that happened before *Griswold*. *Griswold* and *Moore* both talk about families. *Griswold* and *Moore* both talk about the right to privacy.

The Supreme Court might undo their decision in *Griswold*. Then they could easily undo their decision in *Moore*. That would make it easier for cities to say who can and can't live together. This would affect people with disabilities. People with disabilities are more likely to live with our families than people without disabilities. It would also affect immigrant families. It would also affect people of color. These groups are more likely to have several generations of a family living together. Rules about who people can live with would also hurt LGBTQ people. States could use these laws to prevent LGBTQ families from living together. For example, a state could say that a family is only "a man and woman living with children."

The right to medical privacy

People have a right to medical privacy. This means people have a right to keep their medical decisions private from others. For example, people have the right to keep medical decisions private from their family.

One Supreme Court case that has to do with medical privacy is *Planned Parenthood of Central Missouri v. Danforth*. *Planned Parenthood of Central Missouri v. Danforth* was decided in 1976. In this toolkit, we will call *Planned Parenthood of Central Missouri v. Danforth* "*Danforth*" for short. In *Danforth*, the Supreme Court said that people didn't need their family's permission to get an abortion. For example, a married person would not need permission from their spouse. An underage person would not need permission from their parents. In *Danforth*, the Supreme Court said that people have a right to medical privacy.

The Supreme Court's decision in *Danforth* was based on its decision in *Roe*. This means that the Supreme Court's decision in *Dobbs* undid the decision in *Danforth*. This means that states can now force people seeking abortion to get permission from their family. This takes away some of people's right to medical privacy. It means that people who are in difficult medical situations may not have as much privacy.

The right to medical privacy matters to people with disabilities. We may make medical decisions that others, like our families, disagree with. We should have the choice to make our own medical decisions. We should not have to get permission from others to make medical decisions. Even if we are under guardianship, we should still have the right to medical privacy.

The right to medical privacy also matters to other groups. It matters to pregnant people getting abortions. They may have family or friends who disagree with their choice to get an abortion. It matters to gay, lesbian, bisexual, and transgender people. They may have family or friends who disagree with their choice to get health care they need. It matters to anyone who has different personal views than their family or friends. They may need health care that their family or friends disagree with for personal reasons. Everyone should have the right to medical privacy.

It is important to remember that there are other laws and court cases that protect medical privacy. The Supreme Court did not undo these laws and court cases in the *Dobbs* decision. People still have the right to medical privacy in some ways. For example, there are still laws against your doctor telling your family your private medical information. But now there are fewer protections about medical privacy and abortion.

The right to refuse medical care

People have the right to refuse, or say no to, medical care. This is especially important for people with disabilities. People are more likely to try to force us to get medical care we don't want. For example, doctors might force people with mental health disabilities to take mental health medications. That is not right. People have a right to say no to taking medication, and other kinds of medical care.

There are two main Supreme Court cases about the right to refuse medical care:

- Cruzan v. Director, Missouri Department of Health.
- Washington v. Harper.

Both of these cases are in danger from the *Dobbs* decision.

Cruzan v. Director, Missouri Department of Health is a Supreme Court case. It was decided in 1990. In this toolkit, we will call Cruzan v. Director, Missouri Department of Health "*Cruzan*" for short. In *Cruzan*, the Supreme Court said that the parents of a woman in a coma could choose to stop the woman's life support. The Supreme Court said that stopping medical treatment is protected by the Due Process Clause. Because of *Cruzan*, people have a right to say no to medical care they don't want.

Washington v. Harper is a Supreme Court case. It was decided in 1990. In this toolkit, we will call Washington v. Harper "*Harper*" for short. In *Harper*, the Supreme Court decided that people have a right to refuse antipsychotic medication. Antipsychotic medication is a type of mental health medication. The Supreme Court said that people have a right to refuse antipsychotic medication under the Due Process Clause. Because of *Harper*, people have a right to say no to antipsychotic medication.

Cruzan and *Harper* are in danger because they rely on the Due Process Clause. Remember, the Supreme Court's decision in *Dobbs* said that people should only have the rights from "history and tradition." The rights in *Cruzan* and *Harper* were not recognized for most of history. So, the Supreme Court could say those rights should not be recognized today.

Doe v. ex. rel. Tarlow is another case about refusing medical care. Doe v. ex. rel. Tarlow v. D.C is not a Supreme Court case. It is a D.C. Circuit of Appeals case. The D.C. Circuit of Appeals is a court below the Supreme Court. In this toolkit, we will call Doe v. ex. rel. Tarlow v. D.C "*Doe*" for short. In *Doe*, women with intellectual disabilities sued the District of Columbia. The women said they had been forced to have surgeries in institutions. Two of the women said they were forced to have abortions. The other woman said she was forced to have eye surgery. One of the justices from the Supreme Court was a judge on the D.C. Circuit of Appeals at that time. That justice's name is Brett Kavanaugh. He wrote the opinion in *Doe*.

The opinion in *Doe* says unwanted medical care, like abortions, on people with disabilities do not violate our rights. Now, the ruling in *Dobbs* means that other courts besides the D.C. Circuit of Appeals could make rulings like the one in *Doe*. Other courts could say that it doesn't violate people with disabilities' rights when we are forced to have medical care we don't want. That means the ruling in *Doe* could affect many more people with disabilities. People with intellectual disabilities should not be forced to have surgeries. No one should be forced to have medical care they don't want.

The right to not be forcibly sterilized

Sterilization is when a person has a surgery so they can never have children. **Forced sterilization** is when someone else, like the government, forces a person to get sterilized. Forced sterilization is wrong. In the past people with disabilities were forcibly sterilized. So were people of color. So were people convicted of crimes. All these groups are sometimes still forcibly sterilized today. You can read more about the history of forced sterilization in "[Our Bodies, Our Rights: What's Going On at the Supreme Court?](#)"

There is one main Supreme Court case about the right not to be forcibly sterilized: *Skinner v. Oklahoma*. *Skinner v. Oklahoma* was decided in 1942. In this toolkit, we will call *Skinner v. Oklahoma* "*Skinner*" for short. In *Skinner*, the Supreme Court said that states couldn't require people convicted of crimes be sterilized. The Supreme Court said it went against people's rights under the Due Process Clause and Equal Protection Clause. The decision in *Skinner* did not apply to other groups of people who were forcibly sterilized. For example, people with disabilities.

There is another Supreme Court case that has to do with forced sterilization: *Buck v. Bell*. *Buck v. Bell* was decided in 1927. In this toolkit, we will call *Buck v. Bell* "*Buck*" for short. In *Buck*, the Supreme Court said it was okay for states to require forced sterilization of people with disabilities who lived in institutions. (You can read more about *Buck* in "[Our Bodies, Our Rights: What's Going On at the Supreme Court?](#)") The Supreme Court has never undone its decision in *Buck*. Many states no longer have laws requiring the forced sterilization of people with disabilities. But states could re-make those laws. Then, there would be nothing to protect people with disabilities and other groups from required forced sterilization.

The Supreme Court's decision in *Skinner* is in danger. *Skinner* shares a lot in common with *Griswold*. Both cases have to do with a person's right to choose if, and when, they have children. The Supreme Court's decision in *Griswold* talks a lot about their decision in *Skinner*. If the Supreme Court undoes its decision in *Griswold*, it may undo its decision in *Skinner*. If the Supreme Court undoes its decision in *Skinner*, there will be no nationwide protection against forced sterilization. This could lead to a lot more people being forcibly sterilized. This would especially affect:

- People with disabilities.
- People of color.

- People who don't have a lot of money.
- People who don't speak English well.
- People convicted of crimes.

The right to have children

The right to have children is related to the right not to be forcibly sterilized. This is because forced sterilization takes away someone's ability to have children. So, the main cases related to the right to have children are *Skinner* and *Buck*. The Supreme Court could undo its decision in *Skinner*. That would mean states could require the forced sterilization of certain people. This would mean those people would not have the right to have children.

Everyone should have the right to have children. Having children is an important part of life to many people. People who want children should have the right to have children. It is wrong to say that certain people should not have children. It is wrong to say that people should not have children because they are:

- People with disabilities.
- People of color.
- People who don't have a lot of money.

- People who don't speak English well.
- People convicted of crimes.

Saying these groups should not have children is 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." They want to do this 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. You can read more about eugenics in "[Our Bodies, Our Rights: What's Going On at the Supreme Court?](#)"

The right to have sex with other consenting adults

There is one main Supreme Court case that protects the right of adults to have sex with other consenting adults. That case is *Lawrence v. Texas*. In this toolkit, we will call *Lawrence v. Texas* "*Lawrence*" for short. *Lawrence* was decided in 2003. The Supreme Court ruled that sex between consenting adults was legal. This includes sex between consenting adults of the same gender. "**Consenting**" means that both adults say yes to having sex with each other. The Supreme Court said that the right to privacy protects adults' right to have sex with each other. Because of *Lawrence*, consenting adults of the same gender can have sex with each other.

The Supreme Court's decision in *Lawrence* is in danger. Justice Thomas's concurrence said he wants to undo the decision in *Lawrence*. Also, the decision in *Lawrence* is based on the Supreme Court's decision in *Casey*. Remember, the Supreme Court's decision in *Dobbs* undoes their decision in *Casey*. Plus, the Supreme Court said in *Dobbs* that people should only have rights that are found in the "history and tradition" of the United States. That probably would not include the right to have sex with someone of the same gender. It also might not include a right for people who aren't married to choose to have sex with each other.

The decision in *Lawrence* affects the LGBTQIA+ community.

[LGBTQIA+ stands for](#) lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual or aromantic, and more.

The decision in *Lawrence* especially affects men who have sex with men. Before *Lawrence*, men who had sex with men were often arrested for having sex with each other. Or, LGBTQIA+ people who were convicted of another crime would get a worse punishment because they were LGBTQIA+. Police would go to LGBTQIA+ spaces, like gay bars, and harass the people there. Men who had sex with men were often afraid to go to the doctor for sexual health issues. They were afraid their doctors would tell the police about their sexual activity. If the decision in *Lawrence* was undone, police would harass LGBTQIA+ people even more than they do now.

What happens next?

We should look out for attacks on other court cases and rights. The Supreme Court undid its decisions in *Roe* and *Casey*. Now, there will be more attacks on abortion. The Supreme Court's decision in *Dobbs* disagrees with other cases. Those cases are important for many different rights. Now, those cases are in danger, too.

Remember, cases are built off of other court cases.

Think of court cases like bricks in a wall.

If one brick is pulled out, the wall weakens. If enough bricks are pulled out, the whole wall will fall down. The Supreme Court undoing their decisions in cases like *Roe* and *Casey* is like someone pulling bricks out of the wall. Without those bricks there, other bricks may fall down as well. Without those bricks there, it is easier for someone to take more bricks out of the wall. Stare decisis is like the glue holding bricks together. With glue, it is harder to take bricks out of the wall. But without glue, it is very easy to take bricks out of the wall. With stare decisis, it is harder to undo decisions in cases. But without stare decisis, it is easy to undo cases.

The Supreme Court's decision in *Dobbs* says that the decision in *Griswold* is wrong. Like we have talked about, *Griswold* is a very important decision. *Griswold* established the right to privacy. Many of the rights we have today come from the right to privacy. When the Supreme Court attacks *Griswold*, they are also attacking many other cases and many other rights.

The Supreme Court also weakened stare decisis in their decision in *Dobbs*. Remember, stare decisis is the idea that courts should follow the rules established in previous cases. Without stare decisis, the Supreme Court could undo decisions in important cases.

For example, some people want to ban same-sex marriage. They could bring a lawsuit asking the court to undo their decision in *Obergefell*. Now, the Supreme Court is less likely to follow stare decisis. That means the Supreme Court would be more likely to undo their decision in *Obergefell*.

The decision in *Dobbs* makes it more likely that there will be state or national bans on abortion. Some states have already banned abortions. In the future, elected officials may try to pass a national ban on abortion. This would be a very bad thing. For more information on why abortion bans are bad, you can read "[Our Bodies, Our Rights: What's Going On at the Supreme Court?](#)"

If the Supreme Court undoes other decisions, states could also try to ban other rights. For example, if the Supreme Court undoes their decision in *Griswold*, states could try to ban birth control. If the Supreme Court undoes their decision in *Obergefell*, states could try to ban same-sex marriage. Elected officials in Congress might also try to ban these things nationally. That would be very bad. It would take away people's rights. It would treat groups of people very badly based on who they are.

What can we do?

This is a scary, frustrating time. Many of our rights are in danger. It is okay to feel angry. It is okay to feel scared. It is okay to not know how you feel, or to feel nothing at all. It can feel like there is nothing we can do. But there are things we can all do to help ourselves and others.

One thing we can do is talk to other people about our rights. We can talk about how we feel about these rights. We can talk about why these rights are important to us. That way, more people can learn about these rights. Not everyone will agree with you. People have different opinions about the rights we've talked about. But some people will agree with you. They can help you advocate for these rights.

We can put pressure on Congress and the President to pass laws that protect our rights nationwide. We can put pressure on Congress and the President to pass laws to protect things like:

- The right to privacy.
- The right to get birth control.
- The right to get an abortion.
- The right to get married.
- The right to have sex with other consenting adults.

- The right to have children.
- The right to medical privacy.
- The right to refuse medical care.

It matters that we make sure these rights are protected nationwide. If the federal government (Congress and the President) passes laws to protect our rights, it will be harder for states to take away our rights.

We can get involved in state level advocacy. Each state has different laws about things like:

- Birth control.
- Abortion.
- Marriage.
- Forced sterilization.

We can work with other groups in our states. For example, there are many state-level groups that work on the right to abortion and birth control. There are many state-level groups that work on LGBTQIA+ rights. There are many state-level groups that work on rights for people of color. You can work with these groups to change laws to give people more rights.

Some states have laws banning things like same-sex marriage. Right now, states cannot force people to follow those laws. But if certain court decisions are undone, states could force people to follow those laws again. We want to get rid of those laws. We want to make sure there are state laws saying that people have rights like:

- The right to get birth control.
- The right to get an abortion.
- The right to get married.
- The right to have sex with other consenting adults.
- The right to have children.
- The right to medical privacy.
- The right to refuse medical care.

We can learn more about how the law works and how to fight for our rights. Many states have Partners in Policymaking classes. These are classes for people with disabilities and our family members. classes teach about the history of laws and rights for people with disabilities. These classes teach about how to get more involved with making policies and laws. There are in-person Partners in Policymaking courses in many states. There is also [an online course](#).

ASAN also has toolkits on getting involved with making laws. One toolkit is [Sharing Your Story for a Political Purpose](#). This toolkit talks about different ways you can share your story with elected officials. The toolkit talks about how you can use your story to help make laws and policies that affect you. Another toolkit is [They Work For Us: A Self-Advocate's Guide to Getting Through to your Elected Officials](#). This toolkit talks about different ways you can talk to your elected officials. The toolkit talks about how you can talk to elected officials about laws and policies that affect you.

We can all take care of ourselves. It is really easy right now to get overwhelmed. But it is also important to take care of ourselves. Remember to eat, drink, and get enough sleep. Make sure you have other people you can talk to about how you are feeling. Take breaks from your advocacy work to do fun things. These look different for everybody but some examples are:

- Making art.
- Playing with pets.
- Learning interesting things.
- Watching TV shows and movies.

We have faced hard and scary times before. We will work hard to protect our communities. We will all continue to fight for our rights. It is hard work. It can be scary and frustrating. But we are strong together. We can fight for our rights.