

# origins

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## Supreme Court Decision on Texas Abortion Law

### Justice Breyer

*In a 5-3 vote June 27, the U.S. Supreme Court struck down enhanced health and safety regulations that required Texas abortion clinics to comply with standards of ambulatory surgical centers and required their doctors to have admitting privileges at local hospitals. The case, Whole Woman's Health v. Hellerstedt, challenged a 2013 state law, H.B. 2, that placed the requirements on the state's abortion clinics. Justice Stephen Breyer, who wrote the majority opinion, said the Texas law "provides few if any health benefits for women, poses a substantial obstacle to women seeking abortions and constitutes an 'undue burden' on their constitutional right to do so." In its 1992*

*"We conclude that neither of these provisions offers medical benefits sufficient to justify the burdens upon access that each imposes."*

*Planned Parenthood v. Casey* ruling, the court had said states could enact abortion regulations so long as they do not impose an "undue burden" on a woman's legal right to have an abortion. Many other states have passed laws similar to the Texas one struck down by the court. Breyer was joined in the majority decision by Justices Anthony M. Kennedy, Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan. Dissenting votes in the case came from Chief Justice John Roberts and Justices Clarence Thomas and Samuel Alito Jr. The majority opinion follows.

Justice Breyer delivered the opinion of the court.

In *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, 878 (1992), a plurality of the court concluded that there "exists" an "undue burden" on a woman's right to decide to have an abortion, and consequently a provision of law is constitutionally invalid if the "purpose or effect" of the provision "is to place a substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability." (Emphasis added.) The plurality added that "[u]nnecessary health regulations that have the purpose or effect of presenting a substantial obstacle to a woman seeking an abortion impose an undue burden on the right." Ibid.

We must here decide whether two provisions of Texas' House Bill 2 violate the federal Constitution as interpreted in *Casey*. The first provision, which we shall call the

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