No. 19-1392

In the Supreme Court of the United States

THOMAS E. DOBBS, STATE HEALTH OFFICER OF THE MISSISSIPPI DEPARTMENT OF HEALTH, ET AL., PETITIONERS,

v.

JACKSON WOMEN'S HEALTH ORGANIZATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF FOR 236 MEMBERS OF CONGRESS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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SEN. RICHARD J. DURBIN
SEN. PATTY MURRAY
SEN RICHARD BLUMENTHAL

SPEAKER NANCY PELOSI
REP. FRANK PALLONE, JR.
REP. JERROLD NADLER
REP. DIANA DEGETTE
REP. BARBARA LEE
REP. JUDY CHU

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INTEREST OF *AMICI CURIAE*[1]

Amici curiae are members of Congress who are bound to support and defend the Constitution, and who share a concern for the continued vitality and advancement of constitutional protections of individual rights. Those constitutional protections include the principles enunciated by this Court, as firmly encompassed by the right to privacy, that a woman has the right to decide to terminate a pre-viability pregnancy without undue governmental interference. Accordingly, *amici* defend the principles recognized by this Court in *Roe* v. *Wade*, 410 U.S. 113 (1973), which were reaffirmed as the law of the land in *Planned Parenthood of Southeastern Pennsylvania* v. *Casey*, 505 U.S. 833, 871 (1992), again in *Whole Woman's Health* v. *Hellerstedt*, 136 S. Ct. 2292 (2016), and again last term in *June Medical Services LLC* v. *Russo*, 140 S. Ct. 2103 (2020). A woman's right to decide to seek an abortion is a fundamental right guaranteed by the Constitution, and it is one that strikes at the heart of ordered liberty and individual autonomy.

Amici also have an especially strong interest in this Court's adherence to *stare decisis*. That doctrine is essential to protecting constitutional rights, and "adherence to precedent is necessary to 'avoid an arbitrary discretion in the courts.'" *June Medical*, 140 S. Ct. at 2134 (Roberts, C.J., concurring in the judgment) (citing The Federalist, No. 78, at 529 (J. Cooke ed. 1961) (A. Hamilton)). *Amici* agree that "'[i]t is indispensable' that federal judges 'should be bound down by strict rules and precedents,

[1] Pursuant to Rule 37.6 of the Rules of this Court, *amici* state that no counsel for a party wrote this brief in whole or in part, and no one other than amici curiae or its counsel contributed money to fund the preparation or submission of this brief. The parties have provided blanket consent to the filing of *amicus* briefs.

which serve to define and point out their duty in every particular case that comes before them.'" *Ramos* v. *Louisiana*, 140 S. Ct. 1390, 1441 (2019) (Kavanaugh, J., concurring in part) (citing The Federalist No. 78, at 529). During the confirmation process, *amici* members of the Senate query each nominee to this Court on their commitment to adhering to *stare decisis*, precisely to emphasize the significance the Senate places on this Court's nonpartisan fidelity to the rule of law.

Adherence to principles of *stare decisis* in matters of constitutional interpretation are particularly important to *amici* because this Court's interpretation of the Constitution and its guarantees of individual rights directly affects how legislators draft, consider, and enact laws. This Court's constitutional review of legislation is an essential component of our federalist system of government and the checks and balances that sustain it.

Moreover, as legislators, *amici* believe federal courts must act as a check when state legislatures enact unnecessary, politically targeted, and intentionally unconstitutional legislation for pretextual reasons. In enacting H.B. 1510, which bans abortion after 15 weeks of pregnancy, the Mississippi state legislature intentionally flouted the constitutional boundaries recognized by this Court. Compliance with this Court's precedent is incumbent on all state legislatures, and their refusal to adhere to such precedent endangers the foundations of our federalist system. *Amici* have a profound interest in ensuring that state legislative enactments are faithful to our constitutional system of government and the fundamental protections therein.

Finally, *amici* are mindful of the disproportionate burdens that H.B. 1510 and other laws like it place on the most vulnerable, especially low-income persons of color.

While, those considerations are of paramount concern for *amici* as policymakers, *amici* believe it also important that as judges, this Court be fully mindful of the "cost of overruling *Roe* for people who have ordered their thinking and living around that case." *Casey*, 505 U.S. at 856.

Accordingly, the Court should confirm that, like all legislation that contravenes bedrock principles of the Constitution, H.B. 1510 is invalid and cannot stand.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The sole question presented in this case is "[w]hether all pre-viability prohibitions on elective abortions are unconstitutional." Pet. Br. i. This Court already answered that question almost fifty years ago in *Roe* v. *Wade*, 410 U.S. 113 (1973), and again nearly thirty years ago, holding that "a State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability," *Planned Parenthood of Southeastern Pennsylvania* v. *Casey*, 505 U.S. 833, 879 (1992) (citing *Roe*).

Mississippi enacted H.B. 1510 in express defiance of *Roe*'s core holding. H.B. 1510 bans abortion after 15 weeks, months before viability. The district court, noting that the State was "making a deliberate effort to overturn *Roe* and established constitutional precedent," Pet. App. 54a, enjoined H.B. 1510 as "a facially unconstitutional ban on abortions prior to viability," Pet. App. 55a. The Fifth Circuit affirmed, noting that this Court has already held that "[u]ntil viability, it is for the woman, not the state, to weigh any risks to maternal health and to consider personal values and beliefs in deciding whether to have an abortion." Pet. App. 13a. Judge Ho recognized in his concurrence in the judgment that H.B. 1510 cannot be upheld under *Roe* and *Casey*. See Pet. App. 37a.

Respect for precedent—a fundamental principle that is essential to our legal system, the legitimacy of judicial and legislative institutions, and the rule of law—compels affirmance of the decision below. Faced with similar calls to overturn *Roe* three decades ago, this Court in *Casey* reaffirmed its commitment to *Roe*'s essential holding, recognizing that "to overrule under fire in the absence of the most compelling reason to reexamine a watershed decision would subvert the Court's legitimacy beyond any serious question." 505 U.S. at 867.

No compelling reason to reexamine *Roe* existed then, and none exists today. On the contrary, adherence to *Roe* and *Casey* is even more necessary to protect the settled expectations and reliance interests of multiple generations of individuals who have rightly understood the freedom to decide to terminate a pregnancy before viability as a firmly established constitutional right, and who have never known a world without *Roe*'s constitutional guarantee.

But adherence to *Roe* and *Casey* is important for another reason: to reaffirm this Court's commitment to *stare decisis* and the rule of law. In turbulent times in our nation's history, including the present times in which we live, respect for the rule of law has been critical to our nation's resilience and vitality. *Stare decisis* is a bedrock principle of the rule of law. And preserving respect for the rule of law is an elemental judicial task. It is for this reason that *amici* who sit on the Senate Judiciary Committee spend extensive time inquiring of every nominee to this Court about their views on *stare decisis*, and their fidelity to the rule of law. As several members of the Court recognized last Term, recognition of *stare decisis* and "the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the

judicial process." *June Medical Services LLC* v. *Russo*, 140 S. Ct. 2103, 2134 (Roberts, C.J., concurring in the judgment) (quoting *Payne* v. *Tennessee*, 501 U.S. 808, 827 (1991)); *Ramos* v. *Louisiana*, 140 S. Ct. 1390, 1411 (Kavanaugh, J., concurring in part) (same). Here, these principles require affirmance of the decisions below and continued adherence to *Roe* and *Casey*.

To rule otherwise would be to sanction a corrosive dynamic that has come to pervade numerous state legislatures. In recent years, state legislators—with the backing of anti-choice interest groups and emboldened by a change in the composition of this Court—have enacted increasingly onerous restrictions and prohibitions on abortion for the stated purpose of inducing this Court to jettison its longstanding and well-settled constitutional precedents. Such tactics damage public confidence not only in the integrity of the state legislatures, but also in the force and authority of this Court's constitutional pronouncements.

This Court in *Casey* properly warned that there were significant reliance interests in the continued right to access abortion, and that, in considering the ongoing force of one of this Court's core constitutional holdings, the Court must consider the "cost of overruling *Roe*." 505 U.S. at 856. That cost will undoubtedly fall disproportionately on vulnerable populations who have the greatest stake in the continuing vitality of this Court's abortion jurisprudence. Most abortions in the United States are obtained by persons of color and low-income individuals—a statistic that mirrors the distribution of unintended pregnancies in the U.S. population. Curtailing access to safe, affordable abortion effectively forces such individuals either to resort to unsafe means of terminating their pregnancies, or to carrying unwanted pregnancies to term. The maternal mortality rate in the United States

has been steadily rising in recent years, and has more than doubled in the thirty years from 1987 to 2017, with Black women experiencing maternal death at a rate 3 to 4 times that of White women in the United States. Restricting the right to decide as Mississippi has done therefore imposes long-term health and economic costs that will only serve to perpetuate the racial and socioeconomic inequities that persist in our society. Affirmance is necessary to enable all people "to participate equally in the economic and social life of the Nation." *Casey*, 505 U.S. at 856.

ARGUMENT

I. The U.S. Constitution Protects The Right To Decide Whether And When To Have A Child, And The Right To Effectuate That Decision

Almost half a century ago in *Roe* v. *Wade*, 410 U.S. 113 (1973), this Court held that the personal liberty protected by the Constitution, which the Court had recognized as extending to decisions relating to "marriage, procreation, contraception, family relationships, and child rearing and education," *id.* at 152–153 (internal citations omitted), "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy" prior to viability, *id.* at 153.

This Court has since repeatedly upheld and reinforced the rights recognized in *Roe*. In *Planned Parenthood of Southeastern Pennsylvania* v. *Casey*, 505 U.S. 833 (1992), this Court rejected calls to overrule *Roe*, explaining that "[t]he woman's right to terminate her pregnancy before viability is the most central principle of *Roe* v. *Wade*," and "is a rule of law and a component of liberty we cannot renounce." *Id.* at 871. While States have legitimate interests in protecting maternal health, poten-

tial life, and medical ethics, "[b]efore viability," those interests "are not strong enough to support a prohibition of abortion." *Id.* at 846.

As this Court recognized, in the two decades since *Roe*, "people have organized intimate relationships and made choices that define their views of themselves and their places in society, in reliance on the availability of abortion in the event that contraception should fail." *Casey*, 505 U.S. at 856. "[W]hile the effect of reliance on *Roe* cannot be measured," the Court continued, "neither can the certain cost of overruling *Roe* for people who have ordered their thinking and living around that case be dismissed." *Id.* Those reliance interests have only strengthened—and the costs of overruling *Roe* have only grown—in the three decades since *Casey* was decided. See pp. 24–28, *infra*.

This Court's previous decisions thus make clear that the right to terminate a pregnancy before viability is firmly established precedent and the law of the land. Put simply, a State may regulate, but it may not prohibit, termination of pregnancy before viability. Period. This principle compels the conclusion that H.B. 1510, which imposes an outright ban on abortions before viability at 15 weeks, is unconstitutional.

II. Respect For The Rule Of Law Is Critical To Our Nation

Petitioners and their *amici* recognize that this Court's existing abortion precedents dispose of this case. Unable to reconcile H.B. 1510 with the constitutional protections for the right to seek a pre-viability abortion, they instead urge the Court to "overrule [*Roe* and *Casey*]." Pet. Br. 1; see also Br. of *Amici Curiae* 228 Members of Congress in Support of Petitioners, at 31–32 (arguing that *Roe* and *Casey* "should be reconsidered and, where necessary, wholly or partially overruled"); Amicus Br. of Senators

Josh Hawley, Mike Lee, and Ted Cruz in Support of Petitioners, at 3 (arguing that "[*Casey*] and whatever remains of *Roe* should now be overruled").

Since *Roe*, this Court has consistently rebuffed the many calls to overrule *Roe*'s central holding. As this Court recognized in *Casey*, the issues presented in a case such as this one are:

> [T]he sort of intensely divisive controversy reflected in *Roe* and those rare, comparable cases, [where this Court's] decision has a dimension that the resolution of the normal case does not carry. * * * But whatever the premises of opposition may be, only the most convincing justification under accepted standards of precedent could suffice to demonstrate that a later decision overruling the first was anything but a surrender to political pressure, and an unjustified repudiation of the principle on which the Court staked its authority in the first instance. So to overrule under fire in the absence of the most compelling reason to reexamine a watershed decision would subvert the Court's legitimacy beyond any serious question.

505 U.S. at 866–867 (emphases added). The Court in *Casey* found no "compelling reason" to discard settled precedent, and none exists today. No new facts have been presented, and no changed circumstances require abandoning the essential principles this Court recognized in *Roe* and *Casey*.

Affirmance of this Court's prior rulings in *Roe* and *Casey* is not only critical to protecting the settled expectations and reliance interests of those who have organized their lives around those long-standing decisions. It is also essential to preserving the institutional legitimacy of the

judiciary and the legal framework that undergirds our society. Chief Justice Rehnquist famously recognized this in *Dickerson* v. *United States*, 530 U.S. 428 (2000). In his opinion for the Court affirming *Miranda* v. *Arizona*, 384 U.S. 436, 443 (1966)—a decision he had repeatedly criticized—Chief Justice Rehnquist wrote:

> Whether or not we would agree with *Miranda*'s reasoning and its resulting rule were we addressing the issue in the first instance, the principles of *stare decisis* weigh heavily against overruling it now. * * * *Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture.

530 U.S. at 443.

Adherence to principles of *stare decisis* is particularly important at a time when the legitimacy and integrity of institutions essential to American democracy have been challenged. Throughout our history, respect for the rule of law has been critical to reaffirming the legitimacy of our institutions and indispensable to our nation's vitality. And as in other fraught historical periods, *stare decisis* remains a shield to protect our democracy against such attacks.

After all, "*stare decisis*' 'greatest purpose is to serve a constitutional ideal—the rule of law.'" *Ramos*, 140 S. Ct. at 1411 (Kavanaugh, J., concurring in part) (quoting *Citizens United* v. *Federal Election Comm'n*, 558 U.S. 310, 378 (2010) (Roberts, C.J., concurring)); see *Michigan* v. *Bay Mills Indian Cmty.*, 572 U.S. 782, 798 (2014). Respect for precedent "avoid[s] an arbitrary discretion in the courts." *June Medical*, 140 S. Ct. at 2134 (Roberts, C.J., concurring in the judgment) (quoting The Federalist No. 78, at 529 (J. Cooke ed. 1961) (A. Hamilton)); *Ramos*, 140

S. Ct. at 1411 (Kavanaugh, J., concurring in part) (similar). "The constraint of precedent distinguishes the judicial method and philosophy from those of the political and legislative process." *June Medical*, 140 S. Ct. at 2134 (Roberts, C.J., concurring in the judgment) (citation and quotation marks omitted). It "promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process." *Ibid.* (quoting *Payne* v. *Tennessee*, 501 U.S. 808, 827 (1991)); *Ramos*, 140 S. Ct. at 1411 (Kavanaugh, J. concurring in part) (same). A stable legal and constitutional framework thus facilitates the legislative process and fosters public confidence in the rule of law.

For these reasons, the Court does not overturn long-settled constitutional precedent absent "special justification." *Ramos*, 140 S. Ct. at 1414 (Kavanaugh, J., concurring in part). Prior decisions must be upheld and followed unless "strong grounds" support overruling them. This Court has correctly overturned constitutional precedents in the name of advancing individual liberty and equality—most momentously in its landmark civil rights decisions, including the unanimous decision in *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

But the Court has recognized that overturning a hallmark constitutional decision can only happen when the original decision was "not just wrong, but grievously or egregiously wrong," when "the prior decision caused significant negative jurisprudential or real world consequences" including "real-world effects on the citizenry," and when "overruling the prior decision [would not] unduly upset reliance interests." *Ramos*, 140 S. Ct. at 1414–1415 (Kavanaugh, J., concurring in part).

None of those conditions was present in *Casey*. None has appeared in the intervening thirty years.

Indeed, the only thing that has changed since *Casey* is the composition of this Court. And a change in the membership of the Court has never been a reason to discard settled precedent. As the *Casey* Court noted, under such circumstances, "the Court could not pretend to be reexamining the prior law with any justification beyond a present doctrinal disposition to come out differently from the Court of 1973." 505 U.S. at 864. Embarking on such a path would risk "profound and unnecessary damage to the Court's legitimacy, and to the Nation's commitment to the rule of law." *Id.* at 869. That is why it has "long been 'an established rule to abide by former precedents, where the same points come again in litigation, as well to keep the scale of justice even and steady, and not liable to waver with every new judge's opinion.'" *June Medical*, 140 S. Ct. at 2134 (Roberts, C.J., concurring in the judgment) (quoting 1 W. Blackstone, Commentaries on the Laws of England 69 (1765)).

Adherence to these principles is this Court's duty as the nation's guardian of the rule of law.

III. State Legislators Are Undermining Public Confidence in the Rule of Law by Intentionally Defying This Court's Rulings

Mississippi's H.B. 1510 represents the culmination of a brazen campaign by state legislators and anti-choice interest groups to contravene signature constitutional rulings of this Court by passing patently unconstitutional laws in an effort to provoke a renunciation of settled individual rights. Despite this Court's pronouncements in *Casey* that a "woman's right to terminate her pregnancy before viability is the most central principle of *Roe*" and it is a "rule of law and a component of liberty that we cannot

renounce," 505 U.S. at 871, these actors seek to "keep[] *Roe* unsettled, unworkable, & obsolete," Ams. United For Life, *Defending Life*, at 12 (2019), https://bit.ly/2XP5OEb.

The trend of state legislatures passing patently unconstitutional laws has accelerated in recent years with changes in the composition of this Court. Specifically, state legislators have claimed that the Justices on today's Court will willingly reopen or overrule settled constitutional precedents issued by the Justices who came before them. Affirmance is necessary to disabuse those who seek to defy this Court's constitutional pronouncements of the misimpression that long-enshrined constitutional rights are vulnerable to shifting political winds or changes in the composition of this Court.

A. This Court's Constitutional Pronouncements Bind State Legislators

As members of Congress and legislators, *amici* have a strong interest in maintaining public confidence in the rule of law. State legislators, like *amici*, take an oath to uphold the Constitution. They are thus "under constitutional mandate to take affirmative action to accord the benefit of this right to all those within their jurisdiction." *Bush* v. *Orleans Par. Sch. Bd.*, 190 F. Supp. 861, 864 (E.D. La. 1960), *aff'd*, 365 U.S. 569 (1961), and *aff'd sub nom. City of New Orleans, La.* v. *Bush*, 366 U.S. 212 (1961).

Here, the Mississippi legislature enacted H.B. 1510 for the express purpose of defying this Court's constitutional pronouncements and seeking to overturn *Roe* and *Casey*. For years, Mississippi politicians, including then-Governor Phil Bryant, have been pursuing their stated mission to make Mississippi "abortion free." Suppl. Am. Compl., ECF No. 119, at 14–16. Indeed, a sponsor of H.B. 1510, Mississippi state Senator Joey Fillingane, brazenly cited Justice Kavanaugh's appointment to this Court as

being a reason "to start testing the limits of *Roe*."[2] Accepting the Mississippi legislature's invitation to nullify settled constitutional precedents would diminish the weight and legitimacy of judicial decisions and undermine public confidence in the courts, state legislatures, and the rule of law.

As this Court has held, constitutional rights "can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes * * * whether attempted 'ingeniously or ingenuously.'" *Cooper* v. *Aaron*, 358 U.S. 1, 17 (1958) (citing *Smith* v. *Texas*, 311 U.S. 128, 132 (1940)). Justice Frankfurter cautioned:

> [T]he responsibility of those who exercise power in a democratic government is not to reflect inflamed public feeling but to help form its understanding * * * * Compliance with decisions of this Court, as the constitutional organ of the supreme Law of the Land, has often, throughout our history, depended on active support by state and local authorities. It presupposes such support. To withhold it, and indeed to use political power to try to paralyze the supreme Law, precludes the maintenance of our federal system as we have known and cherished it for one hundred and seventy years.

Id. at 26 (Frankfurter, J., concurring).

Adherence by the states to constitutional principles is "indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us." *Cooper*, 358

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[2] Ashton Pittman, *What U.S. Supreme Court's Texas Abortion Punt Means for Mississippi's Roe v. Wade Case*, Mississippi Free Press (Sept. 1, 2021), https://bit.ly/3Emj18b.

U.S. at 20. Thus "Chief Justice Marshall spoke for a unanimous Court in saying that: 'If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments, the constitution itself becomes a solemn mockery * * * .'" *Id.* at 18 (quoting *United States* v. *Peters*, 9 U.S. (5 Cranch) 115, 136 (1809)).

This Court and the rest of the judiciary plays a fundamental role in ensuring that the other branches of government do not exceed the constitutional limits on their authority, and that laws that are based on pretext, or that are designed to undermine established law, are struck down. *Cf. Dep't of Commerce* v. *New York*, 139 S. Ct. 2551, 2575–2576 (2019) (rejecting pretextual "contrived reasons" for executive action); *Church of the Lukumi Babalu Aye, Inc.* v. *City of Hialeah*, 508 U.S. 520, 524 (1993) (finding unconstitutional certain laws that "were enacted by officials who did not understand, failed to perceive, or chose to ignore the fact that their official actions violated the Nation's essential commitment to religious freedom").

Overt legislative disobedience of this Court's constitutional pronouncements undermines the integrity of, and the public's confidence in, state legislatures and their enactments. When those legislatures intentionally enact unconstitutional laws, it is the judiciary's responsibility to protect the sanctity of vital constitutional rights: "[t]he Court's power lies * * * in its legitimacy, a product of substance and perception that shows itself in the people's acceptance of the Judiciary as fit to determine what the Nation's law means and to declare what it demands." *Casey*, 505 U.S. at 865.

B. H.B. 1510 Exemplifies The Campaign By State Legislatures To Subvert This Court's Constitutional Precedents

Mississippi's enactment of H.B. 1510 is part of a concerted effort on behalf of certain state legislatures to enact legislation designed solely to impede access to abortion services and to undermine this Court's holdings in *Roe*, *Casey*, *Whole Women's Health,* and *June Medical*, as well as *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52 (1976) and *Stenberg* v. *Carhart*, 530 U.S. 914 (2000). See Thomas B. Colby, *The Other Half of the Abortion Right*, 20 U. Pa. J. Const. L. 1043, 1045 (2018) ("Hundreds of state laws seeking to curtail access to abortion have been enacted in the past ten years alone."). These state laws are not based on a change in factual circumstances or a change in this Court's precedent. Instead, this trend appears to have been spurred by a change in the composition of this Court.

Amici recognize that states have the power to regulate on matters of public health and to establish health care policies within their borders. State legislatures, however, may not enact laws that contravene the federal Constitution, nor enact laws that openly depart from established Supreme Court precedent regarding access to and the regulation of abortion. Laws like H.B. 1510 do not just come close to the constitutional line; they *intentionally* cross it. See *Casey*, 505 U.S. at 877 (holding that a statute with the *purpose* "of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus * * * is invalid because the means chosen by the State to further the interest in potential life must be calculated to inform the woman's free choice, not hinder it."); see also Colby, 20 U. Pa. J. Const. L. at 1050 (outlining "theoretical and doctrinal framework" for *Casey's* "purpose prong").

This Court should affirm the decision below to confirm the primacy of Supreme Court precedent as the law of the land.

1. A number of states have recently passed laws that intentionally defy the viability standard set forth in *Roe* and *Casey*. See Guttmacher Institute, *State Bans on Abortion Throughout Pregnancy* (2021), https://bit.ly/3kecXoX. No fewer than sixteen of those state laws—including H.B. 1510—have been enjoined by court order, either preliminarily or permanently, with many of the presiding district courts noting that the laws are designed to attack this Court's well-established precedent.[3]

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[3] See *Little Rock Fam. Plan. Servs.* v. *Rutledge*, 984 F.3d 682 (8th Cir. 2021); *MKB Mgmt. Corp.* v. *Stenehjem*, 795 F.3d 768 (8th Cir. 2015); *Edwards* v. *Beck*, 786 F.3d 1113 (8th Cir. 2015); *Isaacson* v. *Horne*, 716 F.3d 1213 (9th Cir. 2013); *Planned Parenthood S. Atl.* v. *Wilson*, No. CV 3:21-00508, 2021 WL 1060123 (D.S.C. Mar. 19, 2021); *Memphis Ctr. for Reprod. Health* v. *Slatery*, No. 3:20-CV-00501, 2020 WL 4274198 (M.D. Tenn. July 24, 2020); *Robinson* v. *Marshall*, No. 2:19CV365, 2019 WL 5556198 (M.D. Ala. Oct. 29, 2019); *SisterSong Women of Color Reprod. Justice Collective* v. *Kemp*, 472 F. Supp. 3d 1297 (N.D. Ga. 2020); *Reprod. Health Servs. of Planned Parenthood of St. Louis Region, Inc.* v. *Parson*, 389 F. Supp. 3d 631 (W.D. Mo. 2019), *modified sub nom.*, *Reprod. Health Servs. of Planned Parenthood of the St. Louis Region, Inc.* v. *Parson*, No. 2:19-CV-4155, 2019 WL 4740511 (W.D. Mo. Sept. 27, 2019); *Preterm-Cleveland* v. *Yost*, 394 F. Supp. 3d 796 (S.D. Ohio 2019); *Jackson Women's Health Org.* v. *Dobbs*, 379 F. Supp. 3d 549 (S.D. Miss. 2019); Order Granting Stipulated Preliminary Injunction as to State Defendants, *Planned Parenthood of Utah* v. *Miner*, (D.C. Utah April 18, 2019) (No. 19-cv-00238); *Bryant* v. *Woodall*, 363 F. Supp. 3d 611 (M.D.N.C. 2019); *EMW Women's Surgical Ctr., P.S.C.* v. *Beshear*, No. 3:19-CV-178, 2019 WL 1233575 (W.D. Ky. Mar. 15, 2019); *Planned Parenthood of the Heartland, Inc.* v. *Reynolds*, No. EQCE83074, 2019 WL 312072 (Iowa Dist. Jan. 22, 2019).

These constitutionally invalid laws include pre-viability bans at earlier and earlier gestational stages. For example, in 2019 alone, Missouri enacted a ban on abortion after eight weeks, Mo. Ann. Stat. § 188.056 (West 2019); Georgia passed a ban after the detection of fetal cardiac activity, which is effectively after six weeks, H.B. 481 § 4, 155th Gen. Assemb., Reg. Sess. (Ga. 2019); Alabama passed a functional ban by imposing criminal liability on abortion providers for performing abortions in most cases, H.B. 314, Reg. Sess. (Ala. 2019); and following passage of H.R. 1510, Mississippi passed a ban at six weeks, S.B. 2116, Reg. Sess. (Miss. 2019). The trend has continued into 2021, with Arkansas passing a total ban on abortion, Montana passing an abortion ban after 20 weeks, and Texas and Oklahoma both enacting laws that impose severe penalties on physicians who perform an abortion.[4]

2. The passage of these pre-viability bans is a key strategy in the campaign by political leaders in these states to induce this Court to revisit settled law. Many state lawmakers and governors have openly admitted that they aim to defy the Constitution and this Court's precedents and eliminate legal abortion in their respective states.

Indeed, in this case, after signing H.B. 1510 into law in Mississippi, Governor Bryant tweeted about how "proud"[5] he was to sign a bill that will help further his

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[4] See Act 309, S.B. 6, 83rd Gen. Assemb., Reg. Sess. (Ark. 2021) (to be codified at Ark. Code Ann. §§ 5-61-401 to 404); S.B. 8, 87th Leg. (Tex. 2021) (to be codified at Tex. Health & Safety Code Ann. §171); H.B. 136, 67th Leg. (Mont. 2021) (to be codified at Mont. Code Ann. tit. 50 ch. 20); H.B. 2441, 58th Leg., 1st Sess. (Okla. 2021) (to be codified at Okla. Stat. Ann. tit. 63 §1-731.3).

[5] Phil Bryant (@PhilBryant MS), Twitter (March 19, 2018, 5:12pm), https://bit.ly/3go67fu ("I was proud to sign House Bill 1510

long-time goal to "end abortion" in Mississippi.[6] The next year, Governor Bryant went on to sign another bill that banned abortion at six weeks, undaunted by threats of legal challenges. S.B. 2116 (Miss. 2019).[7] These laws are intended to provoke the Court into overturning *Roe*, which would effectively ban abortions in Mississippi; since 2007, Mississippi has had a "trigger" law, which would prohibit *any* abortion in Mississippi (other than where necessary to preserve the mother's life or where the pregnancy was caused by rape), upon a determination of the State Attorney General that this Court has overruled *Roe* v. *Wade*. Miss. Code Ann. § 41-41-45.

Likewise, after the eight-week ban passed the Missouri Senate, legislators issued a statement celebrating "one of the most pro-life bills in the United States," which "would outlaw abortion in Missouri upon the reversal of *Roe* v. *Wade*."[8] Similarly, in a statement in support of Alabama's near outright abortion ban, Lieutenant Governor Ainsworth emphasized that "[i]t is important that we pass

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this afternoon. I am committed to making Mississippi the safest place in America for an unborn child, and this bill will help us achieve that goal.").

[6] Phil Bryant, *Gov. Bryant's "State of the State" Speech* (Jan. 22, 2014), https://bit.ly/3zb2ZLh ("[O]n this unfortunate anniversary of Roe versus Wade, my goal is to end abortion in Mississippi."); see also *Bryant Unveils Policy Details in Address*, The Meridian Star (Jan. 25, 2012), https://bit.ly/3z5KBTj ("Please rest assured that I also have not abandoned my hope of making Mississippi abortion free.").

[7] Phil Bryant (@PhilBryant MS), Twitter (March 20, 2019, 6:58 pm), https://bit.ly/3gNiwKn ("We will all answer to the Good Lord one day. I will say in this instance, 'I fought for the lives of innocent babies, even under threat of legal action.'").

[8] Missouri Senate Republicans (@MoSenateGOP), Twitter (May 16, 2019 5:01am), https://bit.ly/2WhxAbK.

this statewide abortion ban legislation and begin a long overdue effort to directly challenge *Roe* v. *Wade*."[9] Once the Alabama ban passed, in her signing statement, Governor Ivey stated openly that legislators were specifically defying the Constitution in order "for the U.S. Supreme Court to revisit this important matter."[10] In Oklahoma, one legislator admitted to voting to enact legislation in contravention of *Roe* "so we continue to chip away at it in the hopes that one day, there will be a different decision at the US Supreme Court level."[11]

3. Federal district courts reviewing these bans have uniformly held them to be blatantly unconstitutional. For example, in Missouri, the District Court for the Western District of Missouri enjoined that state's eight-week ban prior to its effective date, reasoning that:

> While federal courts should generally be very cautious before delaying the effect of State laws, the sense of caution may be mitigated when the legislation seems designed, as here, as a protest against Supreme Court decisions. * * * The hostility to, and refusal to comply with, the Supreme Court's abortion jurisprudence is most obviously demonstrated in the attempt to push "viability" protection downward in various weekly stages to

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[9] Lauren Walsh (@LaurenWalshTV), Twitter (May 9, 2019 12:01pm), https://bit.ly/3zbnAz8 (quoting statement from Lt. Gov. Will Ainsworth).

[10] *Governor Ivey Issues Statement After Signing the Alabama Human Life Protection Act*, Office of the Governor of Alabama (May 15, 2019), https://bit.ly/3D0ZoSq.

[11] Carolyn Kelly, *Oklahoma Governor Signs Near-Total Abortion Ban Into Law*, CNN (Apr. 26, 2021), https://cnn.it/2Vv14Tu.

> 8 weeks [from the patient's last menstrual period]. This is contrary to repeated, clear language of the Court.

Reprod. Health Servs. of Planned Parenthood of St. Louis Region, 389 F. Supp. 3d at 637. The District Court for the Northern District of Georgia likewise preliminarily enjoined the state's six-week ban, rejecting Georgia's argument that the law in this area is "unsettled," particularly "[i]n the face of this clear Supreme Court precedent, established nearly a half-century ago in *Roe* and reaffirmed decades later in *Casey* and subsequent cases." *SisterSong Women of Color Reprod. Justice Collective* v. *Kemp*, 410 F. Supp. 3d 1327, 1344 (N.D. Ga. Oct. 1, 2019). The district court was unequivocal: "What is clearly defined * * * is that under no circumstances whatsoever may a State prohibit or ban abortions at any point prior to viability, no matter what interests the State asserts to support it." *Ibid.* (citing *Casey*, 505 U.S. at 846, 879).

The District Court for the District of South Carolina similarly wrote:

> [I]t is nothing short of baffling when Defendants here make the fanciful, misbegotten, and misguided argument that the Act is constitutional, although surely, all the while knowing full well that it is not. The alternative suggestion is just as puzzling: that, because the composition of the Court has changed in recent years, Defendants' probability that the newly-constituted Supreme Court will rule in their favor in this matter is good. As the theory evidently goes, the three justices most recently appointed to the Supreme Court are secretly scheming to overturn both *Roe* v. *Wade* and *Planned Parenthood* v. *Casey* because they are personally opposed to abortion.

> The Court easily rejects such a notion. It has a much higher opinion of the High Court than that.

Planned Parenthood S. Atl., 2021 WL 1060123, at *11.

C. Affirmance Is Necessary To Confirm This Court's Institutional Commitment To The Constitution

Many state legislators have been galvanized by the change of composition on this Court and may be expecting today's Court to abandon established precedent and ignore the rule of law. Mississippi state Senator Fillingane, who sponsored H.B. 1510 and S.B. 2116 (Mississippi's six-week ban) stated that Justice Kavanaugh's appointment to this Court was "absolutely * * * a factor" in the proposal and passage of that bill.[12] After Justice Barrett's confirmation, Arizona state senator Nancy Barto stated, "Everybody is seeing the possibilities now. It has emboldened states."[13]

Settled constitutional principles should not be vulnerable to shifting political winds, much less to changes in the composition of this Court. As Justice Ginsburg emphasized at the end of her dissent in *Gonzalez* v. *Carhart*:

> [T]he Court, differently composed than it was when we last considered a restrictive abortion regulation, is hardly faithful to our earlier invocations of "the rule of law" and the "principles of stare decisis." Congress imposed a ban despite our clear prior holdings that the State cannot proscribe an abortion procedure when its use is

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[12] Larrison Campbell, *Heartbeat Abortion Ban Passes Senate with No Debate, Awaits Governor's Signature*, Miss. Today (March 19, 2019), https://bit.ly/3t1BuBG.

[13] Melanie Mason, *State Lawmakers Continue Crusade Against* Roe v. Wade *with Flood of New Abortion Bills*, L.A. Times (April 22, 2021), https://lat.ms/3mZTuLI.

> necessary to protect a woman's health. Although Congress' findings could not withstand the crucible of trial, the Court defers to the legislative override of our Constitution-based rulings. A decision so at odds with our jurisprudence should not have staying power.

550 U.S. 124, 191 (2007) (Ginsburg, J., dissenting) (internal citations omitted).

This Court should decline to reexamine its precedents in this area, and it should make clear that state legislators—no less than state and federal judges—are bound to uphold and defend the Constitution of the United States. This Court's prior decisions must not be freely jettisoned in response to intentionally unconstitutional legislation, or simply because current members of the Court would have decided them differently in the first instance. "'It is indispensable' that federal judges 'should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them.'" *Ramos*, 140 S. Ct. at 1441 (Kavanaugh, J., concurring in part) (citing The Federalist No. 78, at 529).

IV. The "Costs of Overruling *Roe*" Will Have A Disproportionate Effect On Vulnerable Populations

As members of Congress elected to serve their constituents and who bear the obligation to pass laws to provide for the general welfare, *amici* are deeply concerned about the consequences of allowing states to prohibit previability abortions. This Court has made clear that abortion bans like H.B. 1510 are unconstitutional because they violate the right to choose to terminate a pregnancy before viability; the decision below should be affirmed on that basis alone.

But as a matter of public policy, it is also important to recognize that laws like H.B. 1510 do not merely encroach on individual liberty and autonomy; they also do so in a way that disproportionately imperils the health and economic security of vulnerable populations. "The societal costs of overruling *Roe* at this late date would be enormous." *Casey*, 505 U.S. at 912 (Stevens, J., concurring in part and dissenting in part).

Access to safe, affordable abortion is a critical component of our nation's health care system. While people with economic means will always have access to abortion, laws that impede access to abortion—or that, like H.B. 1510, outright prohibit it—improperly deprive pregnant people, and particularly people of color and low-income people, of their ability to seek essential medical care.

Restrictions on abortion often force individuals seeking to terminate their pregnancies to travel substantial distances to obtain necessary medical care. In 2017, 89% of U.S. counties lacked an abortion clinic,[14] meaning that individuals needed to travel significant distances to obtain an abortion. Indeed, in 2014, the last year for which data is available, 6.4% of individuals who obtained an abortion at a clinic crossed state lines to do so.[15] In that same year, 18% of abortion patients traveled more than 50 miles to obtain an abortion, and an additional 17% travelled 25 to 49 miles for care.[16]

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[14] Rachel K. Jones et al., *Abortion Incidence and Service Availability in the United States, 2017*, Guttmacher Inst. 1, 7 (2019), https://bit.ly/3j5vVPp.

[15] Liza Fuentes & Jenna Jerman, *Distance Traveled to Obtain Clinical Abortion Care in the United States and Reasons for Clinic Choice*, 28(12) J. Women's Health 1623, 1626 (2019), https://bit.ly/3mpHanF.

[16] *Id.* at 1623.

These restrictions—and the disproportionate burdens they impose on vulnerable populations—have only increased in the years since *Casey* was decided. Notwithstanding this Court's precedents, states "enact[ed] more than 227 restrictions [on abortion] between January 2014 and June 2019."[17] Many of these laws have the purpose and effect of closing clinics, delaying care, and increasing patient travel time, costs, and burden. For example, recent changes in Texas law have created a "20-fold increase in driving distance to get an abortion."[18] And "greater distances to abortion facilities are associated with increased burden among patients, including higher associated out-of-pocket costs, greater difficulty getting to the clinic, negative mental health outcomes, higher likelihood of emergency room-based follow-up care, delayed care, and decreased use of abortion services."[19]

These restrictions (among others) have caused a 25% decline in the number of Texas clinics from 2014 to 2017, meaning that 96% of Texas counties no longer contain clinics that provide abortions.[20] Similarly, 93% of Alabama and South Carolina counties, 95% of Georgia counties, 96% of Oklahoma and Tennessee counties, 97% of Missouri and Arkansas counties, and 99% of Mississippi counties contain no clinics that provide abortions.[21]

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[17] Elizabeth Nash & Lauren Cross, *Abortion Incidence and Service Availability in the United States, 2017*, Guttmacher Inst. (2019), https://bit.ly/3jT1FaL.

[18] Elizabeth Nash et al., *Impact of Texas' Abortion Ban: A 20-Fold Increase in Driving Distance to Get an Abortion*, Guttmacher Inst. (Aug 4, 2021), https://bit.ly/3tE2CXL.

[19] Fuentes & Jerman, J. of Women's Health at 1623-24.

[20] Jones et al., Guttmacher Inst. at 18.

[21] *Id.* at 17–18.

While some individuals residing in jurisdictions that prohibit pre-viability abortion might be able to shoulder the financial expenses of traveling substantial distances out of state to pursue alternative options, many others lack such resources. For every post-*Casey* restriction that increases patient costs, there is a corresponding impact on vulnerable populations that do not have the ability to absorb those costs. And patients who cannot afford the expense of traveling to obtain medical care (let alone to take time off from work or arrange childcare) are often left to choose between carrying an unwanted pregnancy to term, risking their physical and mental health and economic stability, or self-managing their abortions. Bans do not act in isolation; most often these states also erect numerous barriers to obtain care.

Pregnancy and childbirth present some of the most serious health risks many people experience in their lifetime. The maternal mortality rate in the United States has been steadily rising in recent years, more than doubling from 1987 to 2017.[22] These risks are particularly acute for people of color: Black women experience maternal death at a rate 3 to 4 times that of White women in the United States.[23]

Apart from the health risks, restricting individual choices regarding pregnancy and childbirth also impose substantial financial costs. Pregnancy and childbirth are expensive, particularly for individuals who lack insurance.

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[22] See U.S. Centers For Disease Control and Prevention, *Pregnancy Mortality Surveillance System*, https://bit.ly/3ybc1qt; Mariam MacDorman et al., *Recent Increases in the U.S. Maternal Mortality Rate*, 128 Obstetrics & Gynecology 447 (2016), https://bit.ly/3AaFiTP.

[23] U.S. Centers For Disease Control and Prevention, *Pregnancy Mortality Surveillance System*, https://bit.ly/3nFEcfI

Raising children is also expensive: the average total annual cost of supporting one child in a single-parent household ranges from $12,680 to $13,900 depending on the child's age.[24] And beyond the immediate costs associated with having and raising a child, mothers also face diminished earnings, interference with career advancement, disruption of education, and fewer resources for children they already have. This is especially true with respect to childbirth from unintended pregnancies.[25] One study has observed that individuals who wished to end their pregnancies but were unable to obtain abortions were less likely to have a full-time job and more likely to be receiving public assistance six months after birth.[26]

These adverse health and financial outcomes will fall disproportionately on people of color and low-income groups. Most abortions in the United States are obtained by persons of color. In Mississippi, for example, 72% of people obtaining an abortion in 2018 were Black.[27] Nationally, about 60% of people who have abortions are people of

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[24] Mark Lino et al., *Expenditures on Children by Families, 2015*, U.S. Dep't of Agriculture, at 12 (2017), https://bit.ly/3keckvB.

[25] Christine Dehlendorf et al., *Disparities in Abortion Rates: A Public Health Approach*, 103 Am. J. Pub. Health 1772, 1775 (2013), https://bit.ly/3EkbhU4. See generally Adam Sonfield et al., *The Social and Economic Benefits of Women's Ability to Determine Whether and When to Have Children*, Guttmacher Inst. (2013), https://bit.ly/3B7DQ4Z.

[26] See Diana G. Foster et al., *Socioeconomic Outcomes of Women Who Receive and Women Who Are Denied Wanted Abortions in the United States*, 108 Am. J. Pub. Health 407, 412–13 (2018), https://bit.ly/3hyI8uS.

[27] Kaiser Family Foundation, *Reported Legal Abortions by Race of Women Who Obtained Abortion by the State of Occurrence* (2020), https://bit.ly/3kaMH01.

color, 34% of whom identify as Black and 20% of whom identify as Hispanic.[28] And 75% of people obtaining abortion care are poor or low-income, with 49% of women living below the federal poverty level (poor) and an additional 26% of women with incomes between 100–199% of the poverty threshold (low-income).[29]

These statistics mirror the higher rates of unintended pregnancies among racial and ethnic minorities and persons with low income as compared to the rate among White and affluent women.[30] These disparities are inseparable from the racism and inequities that persist in American society, including economic disadvantage, neighborhood characteristics, lack of access to family planning or medical care, and mistrust in the medical system.[31]

In other words, people of color and people living in poverty are both the people most likely to need abortion care *and* those who are most likely to suffer ongoing physical and financial hardship if state legislatures are allowed to prohibit pre-viability abortions.

The ability of individuals to exercise their constitutional rights should not depend on their income. The rights of free speech and free exercise, the right against

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[28] *Ibid.*

[29] Jenna Jerman, Rachel K. Jones, & Tsuyoshi Onda, *Characteristics of U.S. Abortion Patients in 2014 and Changes Since 2008*, Guttmacher Inst. 1, 7 (2016), https://bit.ly/2WhD0TP.

[30] Lawrence B. Finer & Mia R. Zolna, *Shifts in intended and unintended pregnancies in the United States, 2001–2008*, 104 (Supp. 1) Am. J. Pub. Health S43, S46 (2014), https://bit.ly/3zdyQKG; Lawrence B. Finer & Mia R. Zolna, *Declines in Unintended Pregnancy in the United States, 2008–2011*, 374 N. Engl. J. Med. 843, S45 Tab. 1 (2016), https://bit.ly/3nALZLz.

[31] Dehlendorf, 103 Am. J. Pub. Health at 1774.

forced self-incrimination, the right to counsel in criminal proceedings, and the right to be free of unreasonable searches and seizures do not turn on one's wealth. But sustaining H.B. 1510 would create a world in which the right to seek an abortion is effectively limited to those of means. High-income Mississippians would be able to travel to obtain abortions elsewhere; those without such resources would not.

Reaffirming the fundamental right to control one's own reproductive life, including by choosing to terminate a pregnancy before viability, is critical to ensuring all people's ability "to participate equally in the economic and social life of the Nation." *Casey*, 505 U.S. at 856.

CONCLUSION

The judgment of the court of appeals should be affirmed.

Respectfully submitted.

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SEPTEMBER 2021

APPENDIX

APPENDIX — *AMICI CURIAE*
MEMBERS OF CONGRESS

48 United States Senators

Majority Leader Charles E. Schumer

Sen. Richard J. Durbin

Sen. Patty Murray

Sen Richard Blumenthal

Sen. Tammy Baldwin

Sen. Michael F. Bennet

Sen. Cory A. Booker

Sen. Sherrod Brown

Sen. Maria Cantwell

Sen. Benjamin L. Cardin

Sen. Thomas R. Carper

Sen. Christopher A. Coons

Sen. Catherine Cortez Masto

Sen. Tammy Duckworth

Sen. Dianne Feinstein

Sen. Kirsten Gillibrand

Sen. Margaret Wood Hassan

Sen. Martin Heinrich

Sen. John Hickenlooper

Sen. Mazie K. Hirono

Sen. Tim Kaine

Sen. Mark Kelly

Sen. Angus S. King, Jr.

Sen. Amy Klobuchar

Sen. Patrick Leahy

Sen. Ben Ray Luján

Sen. Edward J. Markey

Sen. Robert Menendez

Sen. Jeffrey A. Merkley

Sen. Christopher S. Murphy

Sen. Jon Ossoff

Sen. Alex Padilla

Sen. Gary C. Peters

Sen. Jack Reed

Sen. Jacky Rosen

Sen. Bernard Sanders

Sen. Brian Schatz

Sen. Jeanne Shaheen

Sen. Kyrsten Sinema

Sen. Tina Smith

Sen. Debbie Stabenow

Sen. Jon Tester

Sen. Chris Van Hollen

Sen. Mark R. Warner

Sen. Raphael Warnock

Sen. Elizabeth Warren

Sen. Sheldon Whitehouse

Sen. Ron Wyden

188 Members of the
United States House of Representatives

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Rep. Jerrold Nadler

Rep. Diana DeGette

Rep. Barbara Lee

Rep. Judy Chu

Rep. Alma S. Adams, Ph.D.

Rep. Pete Aguilar

Rep. Colin Allred

Rep. Jake Auchincloss

Rep. Nanette Diaz Barragán

Rep. Karen Bass

Rep. Joyce Beatty

Rep. Ami Bera, M.D.

Rep. Donald S. Beyer Jr.

Rep. Earl Blumenauer

Rep. Lisa Blunt Rochester

Rep. Suzanne Bonamici

Rep. Carolyn Bourdeaux

Rep. Jamaal Bowman, Ed.D.

Rep. Anthony G. Brown

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Rep. Cori Bush

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Rep. Suzan K. DelBene

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Rep. Mark DeSaulnier

Rep. Theodore E. Deutch

Rep. Debbie Dingell

Rep. Lloyd Doggett

Rep. Mike Doyle

Rep. Veronica Escobar

Rep. Anna G. Eshoo

Rep. Adriano Espaillat

Rep. Dwight Evans

Rep. Lizzie Fletcher

Rep. Bill Foster

Rep. Lois Frankel

Rep. Ruben Gallego

Rep. Sylvia R. Garcia

Rep. Jesús G. “Chuy” García

Rep. Jimmy Gomez

Rep. Josh Gottheimer

Rep. Raúl M. Grijalva

Rep. Jahana Hayes

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Rep. Jim Himes

Rep. Steven Horsford

Rep. Steny H. Hoyer

Rep. Jared Huffman

Rep. Sheila Jackson Lee

Rep. Sara Jacobs

Rep. Pramila Jayapal

Rep. Hakeem Jeffries

Rep. Eddie Bernice Johnson

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Rep. Mondaire Jones

Rep. Kaialiʻi Kahele

Rep. Robin L. Kelly

Rep. Ro Khanna

Rep. Daniel T. Kildee

Rep. Derek Kilmer

Rep. Andy Kim

Rep. Ann Kirkpatrick

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Rep. Al Lawson

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Rep. Lucy McBath

Rep. Betty McCollum

Rep. A. Donald McEachin

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Rep. Seth Moulton

Rep. Stephanie Murphy

Rep. Grace F. Napolitano

Rep. Richard E. Neal

Rep. Joe Neguse

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Rep. Bennie G. Thompson

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Rep. Nikema Williams

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Rep. John Yarmuth