

July 2024

Dear Friends and Supporters,

In July of each year we address important U.S. Supreme Court opinions. Each year's term ends with remaining opinions being released by the end of June.

There have been some important decisions handed down. Some directly affect issues on which we work. Others affect them indirectly. Concerning the latter for example, there have been several opinions where the court declined to resolve cases on the merits because of procedural obstacles. This month's Educational Update mentions the "standing" issue which is a question in every case. The court is undoing about seventy-five years of decisions, where the court was acting more as a legislative body than a court.

The Biden Administration has been very active in pushing legalized abortion, including efforts to preempt state laws regulating abortion. One such case is *Moyle v. United States*, where the Biden directed DOJ pursued preemption of Idaho's restrictive abortion law which had death of the mother as the only exception. The preemption would be for the Emergency Medical Treatment and Labor Act permitting abortions even for the mental health of the mother. This would be a wide-open exception.

We may explain that case further, but the short explanation is that for really inexplicable reasons, after the court granted review of the case and thirteen hundred pages of briefing, I decided, without comment, to send the case back to the lower court for more information. The presumed reason was that the court needed more information, though several of the Justices disagreed. In any event, the case raised significant issues about whether federal law preempts state law in the area of abortion and these were not answered.

Thank you for your continuing support. With personal regards, I am,

Yours very truly,

A. Eric Johnston

AEJ/pkh