

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, CONDEMNING THE UNITED STATES SUPREME COURT'S DECISION IN *DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION*, WHICH ELIMINATED AN ESTABLISHED RIGHT TO REPRODUCTIVE FREEDOM IN THE UNITED STATES.

WHEREAS, in a 1973 landmark decision, *Roe v. Wade*, the United States Supreme Court ("SCOTUS" or the "Court") established that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution provides a fundamental "right to privacy" that protects a pregnant person's liberty to choose whether or not to have an abortion; and

WHEREAS, on June 14, 2022, in another landmark decision, *Dobbs v. Jackson Women's Health Organization*, Justice Samuel Alito, writing for a five-Justice majority, eliminated the constitutional right to abortion and handed the states the power to restrict the procedure as they wish; and

WHEREAS, the Court's opinion delivered a wrecking ball to the constitutional right to abortion, destroying the protections of *Roe v. Wade*, and utterly disregarding the ability of all people to make private, personal decisions that shape their futures; and

WHEREAS, for the first time since the founding of our country, the Court issued a ruling that expressly took away an established constitutional right of millions of Americans; and

WHEREAS, without a doubt, the *Dobbs* decision will rank among the Court's most infamous decisions, alongside *Dred Scott v. Sandford*, *Plessy v. Ferguson*, and *Korematsu v. United States*, which, to this day, remain an embarrassing stain on our country's history and represent repugnant denials of freedom for anyone who is not a white man; and

WHEREAS, the decision in *Dobbs* is also devastating as it directly threatens other established constitutional rights that are currently in peril, such as the right to same-sex relationships and marriage, protected by *Lawrence v. Texas*, and *Obergefell v. Hodges*, which were largely influenced by the private rights framework established in *Roe*; and

WHEREAS, in fact, Justice Clarence Thomas already outright threatened the status of the right to contraception, same-sex relationships, and same-sex marriage in his concurrence in *Dobbs*, calling for the Court to reconsider the decisions made in those landmark cases; and

WHEREAS, several states' trigger laws banning or severely restricting abortion access have already gone into effect since *Roe* was overturned, and other states' bans will go into effect imminently, including possibly the state of Florida; and

WHEREAS, before *Roe v. Wade*, illegal abortions were estimated to range from 200,000 to 1.2 million per year, and constituted at least 17 percent of all maternal deaths attributed to pregnancy and childbirth in 1965 alone¹; and

WHEREAS, the legalization of abortion in the U.S. led to safer practices and drastically reduced the incidence of maternal deaths and hospitalizations related to abortion²; and

WHEREAS, banning or severely restricting abortion will not stop abortions – it will simply stop safe abortions, as many people will nonetheless choose to terminate their pregnancies and will be forced to do so through unregulated, and potentially unsafe means; and

WHEREAS, it cannot be overstated how damaging the *Dobbs* will be to the most vulnerable members of our society, including women, and people of color; and

WHEREAS, as masterfully pointed out by the dissenting minority, led by Justice Sonya Sotomayor, “women lacking financial resources will suffer from today’s decision. After this decision, some States may block women from traveling out of State to obtain abortions, or even from receiving abortion medications from out of State. Some may criminalize efforts, including the provision of information or funding, to help women gain access to other States’ abortion services;” and

WHEREAS, women living below the federal poverty line experience unintended pregnancies at rates five times higher than higher income women do, and nearly half of women who seek abortion care live in households below the poverty line; and

WHEREAS, by overturning *Roe*, the Court not only took away a constitutional right but also condemned millions of people to forcibly bringing new life into the country that offers no universal healthcare, no universal paid family leave, no universal childcare, no adequate social safety nets, and no adequate and well-funded foster care system; and

WHEREAS, a landmark project called the Turnaway Study tracked nearly 1,000 women who either had an abortion or were turned away from clinics because their pregnancy was too advanced, and the women who were forced to carry their pregnancy

¹ Rachel Benson Gold, *Lessons from Before Roe: Will Past Be Prologue?*, GUTTMACHER INST. (March 2003), <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

² Susan A. Cohen, *Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide*, 12 GUTTMACHER POLICY REVIEW 2 (2009), available at https://www.guttmacher.org/sites/default/files/article_files/gpr120402.pdf.

to term were four times more likely to fall below the poverty line during the next five years, reported poorer overall health and more chronic pain; and

WHEREAS, the City of Miami Beach has historically been at the forefront of advancing, promoting, and protecting the rights of marginalized communities, including reproductive rights; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach mourn for countless family, friends, and fellow citizens who have lost their right to abortion care, and strongly condemn the disastrous consequences of the craven political decision in *Dobbs*.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby strongly condemn the United States Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which eliminated an established right to reproductive freedom in the United States.

PASSED AND ADOPTED this ____ day of _____, 2022.


Attest:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Richardson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

7-12-22

Date