



## ‘Betrayal’: Supreme Court Slams Leaked Roe Opinion, Says Does Not Represent “Final Decision”

### Description

**Update (1121ET):** The Supreme Court issued a rare rebuttal to Monday’s leaked *Politico* report on a draft opinion overturning abortion rights in the US.

Yesterday, a news organization published a copy of a draft opinion in a pending case. **Justices circulate draft opinions internally as a routine and essential part of the Court’s confidential deliberative work.** Although the document described in yesterday’s reports is authentic, it does not represent a decision by the Court or the final position of any member on the issues in the case.

Chief Justice John G. Roberts. Jr., provided the following statement:

**To the extent this betrayal of the confidences of the Court was intended to undermine the integrity of our operations, it will not succeed.** The work of the Court will not be affected in any way.

We at the Court are blessed to have a workforce – permanent employees and law clerks alike – intensely loyal to the institution and dedicated to the rule of law. Court employees have an exemplary and important tradition of respecting the confidentiality of the judicial process and upholding the trust of the Court. **This was a singular and egregious breach of that trust that is an affront to the Court and the community of public servants who work here.** I have directed the Marshal of the Court to launch an investigation into the source of the leak.

\* \* \*

**Update (1100ET):** Sen. Susan Collins (R-ME) said on Tuesday that **the leaked draft ruling by the Supreme Court overturning Roe was “completely inconsistent”** with what Justices Neil Gorsuch and Brett Kavanaugh told her in private during confirmation hearings when they were Supreme Court

nominees.



“If this leaked draft opinion is the final decision and this reporting is accurate, it would be completely inconsistent with what Justice Gorsuch and Justice Kavanaugh said in their hearings and in our meetings in my office,” said Collins. “Obviously, we won’t know each Justice’s decision and reasoning until the Supreme Court officially announces its opinion in this case.”

Collins defended her vote for Kavanaugh in 2018, stating that she didn’t believe he would vote to overturn Roe.

“I do not believe Brett Kavanaugh will overturn Roe v. Wade,” she said at the time. “He noted that Roe had been reaffirmed 19 years later by Planned Parenthood vs. Casey. And that it was precedent on precedent. He said it should be extremely rare that it should be overturned.”

Meanwhile, **the Supreme Court says yesterday’s leaked report is authentic.**

\* \* \*

Protests erupted outside the US Supreme Court overnight **after a draft majority opinion overturning Roe v. Wade leaked to [Político](#).**



Photo: Alex Brandon / AP

Barriers were erected outside the courthouse as hundreds gathered outside to protest the news, the [Washington Post](#) reports. A smaller group of pro-life protesters also showed up, chanting “Pro-choice, that’s a lie. Babies never choose to die,” while the larger group of pro-abortion protesters shouted “When abortion rights are under attack, what do we do? Stand up, fight back!”

Breaking: Protests are beginning to form outside the Supreme Court. This is just the beginning. [#GOPHandmaidsTale](#)  
[pic.twitter.com/8OYnmRxZyN](https://pic.twitter.com/8OYnmRxZyN)

— MeidasTouch.com (@MeidasTouch) [May 3, 2022](#)



A couple hundred people, most in their 20s and 30s, are now outside SCOTUS. There's still not yet any organized protest or chanting, just folks standing around talking. Guy just whipped out a can of White Claw. [pic.twitter.com/PCrXisy0Ys](https://pic.twitter.com/PCrXisy0Ys)

— Natalie Allison (@natalie\_allison) [May 3, 2022](#)

Really rich hearing the Left trot out this old chant after the past 2 years of them cheering on vaccine mandates. [pic.twitter.com/6yhay9YWaw](https://pic.twitter.com/6yhay9YWaw)

— The Columbia Bugle ?? (@ColumbiaBugle) [May 3, 2022](#)

A scuffle broke out shortly after midnight, as several 'masked protesters' tried to force the pro-life protesters to clear out. Neither group budged according to the report.

2nd clip from the scuffle, looks like someone in a suit gets clocked.  
[pic.twitter.com/BATtQmE7Ms](https://pic.twitter.com/BATtQmE7Ms)

— Doge (@IntelDoge) [May 3, 2022](#)

"The first line in the draft is that this is a moral issue. If it's a moral issue, you shouldn't be depriving us of our choice," [said](#) Annie McDonnell, a student at George Washington University.

**President Joe Biden** [responded](#) to the report with a statement he undoubtedly had zero involvement crafting, saying: "We do not know whether this draft is genuine, or whether it reflects the

final decision of the Court.”

The statement adds that Roe is based on a “long line of precedent recognizing ‘the Fourteenth Amendments concept of personal liberty... against government interference with intensely personal decisions,” adding that he believes a woman’s right to choose is ‘fundamental,’ and that Roe has been the ‘law of the land for almost fifty years, and **basic fairness** and the stability of our law’ demand that it not be overturned.”

Biden then said that the White House’s “Gender Policy Council” has prepared options to respond to “the continued attack on abortion and reproductive rights, under a variety of possible outcomes in the cases pending before the Supreme Court.



## If Roe v. Wade is overturned

Twenty-one states have laws or constitutional amendments in place that show an inclination to ban abortion as quickly as possible if Roe v. Wade is overturned or significantly weakened by the Supreme Court.



The Roe v. Wade ruling in 1973 recognized that the constitutional right to personal privacy protects a woman's ability to obtain an abortion. Many states have laws restricting abortion rights that run counter to Roe and have been blocked by courts. Those restrictions, including outright bans, would likely go into effect if Roe is overturned.



**Pre-Roe ban** - Law enacted before 1973 and never removed

**Trigger ban** - Law designed to be "triggered" and take effect automatically or by quick state action if Roe no longer applies

**Near-total ban** - Law enacted after Roe to prohibit abortion under all or nearly all circumstances (several of this type are currently blocked by court order)

**Six-week ban** - Law prohibiting abortion after six weeks of pregnancy (one in effect)

**Eight-week ban** - Law prohibiting abortion after eight weeks of pregnancy (none in effect)

**State constitution bans protection** - Constitution amended to prohibit any protection for abortion rights

Source: Guttmacher Institute

T. Hartman, 1/12/2021

REUTERS

Check back for updates...

by Tyler Durden

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