



NARAL
Pro-Choice America Foundation

JUSTICE JOHN ROBERTS

*"We continue to believe that Roe was wrongly decided and should be overruled."*¹

Biography

- Born on January 27, 1955, in Buffalo, NY
- Chief Justice, U.S. Supreme Court 2005–present (appointed by President George W. Bush)

Current Role on the Supreme Court

- Chief Justice Roberts is one of four solidly anti-choice members of the Court, along with Justices Alito, Scalia and Thomas. During his tenure in the first Bush Administration, he made clear that he does not believe the Constitution protects a woman's right to choose. While he has only served on the Supreme Court for a short time, his vote to uphold the Federal Abortion Ban is further evidence of Justice Roberts' opposition to the constitutional protection of the right to choose.
- Justice Roberts is the youngest member of the Supreme Court.

A History of Opposition to Reproductive Freedom

- As Principal Deputy Solicitor General, Roberts argued in a brief before the U.S. Supreme Court that "[w]e continue to believe that *Roe* was wrongly decided and should be overruled. . . . [T]he Court's conclusions in *Roe* that there is a fundamental right to an abortion . . . find no support in the text, structure, or history of the Constitution."²
- In *Rust v. Sullivan*,³ the Supreme Court considered whether Department of Health and Human Services regulations limiting the ability of Title X recipients to engage in abortion-related activities violated various constitutional provisions. Roberts, appearing on behalf of HHS as Principal Deputy Solicitor General, argued that this domestic gag rule, whereby doctors working in family planning programs receiving federal funds were barred from even discussing abortion options with patients, did not violate constitutional protections.⁴
- Roberts, again as Principal Deputy Solicitor General, argued for the United States as *amicus curiae* in support of Operation Rescue and six other individuals who routinely and often violently blocked access to reproductive health care clinics, arguing that the

protesters' behavior did not amount to discrimination against women, even though only women could exercise the right to seek an abortion.⁵

- As Chief Justice of the United States Supreme Court, Roberts voted to uphold the Federal Abortion Ban in the cases of *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood Federation of America*, a decision in which the U.S. Supreme Court upheld the first-ever federal ban on abortion, which outlaws certain second-trimester abortions and has no exception in cases when a woman's health is in danger. The decision represents a monumental departure from prior cases, and with it the Court effectively eliminated one of *Roe v. Wade*'s core protections: that a woman's health must always be paramount.⁶

March 2010

¹ Brief for the Respondent at 13, *Rust v. Sullivan*, 500 U.S. 173 (1991) (Nos. 89-1391, 89-1392).

² Brief for the Respondent at 13, *Rust v. Sullivan*, 500 U.S. 173 (1991) (Nos. 89-1391, 89-1392).

³ *Rust v. Sullivan*, 500 U.S. 173 (1991).

⁴ Brief for the Respondent, *Rust v. Sullivan*, 500 U.S. 173 (1991) (Nos. 89-1391, 89-1392).

⁵ Transcript of Oral Reargument of John Roberts, Jr., dated Oct. 6, 1992, *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263 (1993) (No. 90-985).

⁶ *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood Federation of America*, 127 S. Ct. 1610, 1618 (2007).