

Ruling

Continued from Page 1A

The decision will also play into the November midterm elections, in which control of Congress is up for grabs, though there are signs it may not be as salient for voters as other issues, such as inflation. In a USA TODAY/Suffolk University Poll taken before the decision, even those Americans who opposed striking down the landmark decision said 2-1 that the economy will be more important to their vote in November.

“This fall, Roe is on the ballot,” Biden said from the White House, adding that the decision “casts a dark shadow over a large swath of the land.”

Though not unexpected, the court’s decision hit like a political and cultural earthquake, reshaping the relationship between millions of Americans and the government. Though the opinion will be celebrated by conservatives, it will almost certainly lead to protests, lawsuits and charges from the left that the nation’s highest court – ostensibly above the partisan fray – is just as political as the other branches of the federal government.

That’s exactly what happened when a draft opinion in Mississippi’s challenge to Roe v. Wade leaked May 2. The unprecedented breach of Supreme Court protocol, which showed how the conservative justices might overturn Roe, led to protests across the country. The opinion

Friday appeared to closely track with the earlier leaked draft.

Anti-abortion groups, which had pushed for Friday’s outcome for decades, applauded the decision.

“Today marks an historic human rights victory for unborn children and their mothers and a bright pro-life future for our nation,” said Marjorie Dannenfelser, president of the Susan B. Anthony SBA Pro-Life America. “Every legislature in the land, in every single state and Congress, is now free to allow the will of the people to make its way into the law through our elected representatives.”

Experts say the decision may set off challenges to other rights that, like abortion, have been grounded in the 14th Amendment’s guarantee of due process. Many of those have been taken for granted for years, such as the right to same-sex marriage, the right to interracial marriage and the right to access contraception.

In a concurring opinion, Associate Justice Clarence Thomas said the Supreme Court should now “reconsider” some of those other rights established by the high court. No other member of the court joined Thomas, and the court’s majority opinion stressed that other rights were not at issue in the case.

Democrats and groups that support abortion rights decried the decision.

“Today, the Republican-controlled Supreme Court has achieved the GOP’s dark and extreme goal of ripping away women’s right to make their own reproductive health decisions,” House Speaker

Nancy Pelosi, D-California, said in a statement. “Because of Donald Trump, Mitch McConnell, the Republican Party and their supermajority on the Supreme Court, American women today have less freedom than their mothers.”

The opinion follows a decades-long movement by conservatives to overturn the high court’s 1973 Roe v. Wade decision, which established a constitutional right to abortion. The effort to roll back that right was aided by President Donald Trump, who was elected in 2016 in part on a promise to name justices who would overturn Roe v. Wade. Over the course of a single term, Trump managed to put three conservative justices on the high court.

At issue in the case is a Mississippi law that bans most abortions after 15 weeks of pregnancy – earlier than had been permitted under the high court’s previous decisions.

Jackson Women’s Health Organization, the last abortion clinic in Mississippi, challenged the state law in 2018, asserting it conflicted with Roe v. Wade and a subsequent case in 1992 that upheld Roe. A 7-2 majority in Roe v. Wade established a constitutional right to abortion and allowed people to exercise the right until the end of the second trimester.

A subsequent decision in 1992, Planned Parenthood v. Casey, ended the trimester framework and allowed people to obtain an abortion until viability – the point when a fetus can survive outside the womb, or about 24 weeks into a pregnancy.

Two lower federal courts agreed with the clinic, citing Roe and Casey. Mississippi appealed, asking the Supreme Court not only to uphold its ban but also to do away with the constitutional right to abortion altogether. Because the issue is so divisive and personal, the state argued, it should be decided by state lawmakers accountable to voters rather than by federal courts whose jurists enjoy lifetime appointments.

The frenzy around the case, Dobbs v. Jackson Women’s Health Organization, had almost as much to do with the justices who are on the high court as it does with the Mississippi law. Conservatives enjoy a 6-3 majority on the court for the first time since the Roosevelt administration. Three of them were nominated by Trump: associate justices Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett.

Mississippi had explicitly asked the Supreme Court to overturn Roe v. Wade, calling it “dangerously corrosive to our constitutional system.” That is a more aggressive position than the state took when it first brought the case to the court in 2020.

For years, the legal battle over abortion has focused on regulating the procedure, such as requirements that minors inform their parents before ending a pregnancy or requiring doctors performing the procedure to have privileges at nearby hospitals. For anti-abortion groups, the Dobbs case represented the first opportunity in decades to focus squarely on whether the procedure itself is constitutional.

Stories

Continued from Page 1A

These women said they are sharing their stories now after decades of silence to reduce the stigma surrounding miscarriage and abortion and show others they are not alone.

On Friday, the U.S. Supreme Court overturned the landmark Roe v. Wade decision, which established a constitutional right to abortion nearly 50 years ago. A leaked draft opinion from the U.S. Supreme Court indicated justices planned to strike down Roe v. Wade in May.

Abortion rates had fallen steadily since the 1990s but have risen in recent years due to a variety of factors, according to the Guttmacher Institute, a sexual and reproductive health research and policy organization.

While most of the debate centers around elective abortion, miscarriage care can be affected. And miscarriage is common: One in four pregnancies end in a miscarriage, and most people who miscarry do so within the first 12 weeks of pregnancy.

‘[It] is very personal and very traumatic, and now you’re going to be treated like a criminal’

St. Cloud resident Chantal Oechsle, 30, had a miscarriage when she was 18. She became pregnant despite using birth control and said she was fortunate to find out she was pregnant early, at four weeks.

Fetal growth had slowed at about seven weeks and around 13 to 14 weeks there was no heartbeat. On the advice of her anti-abortion mother, Oechsle said, she decided to wait to miscarry instead of getting a D&C.

“And I’m sure a lot of people don’t know, but when you have a miscarriage, you don’t get any pain medication. Your body still goes through delivery, you still labor,” she said. “I labored about 18 hours.”

Around the time she found out she was pregnant, Oechsle said she lost one of her best friends, who was diabetic and about eight weeks pregnant. She died in her sleep due to shock, without having told a doctor or her parents she was pregnant. Losing someone close to her “from the same thing, effectively” was scary, Oechsle said.

After miscarrying in her literature class, “no one did any bloodwork to make sure I was safe, I got no pain medication, the mental and emotional support was nil,” Oechsle said. “In fact, I was told by my mother, ‘Don’t talk about this to your extended family, because you will be judged vehemently for it.’ And so it turned into a scarlet letter of a situation that I had done everything in my power to not have happen in the first place.”

Oechsle said she “went into a really dark place” after her miscarriage. She experienced heavy bleeding afterwards and when she went to the hospital she said she was shuffled around by physicians who “spent the whole time trying to confirm whether or not I was pregnant in the first place,” she said. After a couple of hours Oechsle decided to just stay home and hope the bleeding stopped on its own.

When Oechsle was in labor with her



Asha Hassan is a reproductive health researcher with the Center for Anti-Racism Research for Health Equity and a doctoral student in the health services research program at the University of Minnesota School of Public Health. PROVIDED BY ASHA HASSAN

oldest daughter two years later, physicians were looking at her medical record and asked if she had had an abortion. Her second-trimester loss was written in her medical record as a “spontaneous abortion,” which is the term the medical community uses to classify a miscarriage.

“The way that they chart [miscarriage] and the way that they medically bill it is as if it’s an abortion,” Oechsle said. “So what does this mean for people who have miscarriages? Are they going to accidentally get criminalized? Are they going to investigate every single miscarriage? ... You’re going through something that you’re horribly unsupported in and is very personal and very traumatic, and now you’re going to be treated like a criminal.”

Oechsle said hearing stories of women around the country who have been arrested and charged with murder after miscarrying or getting an abortion makes her fear a post-Roe future. She said she finds it hard to believe the government would force people to give birth given the cost of prenatal care and birth in the United States, as well as the ongoing baby formula shortage and lack of universal paid parental leave.

Oechsle said she now worries about her three young daughters, including her oldest who is 10 and has an intellectual disability, which makes it difficult for her to communicate and leaves her vulnerable to sexual abuse.

“It could be really bad for us if something bad happens. And now it’s a discussion of when do we start birth control with everyone?” she said. “We might have these young children who aren’t sexually active. But we’re going to have to put them on birth control because the alternative is babies raising babies.”

Oechsle said she wonders how she’d know if her daughters would need to take a pregnancy test, if they would be able to explain to her what happened, or even if she’d lose her kids as they labored in childbirth.

“Do we put them on birth control when they’re young? How does that affect their cycles? Do we all have to start doing monthly pregnancy tests in case we have to travel out of state?” she said. “Because if Roe gets overturned, by the end of this summer, Minnesota might be the only state that you could get an abortion in the Midwest.”

Although she’s not concerned about getting pregnant anymore, Kuefler said she, too, worries about her own children, including a young daughter who also has special needs. When she was a military



Melissa Bromenschenkel poses for a photo at Lake George, June 17, in St. Cloud.

ZACH DWYER/STCLOUDTIMES.COM

spouse, Kuefler said, she didn’t get to choose where she lived and while she had the freedom to travel, active duty military members don’t.

“They can’t just leave and go get an abortion if they need one,” she said. “And they have a higher risk of being assaulted. So when you look at it, it’s clearly about access. It’s clearly about who’s going to be allowed and who’s not.”

Over the past couple of years, Kuefler said she has made an effort to talk more about her miscarriages and post-partum depression, but “it just could have been a lot easier if someone else would have talked about it too.”

“I have to wonder why a community that says they’ve placed so much value on this life would silence women who have experienced this instead of offering them support. Where was the wake? Where was the casseroles? Where was all of the things that that community is famous for when someone passes?” she said. “I mean, people show up and there’s this community that is expected in the church when someone dies. Women don’t receive any of that for a miscarriage. At all.”

Kuefler has since left the church and said she’s fortunate her family has been supportive and compassionate, but criticized religions that preach anti-abortion doctrine but don’t support women.

“I think that because it’s not a celebrated life, but then somehow it’s considered this life, it’s almost like you failed in bringing it to life, you failed in completing life,” Kuefler said. “And I think in a lot of ways religion puts personal responsibility on women, particularly with childbirth, you know. Even down to: it hurts because women disobeyed God. You’re ashamed and you can’t give your husband children, I have heard it even taken that far.”

Hundreds of miles to get an abortion

St. Cloud resident Andrea Northrop, 32, had an abortion in her early 20s after she got pregnant with someone she wasn’t comfortable having a family with. As someone who never wanted children, Northrop said her decision to get an abortion was pretty straightforward.

At the time she was living in Missouri, where the closest Planned Parenthood was hundreds of miles away. Her friend and their mother were her only support system, and without a car of her own, they drove her over 100 miles to have an ultrasound and a checkup. After that, Northrop was required to wait 48 hours for a second appointment. They then they drove her about 400 miles in the

other direction to get the abortion.

Northrop said she was about six or seven weeks along when she found out she was pregnant. Missouri law at the time banned all abortions after eight weeks, so “I was right on the cusp,” she said.

When she found out she was pregnant, Northrop said she just cried.

“I just wanted it done. [I felt] anxiety because, you know, surgical procedures. I never had one of those at the time,” she said. “So it was just that and get it done. I don’t want to do this anymore. I don’t want to deal with this anymore. It was just, take this away and let’s move on with my life.”

The abortion cost over \$500 and Northrop said it changed the course of her life. She later got into college and was able to move back to Minnesota.

“It should be a choice. And I don’t understand how people don’t understand that. You don’t want one, then don’t get one. It’s not your decision,” Northrop said. “I don’t understand how people think they have control over other people and their choices. That absolutely boggles my mind.”

Missouri has a “trigger law” that went into effect Friday morning prohibiting all abortions except in cases of medical emergency when the Supreme Court overturned Roe v. Wade. Missouri’s law makes knowingly performing or inducing an abortion a class B felony, punishable by five to 15 years in prison.

‘It’s more mourning for what could have been’

“As I was growing up, I always wanted to be a mom,” said Sartell resident Melissa Bromenschenkel, 41. “I didn’t have siblings until I was 11½, so I grew up more with cousins as my siblings. And so we’d play house and things like that. And I was always the mom. I was always the mother hen taking care of everybody. So I’ve wanted to be a mom for a long time.”

In 2006, when she was almost 25, Bromenschenkel had her first miscarriage around six weeks. Within eight months she had another miscarriage around nine weeks, “and that one really hit me hard,” she said.

After miscarrying twice in less than a year, Bromenschenkel said her hormones were “really, really crazy” and eventually she started taking antidepressants after she had thoughts of suicide.

When she was experiencing a lot of pain after her second miscarriage, her doctors discovered Bromenschenkel had a septate uterus, where embryos are implanted in a tissue membrane down the middle of the uterus rather than the side of the uterus, which didn’t give the embryos the nutrients necessary to survive. After Bromenschenkel had her uterus surgically corrected, she had another miscarriage in November 2013, unrelated to the condition.

“Some people might think that it sounds cold of me to say, but I don’t feel like I lost three children. I don’t mourn for dead babies because it was so early, it hadn’t even become a fetus yet. It was an embryo still, it wasn’t human,” she said. “I more mourn for the fact that hey, I could have potentially had three kids now. It’s more mourning for what could have been. And when the dates roll around, I still think about them.”

See STORIES, Page 8A