

Moyle v. United States (2023) and the uncertain fate of the right to abortion

Introduction

The legality of abortions has been a prevalent contentious issue in American law since the 1970s, with opposing religious and societal attitudes towards female sexual rights, making it a taboo topic. The year 2022 saw an update to the Supreme Court decision to legalize abortion in the US, with the overruling of *Roe v. Wade* (1973). Abortion laws across 50 states have been confusing and varying since, with states like Georgia, Iowa, and Florida banning the act past the 6-week pregnancy mark and other states like Idaho, Texas, and Indiana forbidding it completely. 2023 saw the Federal Emergency Medical Treatment and Labour Act clashing greatly with Idaho's prohibition of abortions in the state during *Moyle v. United States*, where the guidelines of a federal-backed organization went against the law of one state.

Background and Conflict

The *Dobbs v. Jackson Women's Health Organization* case in August 2022 was a pivotal case that led SCOTUS (the Supreme Court of the United States) to overturn abortion across the country and discard the decades-old ruling of *Roe v. Wade* (which legalized abortion nation-wide). The case's outcome garnered widespread attention and criticism from both the US and the rest of the world for allegedly violating women's rights and restricting access to reproductive healthcare. Amidst the backlash, the Biden Administration sought to challenge the

state of Idaho's tough measures on abortion, which stated that the procedure could only be done in extreme circumstances (such as to save a mother's life), for they claimed this restrictive ruling went against the Emergency Medical Treatment and Labor Act (EMTALA), backed by federal law; EMTALA states hospitals under Medicare funds are required to provide "necessary stabilizing treatment" to pregnant women that are not limited to, but may include, abortion.

Conclusion

The local district court chose to side with the Biden Administration, detailing that Idaho could not enforce its abortion policy to the point that it interfered with EMTALA. The term "writs of certiorari" is used to refer to when a high court decides to review a lower court's case decision, to check for errors in their investigation and interpretation of the law. In June 2024, the United States Supreme Court declared the writs of certiorari had been "improvidently granted"; essentially, they felt the issue should have reached a conclusive judgment via the lower courts and that it was a mistake for them to take it up beforehand: therefore, they would not act until the lower courts have completed their work. The Supreme Court also decreed that the "stays", or restrictions placed on certain investigative actions, issued in January, would be "vacated", or removed, for a fair and comprehensive trial.

Justices Elena Kagan, Ketanji Brown Jackson, and Sonia Sotomayor jointly agreed that EMTALA's policies went against Idaho abortion law, creating dangerous confusion over which policy- federal or state- would be followed by medical professionals and pregnant patients.

However, Justice Amy Coney Barrett, Justice Brett Kavanaugh, and Chief Justice John Roberts argued that the Supreme Court ought to dismiss the case and “vacate the stay”, or put things on hold, as state-wide tension had died down significantly since the Supreme Court was given the writ of certiorari (a formal request to look at a lower court’s decision); these attorneys felt there were bigger issues to be dealt with, including the current antitrust atmosphere that has overtaken public anger over anti-abortion legislation of 2022. Jackson pushed for the court’s decision to vacate the stay and lift the injunction, agreeing with Kagan’s belief that EMTALA’s nationwide policies are more influential and necessary than Idaho’s laws. However, Jackson protested against the court dismissing the case, stating that the void created by the clash of federal and state law “remains significant” and that the court could not vacate the stay for a solid decision needed to be made quickly; delay would only be at the expense of overworked healthcare officials and their high-risk pregnant patients.

Impact

The Supreme Court deeming *Moyle v. United States* as being improvidently granted meant that they did not judge based on the merits of both prosecution and defense; instead, they essentially dismissed the case as improvidently granted, and thereby did not come to a conclusive ruling. The lower court’s decision allowed for the continuation of last-minute abortions; however, doctors in Idaho and other anti-abortion states are still left in serious doubt as to when they can legally abort a baby, for EMTALA practices have collided, and may continue to collide, with local laws.

In the aftermath of an unsatisfactory trial, Justice Ketanji Brown described proceedings as “a delay”, and that the “precarious situation” of pregnant people is

the result of the Court “squandering” their chance to rectify the “dark” unclarity which many professionals currently find themselves in. In agreement with this sentiment, governor of Maine Janet T. Mills expresses her feelings of the Court having “failed in its obligation” to ensure “the right to reproductive health” to women across America, for the ability to abort children is, above all, a protective measure for the safety, happiness, and security of all.

<https://www.oyez.org/cases/2023/23-726>

<https://dredf.org/2024/07/03/dredf-responds-to-supreme-courts-decision-in-moyle-v-united-states/>