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Family Action Council of Tennessee's Sister Organization Files Amicus Brief Asking Supreme Court to Overturn *Roe v. Wade*

Franklin, Tenn. – On Tuesday, July 27, the Constitutional Government Defense Fund ("CGDF") filed an amicus curiae [brief](#) with the United States Supreme Court on behalf of 22 state family policy organizations, including The Family Action Council of Tennessee ("FACT") asking it to overrule *Roe v. Wade* and *Planned Parenthood v. Casey*.

The brief was filed in response to the Supreme Court's decision in May to hear *Dobbs v. Jackson Women's Health Organization*, a lawsuit filed by a pro-abortion group challenging Mississippi's law banning abortions after 15 weeks. The lower courts held that the law was unenforceable, because the Supreme Court, in *Planned Parenthood v. Casey*, held that a Pennsylvania law was unenforceable because it banned abortions prior to the unborn child being able to survive outside the womb.

CGDF's brief argues that that *Roe* and *Casey* must be overruled because the Court's interpretation of the 14th Amendment is an unconstitutional violation of the constraint placed on the federal judiciary by the Ninth Amendment. The Ninth Amendment says, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

David Fowler, president of FACT and a lawyer with CGDF, said "The brief gives the Justices a reason to overturn *Roe* not just on the ground that its holding was poorly reasoned, contrary to current science, or judicially unworkable, but that its holding violates a never before considered provision in the Constitution, the Ninth Amendment."

Fowler said use of the Ninth Amendment is significant because, for the first time ever, the Court is being asked to consider an argument against abortion grounded in a different provision of the U.S. Constitution:

"Since the Court has never considered how the Ninth Amendment limits the way in which the 14th Amendment can be interpreted and *Roe* and *Casey* relied solely on the 14th Amendment, those decisions are not controlling precedent and *stare decisis* does not apply."

The Constitutional Government Defense Fund is an initiative of Alliance for Law and Liberty and the litigation ally of The Family Action Council of Tennessee. David Fowler, a former Tennessee state Senator and original sponsor of the abortion-related amendment to Tennessee's Constitution, is president of The Family Action Council of Tennessee and lead attorney for the Constitutional Government Defense Fund.

For more information, visit <https://allianceforlawandliberty.org>