

# Chief Justice Roberts, judicial injustice, and 5 things you can do about it

*Commentary by Dr. Nathan Oppman*

Chief Justice John Roberts' concurrence in the judgment of *June Medical Services, LLC v. Russo*, which struck down a Louisiana law requiring abortionists to have admitting privileges at a local hospital, is a shocking example of judicial overreach.

In the decision Roberts states: "I joined the dissent in *Whole Woman's Health* and continue to believe that the case was wrongly decided. The question today, however, is not whether *Whole Woman's Health* was right or wrong, but whether to adhere to it in deciding the present case."

Roberts openly admits that even though the conclusion he will reach is wrong, he feels that he must reach it to uphold precedent. This is a poor judicial reasoning at best ... and utter dereliction of justice at worst.

Roberts seems to have overlooked that the primary role of a judge is to do *justice*, not to preserve the Court's past rulings. Yet Roberts is so committed to precedent that he is willing to come to a conclusion even he believes is wrong to preserve it. In Roberts' mind the precedent of the Court is even more powerful than his commitment to right and wrong.

When your legal doctrine demands that you allow injustice, it is time for your legal doctrine to change.

Yet Roberts is hardly alone in creating and following bad precedent. The Iowa Supreme Court has committed massive judicial overreach as well.

In 2018 the Iowa Supreme Court issued an opinion in *Planned Parenthood v. Reynolds* that was one of the most egregious examples of bad jurisprudence in the history of our country. That opinion concocted a “fundamental right” to abortion out of nothing and put even the most basic pro-life laws in jeopardy.

Iowa’s newly constituted Supreme Court may get a chance to reconsider that opinion, as Iowa Gov. Kim Reynolds signed a new law implementing a short waiting period of 24 hours before a woman can obtain an abortion. That law is now being challenged in court. Let’s hope Iowa’s Supreme Court is not as committed to bad precedent as Chief Justice Roberts.

But is there anything that can be done beyond hoping for courts to change? Yes, there is! Courts only have as much power as the legislature, governor, and We the People give them. And in Iowa one of the most direct ways to correct a bad interpretation is to tell the Court our opinion on the issue.

This year the Iowa Legislature narrowly failed to pass a constitutional proposal called the Protect Life Amendment, which would have given We the People the right to give our opinion on the issue of abortion. I would encourage you to sign up for The FAMiLY Leader’s [text](#) and [email alerts](#) to stay informed on the Amendment’s progress.

Below are five other things you can do to make sure your opinion is heard on the abortion issue.

1. Pray for your leaders, including Chief Justice Roberts of the U.S. Supreme Court and Chief Justice Susan Christensen of the Iowa Supreme Court. Pray that they will do justice to those who come before them.
2. Ask your state legislator where he or she stands on the Protect Life Amendment and encourage them to support the amendment during the next legislative cycle.
3. Commit to voting, and consider running for elected

office.

4. Volunteer, donate, or help at a local women's health center that helps women considering abortion to have the resources they need to choose life. Changing hearts and minds one at a time is invaluable in the fight for life.
5. Share all of these action steps with 5 friends and encourage them to follow you in taking action.

We must never lose hope. Though decisions like Justice Roberts' are discouraging, we must remember the abortionists are the ones playing defense, fighting off a passed law they knew would protect unborn children. And the 24-hour law put those who support abortion on defense once again.

Perhaps our Iowa Supreme Court will ignore bad precedent and speak boldly for life. Or perhaps they won't. But we must never lose sight of the fact that each battle gives us an opportunity to move one step closer to a place where all innocent life is cherished and protected, from the moment of conception to natural death.

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