



* 1 0 5 3 4 8 0 2 4 3 *

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

OKLAHOMA CALL FOR REPRODUCTIVE JUSTICE, *et al.*,

Petitioners,

v.

No. 120,543

JOHN O'CONNOR, *in his official capacity as*
OKLAHOMA ATTORNEY GENERAL, *et al.*,

Respondents.

**BRIEF OF *AMICI CURIAE*
FREDERICK DOUGLASS FOUNDATION AND
NATIONAL HISPANIC CHRISTIAN LEADERSHIP CONFERENCE
IN SUPPORT OF RESPONDENTS**

Charles E. Wetsel, OBA #12035
TEAGUE & WETSEL, PLLC
1741 West 33rd Street, Suite 120
Edmond, OK 73013
(405) 285-9200
cwetsel@teaguwetsel.com

October 03, 2022

Mathew D. Staver*
Anita L. Staver*
Horatio G. Mihet*
Roger K. Gannam*
Daniel J. Schmid*
Hugh C. Phillips*
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854
(407) 875-1776
court@LC.org
*Not admitted in Oklahoma

Counsel for Amici Curiae

TABLE OF CONTENTS AND AUTHORITIES

ARGUMENT	1
----------------	---

Cases

<i>Obergefell v. Hodges</i> , 576 U.S. 644 (2015)	1
--	---

A. Abortion Advocacy Rests on the Eugenics Movement, Which Is Rooted in Social Darwinism and the Elimination of Undesirable Populations	1
--	---

Cases

<i>Behrens v. Pelletier</i> , 516 U.S. 299 (1996)	2
--	---

<i>Box v. Planned Parenthood of Indiana & Kentucky, Inc.</i> , 139 S. Ct. 1780 (2019)	1, 3, 4
--	---------

<i>Buck v. Bell</i> , 274 U.S. 200 (1927)	3, 4
--	------

<i>Smith v. Wayne</i> , 231 Mich. 409 (1925)	3
---	---

Other Authorities

Adam Cohen, <i>Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck</i> 2 (2016)	2, 4
---	------

Austin Anderson, <i>The Dark Side of Darwinism</i> , https://sites.williams.edu/engl-209-fall16/uncategorized/the-dark-side-of-darwinism/	2
--	---

Corinna Lain, <i>Three Supreme Court “Failures” and a Story of Supreme Court Success</i> , 69 Vanderbilt L. Rev. 1040 (2019)	3
--	---

Dorothy Roberts, <i>Killing the Black Body: Race, Reproduction, and the Meaning of Liberty</i> (1997)	3
---	---

Jeffrey Sutton, <i>51 Imperfect Solutions: States and the Making of American Constitutional Law</i> (2018)	2
--	---

Margaret Sanger, <i>The Eugenic Value of Birth Control Propaganda</i> , Birth Control Rev. (Oct. 1921)	2
---	---

Margaret Sanger, <i>The Function of Sterilization</i> , Birth Control Rev. (Oct. 1926)	2
--	---

Maya Manian, <i>Coerced Sterilization of Mexican-American Women: The Story of Madrigal v. Quilligan</i> , in <i>Reproductive Rights & Justice Stories</i>	3
Paul Lombardo, <i>Disability, Eugenics, and the Culture Wars</i> , 2 St. Louis U. J. Health L. & Pol’y 57.....	3
Paul Lombardo, <i>Three Generations, No Imbeciles: Eugenics, The Supreme Court, and Buck v. Bell</i> (2008).....	4
Peter Quinn, <i>Race Cleansing In America</i> , 54 American Heritage (2003)	4
Victoria Nourse, <i>Buck v. Bell: A Constitutional Tragedy from a Lost World</i> , 39 Pepp. L. Rev. 101 (2011)	4
B. The Eugenic Era Lives on Through the Abortion Movement	4
<u>Cases</u>	
<i>Preterm-Cleveland v. McCloud</i> , 994 F.3d 512 (6th Cir. 2021).....	4
<i>Box v. Planned Parenthood of Indiana & Kentucky, Inc.</i> , 139 S. Ct. 1780 (2019).....	4, 5, 6
<u>Other Authorities</u>	
David Beito & Linda Royster Beito, <i>Black Maverick: T.R.M. Howard’s Fight for Civil Rights and Economic Power</i> (2009)	6
Donald Critchlow, <i>Intended Consequences: Birth Control, Abortion, and the Federal Government in Modern America</i> (1999)	6
Emily Bazelon, <i>The Place of Women on the Court</i> , N.Y. Times Magazine (July 7, 2009), https://www.nytimes.com/2009/07/12/magazine/12ginsburg-t.html	5
James Sherley, <i>Preborn Black Lives Matter, Too</i> , Wash. Times (Aug. 2, 2020), https://www.washingtontimes.com/news/2020/aug/2/preborn-black-lives-matter-too/	7
James Studnicki et al., Health Servs. Research & Managerial Epidemiology, <i>Perceiving and Addressing the Pervasive Racial Disparity in Abortion</i> (2020), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7436774/pdf/10.1177_2333392820949743.pdf	7
Katherine Kortsmitt et al., Ctrs. for Disease Control & Prevention, <i>Morbidity & Mortality Wkly. Rep., Abortion Surveillance — United States, 2018</i> (Nov. 27, 2020)	7

Mark Crutcher et al., Life Dynamics, Inc., <i>Racial Targeting and Population Control</i> (2011), https://issues4life.org/pdfs/racial_targeting_population_control.pdf	8, 9
Margaret Sanger, <i>An Autobiography</i> (1938).....	5
Margaret Sanger, <i>Apostle of Birth Control Sees Cause Gaining Here</i> , N.Y. Times (Apr. 8, 1923).....	5
Margaret Sanger, <i>Birth Control and Racial Betterment</i> , Birth Control Rev. (Feb. 1919).....	5
Margaret Sanger, <i>My Way to Peace</i> , Address to the New History Society (Jan. 17, 1932).....	9
Margaret Sanger, <i>Pivot of Civilization</i> (1922).....	5
Margaret Sanger Papers Project, Newsletter #28, <i>Birth Control or Race Control? Sanger and the Negro Project</i> (2001), http://www.nyu.edu/projects/sanger/articles/bc_or_race_control	5, 6
Mary Ziegler, 25 Yale J.L. & Feminism 1 (2013).....	6
Susan Enouen, Life Issues Inst., <i>New Research Shows Planned Parenthood Targets Minority Neighborhoods</i> , Life Issues Connector (Oct. 2012), http://www.protectingblacklife.org/pdf/PP-Targets-10-2012.pdf	8
Susan Enouen, <i>Research Shows Planned Parenthood Expands Targeting Minorities as it Spurns Racist Founder</i> , Townhall (Sep. 23, 2020), https://townhall.com/columnists/susanwillkeenouen/2020/09/23/research-shows-planned-parenthood-expands-targeting-minorities-as-it-spurns-racist-founder-n2576680	8
Tessa Longbons, Charlotte Lozier Inst., <i>Abortion Reporting: Mississippi</i> (2018) (May 8, 2020), https://lozierinstitute.org/abortion-reporting-mississippi-2018/	7, 8
U.S. Census Bureau, <i>Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin</i> (2020).....	7
CONCLUSION	9
CERTIFICATE OF SERVICE	11

ARGUMENT

Oklahoma's decision to protect innocent and defenseless human life in the womb should be upheld. The abortion industry in the United States is rooted in a eugenics movement that seeks to eradicate those who are deemed unwanted or undesirable. Sadly, all too often, that has meant an overt targeting of the Black and Hispanic communities by the abortion industry. The eugenics-based abortion industry denies the fact that each human being has inherent value and dignity that is bestowed on them by their Creator. Instead, it leaves to government decisionmakers the determination of when or if human life has worth and value. *See Obergefell v. Hodges*, 576 U.S. 644, 735 (2015) (Thomas, J., dissenting) ("When the Framers proclaimed in the Declaration of Independence that 'all men are created equal' and 'endowed by their Creator with certain unalienable Rights,' they referred to a vision of mankind in which all humans are created in the image of God and therefore of inherent worth.").

A. Abortion Advocacy Rests on the Eugenics Movement, Which Is Rooted in Social Darwinism and the Elimination of Undesirable Populations.

Modern abortion advocacy arose out of the birth control movement, which was "developed alongside the American eugenics movement." *Box Planned Parenthood of Indiana & Kentucky, Inc.*, 139 S. Ct. 1780, 1783 (2019) (Thomas, J., concurring). Coined in the 1880s by a British scientist who was a cousin of Charles Darwin, "eugenics" is "the science of improving stock through all influences that tend in however remote a degree to give to the more suitable races or strains of blood a better chance of prevailing speedily over the less suitable than they otherwise would have." *Id.* at 1784 (Thomas, J., concurring) (internal quotation marks omitted). Put simply, the sinister goal of the eugenics movement was to eliminate "unfit" and "undesirable" people—those with mental and physical disabilities as well as certain races.

Indeed, Charles Darwin himself did not hide his eugenic inclinations, unabashedly revealing in his writings his insidious racist and white supremacist thinking:

It becomes clear that he considers every population that is not white and European to be savage. . . . Darwin explains that the “highest races and the lowest savages” differ in “moral disposition . . . and in intellect.” The idea that white people are more intelligent and moral persists throughout. Darwin’s theory applies survival of the fittest to human races, suggesting that extermination of non-white races is a natural consequence of white Europeans being a superior and more successful race. Not only does Darwin believe in white supremacy, he offers a biological explanation for it, namely that white people are further evolved.

Austin Anderson, *The Dark Side of Darwinism*, <https://sites.williams.edu/engl-209-fall16/uncategorized/the-dark-side-of-darwinism/> (last visited Sept. 16, 2022).

By the 1920s, the eugenics movement was immensely popular among progressives, professionals, academics, and the medical community.¹ Many leading figures of the day, including Theodore Roosevelt and John D. Rockefeller, “were fervent eugenicists, putting their money, their power, their time, and their research behind the effort.”² Margaret Sanger, Planned Parenthood’s founder, was one of the most outspoken members of the American eugenics movement, arguing that eugenics was “the most adequate and thorough avenue to the solution of racial, political and social problems.”³ She accordingly praised sterilization as the “remedy” to the problem of “an increasing rate of morons.”⁴ In the first two decades of the

¹ See Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck* 2 (2016).

² Jeffrey Sutton, *51 Imperfect Solutions: States and the Making of American Constitutional Law* 87 (2018).

³ Margaret Sanger, *The Eugenic Value of Birth Control Propaganda*, Birth Control Rev. (Oct. 1921), at 5.

⁴ Margaret Sanger, *The Function of Sterilization*, Birth Control Rev. (Oct. 1926), at 299.

twentieth century, a dozen states passed eugenic sterilization laws.⁵ And one court upheld eugenic sterilization as a valid exercise of the state's police power "based on the growing belief that, due to the alarming increase in the number of degenerates, criminals, feeble-minded, and insane, our race is facing the greatest peril of all time." *Smith v. Wayne*, 231 Mich. 409, 425 (1925).

Many eugenicists drew "the distinction between the fit and the unfit ... along racial lines." *See Box*, 139 S. Ct. at 1785 (Thomas, J., concurring) (citing examples).⁶ The Immigration Act of 1924 "represented a eugenic (and racist and nativist) attempt to protect the integrity of Anglo-American stock."⁷ And a disproportionate number of the sterilized individuals, particularly in the South, were minorities. For example, in 1955, South Carolina reported that all 23 persons sterilized at the State Hospital over the previous year were Black women.⁸ In the 1930s and 1940s, the North Carolina Eugenics Commission sterilized nearly 8,000 "mentally deficient persons," some 5,000 of whom were Black.⁹

In *Buck v. Bell*, 274 U.S. 200 (1927), the Supreme Court "threw its prestige behind the eugenics movement." *Box*, 139 S. Ct. at 1786 (Thomas, J., concurring). In *Buck*, the Court

⁵ See Paul Lombardo, *Disability, Eugenics, and the Culture Wars*, 2 St. Louis U. J. Health L. & Pol'y 57, 61 n.33 (2008) (listing 12 states that enacted involuntary sterilization statutes).

⁶ See Lombardo, *supra* note 5, at 76 (noting that Margaret Sanger was open about "voicing her contempt for the poor, disabled and minorities").

⁷ Corinna Lain, *Three Supreme Court "Failures" and a Story of Supreme Court Success*, 69 Vanderbilt L. Rev. 1040 (2019); see also Cohen, *supra* note 1, at 132–35 (discussing role of eugenicists in passing the act).

⁸ See Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* 88–89 (1997).

⁹ *Id.* (footnote omitted); see also Maya Manian, *Coerced Sterilization of Mexican-American Women: The Story of Madrigal v. Quilligan*, in *Reproductive Rights & Justice Stories* 97, 99 (Melissa Murray et al. eds., 2019) (describing the forced sterilization of Mexican-American women in California into the 1970s).

approved the compulsory sterilization of an allegedly “feeble minded” woman who had been falsely adjudged “the probable potential parent of socially inadequate offspring.” *Buck*, 274 U.S. at 205, 207. In a short opinion, Justice Oliver Wendell Holmes, Jr., joined by seven other Justices, “offered a full-throated defense of forced sterilization,” *Box*, 139 S. Ct. at 1786 (Thomas, J., concurring), as a means to “prevent” society from being “swamped with incompetence,” *Buck*, 274 U.S. at 207. According to this Court:

It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes.
Three generations of imbeciles are enough.

Id. (citation omitted) (emphasis added). Within five years after *Buck*, 28 states had adopted compulsory sterilization laws; and between 1907 and 1983, more than 60,000 helpless human beings made in the image and likeness of God were involuntarily sterilized.¹⁰

B. The Eugenic Era Lives on Through the Abortion Movement.

“Tragically, ... the [eugenics] practice continues today with modern-day abortions,” *Preterm-Cleveland v. McCloud*, 994 F.3d 512, 540 (6th Cir. 2021) (Griffin, J., concurring). Indeed, “[f]rom the beginning, birth control and abortion were promoted as means of effectuating eugenics.” *Box*, 139 S. Ct. at 1787 (Thomas, J., concurring); *id.* at 1789 (“Support for abortion can ... be found throughout the literature on eugenics.”). For example, Margaret

¹⁰ See Cohen, *supra* note 1, at 299–300, 319; see generally Peter Quinn, *Race Cleansing In America*, 54 American Heritage 2–3 (2003). Cf. Paul Lombardo, *Three Generations, No Imbeciles: Eugenics, The Supreme Court, and Buck v. Bell* xiii (2008) (“The *Buck* case represents one of the low points in Supreme Court history—on a par with *Plessy v. Ferguson*, which announced the now-discredited legal doctrine of ‘separate but equal,’ and the *Korematsu* case, which permitted the internment of Japanese citizens during World War I.”); Victoria Nourse, *Buck v. Bell: A Constitutional Tragedy from a Lost World*, 39 Pepp. L. Rev. 101, 101 (2011) (“A mere five paragraphs long, *Buck v. Bell* could represent the highest ratio of injustice per word ever signed on to by eight Supreme Court Justices, progressive and conservative alike.”).

Sanger argued that birth control “is really the greatest and most truly eugenic method” of “human generation,” and “its adoption as part of the program of Eugenics would immediately give a concrete and realistic power to that science.”¹¹ Sanger further argued that “eugenists and others who are laboring for racial betterment” could not “succeed” unless they “first clear[ed] the way for Birth Control.”¹² Many eugenicists supported legalizing abortion, and abortion advocates—including future Planned Parenthood President Alan Guttmacher—endorsed abortion for eugenic reasons. And as the late Justice Ginsburg once observed: “[A]t the time *Roe* was decided, there was concern about population growth and particularly growth in populations that we don’t want to have too many of. So that *Roe* was going to be then set up for Medicaid funding of abortion.”¹³

The links between abortion and racist eugenics are manifold. For openers, Margaret Sanger focused her eugenic goal to eliminate “the unfit” on minorities. In promoting birth control, Sanger advanced a “Negro Project,”¹⁴ gave a speech to the Ku Klux Klan,¹⁵ and advocated eugenic breeding for “the gradual suppression, elimination and eventual extinction, of defective stocks—those human weeds which threaten the blooming of the finest flowers of American civilization.”¹⁶ She personally set up birth-control clinics in minority communities,

¹¹ Margaret Sanger, *Pivot of Civilization* 189 (1922).

¹² Margaret Sanger, *Birth Control and Racial Betterment*, *Birth Control Rev.* (Feb. 1919), at 11.

¹³ Emily Bazelon, *The Place of Women on the Court*, *N.Y. Times Magazine* (July 7, 2009), <https://www.nytimes.com/2009/07/12/magazine/12ginsburg-t.html>.

¹⁴ See Margaret Sanger Papers Project, Newsletter #28, *Birth Control or Race Control? Sanger and the Negro Project* (2001) (hereinafter *Sanger Newsletter*), http://www.nyu.edu/projects/sanger/articles/bc_or_race_control (last visited Sept. 16, 2022).

¹⁵ See Margaret Sanger, *An Autobiography* 366 (1938).

¹⁶ Margaret Sanger, *Apostle of Birth Control Sees Cause Gaining Here*, *N.Y. Times* (Apr. 8, 1923), at 11.

including a clinic in Harlem in 1930.¹⁷ In a personal letter in 1939, Sanger explained her plan to stop Black population growth: “The most successful educational approach to the Negro is through a religious appeal. We do not want word to go out that we want to exterminate the Negro population, and the minister is the man who can straighten out that idea if it occurs to any of their more rebellious members.”¹⁸

For decades, minority groups have complained that Planned Parenthood has been targeting their communities. An example: “Birth control is just a plot just as segregation was a plot to keep blacks down. It is a plot rather than a solution. Instead of working for us and giving us our rights—you reduce us in numbers and do not have to give us anything.”¹⁹ African American leaders such as Julius Lester, Dick Gregory, Daniel H. Watts, and H. Rap Brown described abortion as “black genocide” and called on Blacks to eschew these practices to avoid “race suicide.”²⁰

History and data reveal that abortion has devastated communities of color. According to one peer-reviewed study, “Black women have been experiencing abortions at a rate nearly

¹⁷ See Sanger Newsletter, *supra* note 14; see also Mary Ziegler, 25 Yale J.L. & Feminism 1, 13 (2013) (noting that in its early advocacy for birth control, Planned Parenthood “focused on unwanted children and pathological parenting in poor African American communities”)

¹⁸ Sanger Newsletter, *supra* note 14 (citation omitted).

¹⁹ Donald Critchlow, *Intended Consequences: Birth Control, Abortion, and the Federal Government in Modern America* 61 (1999) (quoting a 1966 communication between a Planned Parenthood Federation of American (PPFA) field consultant to Alan Guttmacher); see also *Box*, 139 S. Ct. at 1790 (Thomas, J., concurring) (noting that some Black groups considered “‘family planning’ as a euphemism for race genocide and believed that black people [were] taking the brunt of the ‘planning’ under Planned Parenthood’s ‘ghetto approach’ to distributing its services” (citation and internal quotation marks omitted)).

²⁰ Critchlow, *supra* note 19, at 142; cf. David Beito & Linda Royster Beito, *Black Maverick: T.R.M. Howard’s Fight For Civil Rights and Economic Power* 215 (2009) (noting that some African American civil rights leaders “fretted about the racist implications of abortion”).

four times that of White women for more than 30 years.”²¹ Dr. James Sherley, one of the study’s authors, commented: “Abortion is the hushed killer of Black life that has silenced millions of George Floyds before they even took their first breath of air. Yet, in this remarkable moment of social reform history, the lives of Black preborn children have been forgotten.”²²

According to the Centers for Disease Control’s most recent data, Black women accounted for 33.6 percent of all reported abortions in 2018, even though they make up 13 percent of women in the United States.²³ Black women also had the highest abortion rate (21.2 abortions per 1,000 women) and ratio (335 abortions per 1,000 live births). Further, abortion-induced deaths of the unborn in the Black community are 69 times higher than HIV deaths, 31 times higher than homicides, 3.6 times higher than cancer-related deaths, and 3.5 times higher than deaths caused by heart disease.²⁴

In Mississippi, 3,005 abortions were reported in 2018. Of those abortions, 72% were performed on Black women, compared to just 24% on White women and 4% on women of other races.²⁵ Indeed, the Charlotte Lozier Institute estimates that the Black abortion rate in

²¹ James Studnicki et al., Health Servs. Research & Managerial Epidemiology, *Perceiving and Addressing the Pervasive Racial Disparity in Abortion* (2020), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7436774/pdf/10.1177_2333392820949743.pdf.

²² James Sherley, *Preborn Black Lives Matter, Too*, Wash. Times (Aug. 2, 2020), <https://www.washingtontimes.com/news/2020/aug/2/preborn-black-lives-matter-too/>.

²³ Katherine Kortsmitt et al., Ctrs. for Disease Control & Prevention, Morbidity & Mortality Wkly. Rep., *Abortion Surveillance — United States, 2018* (Nov. 27, 2020); U.S. Census Bureau, *Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin* (2020).

²⁴ Kortsmitt et al., *supra* note 23, at 8.

²⁵ See Tessa Longbons, Charlotte Lozier Inst., *Abortion Reporting: Mississippi (2018)* (May 8, 2020), <https://lozierinstitute.org/abortion-reporting-mississippi-2018/>.

Mississippi was 8.5 per 1,000 women of childbearing age—over three-and-a-half times the abortion rate of 2.3 per 1,000 for White women.²⁶

The racial disparity in abortions is largely intentional: A study based on 2010 Census data shows that nearly eight out of ten Planned Parenthood abortion clinics are within walking distance of predominantly Black or Hispanic neighborhoods.²⁷ More specifically, Planned Parenthood intentionally located 86 percent of its abortion facilities in or near minority neighborhoods in the 25 U.S. counties with the most abortions.²⁸ These 25 counties contain 19 percent of the U.S. population, including 28 percent of the Black population and 37 percent of the Hispanic/Latino population. In 12 of these counties, Blacks and Hispanics/Latinos are more than 50 percent of the population. In contrast, Blacks are only 12.6 percent of the U.S. population, and Hispanics and Latinos are 16.3 percent. Planned Parenthood's largest abortion facility in America is situated in the middle of a Black and Hispanic neighborhood within walking distance of a nearby school. Given that Planned Parenthood has strategically located

²⁶ *Id.*

²⁷ See Susan Enouen, Life Issues Inst., *New Research Shows Planned Parenthood Targets Minority Neighborhoods*, Life Issues Connector (Oct. 2012), <http://www.protectingblack-life.org/pdf/PP-Targets-10-2012.pdf>; see also Mark Crutcher et al., Life Dynamics, Inc., *Racial Targeting and Population Control* 22 (2011), https://issues4life.org/pdfs/racial_targeting_population_control.pdf (reporting that in every state, “population control centers” are in “zip codes with higher percentages of blacks and/or Hispanics than the state’s overall percentage”).

²⁸ See Susan Enouen, *Research Shows Planned Parenthood Expands Targeting Minorities as it Spurns Racist Founder*, Townhall (Sep. 23, 2020), <https://townhall.com/columnists/susanwillkeenouen/2020/09/23/research-shows-planned-parenthood-expands-targeting-minorities-as-it-spurns-racist-founder-n2576680>.

abortion clinics near minority neighborhoods, the abortion industry's attempt to deny its eugenic aims cannot withstand objective scrutiny.²⁹

In short, Margaret Sanger believed, as did her Eugenics Era colleagues, that the “unfit” and “feeble-minded” were a menace to society. And in all contexts, these terms were code words for the poor, Blacks, and other minorities. Sanger clearly believed that these “undesirable” people should not reproduce and thus advocated for their sterilization.³⁰ Planned Parenthood has continued Sanger's shameful legacy to this day.

Prohibiting abortions protects all developing human beings from racially motivated termination while in the womb. As Justice Thomas noted, today's “[t]echnological advances have only heightened the eugenic potential for abortion, as abortion can now be used to eliminate children with unwanted characteristics, such as a particular sex or disability.” *Box*, 139 S. Ct. at 1784 (Thomas, J., concurring) (citing examples). Thus, abortion may now be used as “a disturbingly effective tool for implementing the discriminatory preferences that undergird eugenics.” *Id.* at 1790. For that reason, Oklahoma has a compelling interest in “preventing abortion from becoming a tool of modern-day eugenics.” *Id.* at 1783.

CONCLUSION

For the foregoing reasons, this court should uphold Oklahoma's statute.

²⁹ See Crutcher et al., *supra* note 27, at 4 (noting that “these patterns are routinely considered indicative of racial targeting when it comes to other issues,” such as when civil rights advocates criticize tobacco and alcohol companies for concentrating their retail and marketing efforts disproportionately in minority neighborhoods).

³⁰ See generally Margaret Sanger, *My Way to Peace*, Address to the New History Society (Jan. 17, 1932).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was mailed this October 03, 2022, by depositing it in the U.S. Mail, postage prepaid, to the following:

J. Blake Patton, Esquire
Walding & Patton, PLLC
518 Colcord Drive, Suit 100
Counsel for Petitioners

Linda C. Goldstien
Jenna Newmark
Meghan Agostinelli
Samantha DeRuvo
Dechert, LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Counsel for Petitioners

Jerome A. Hoffman Esquire
Dechert, LLP
Cira Circle
2929 Arch Street
Philadelphia, PA 19104-2808
Counsel for Petitioners

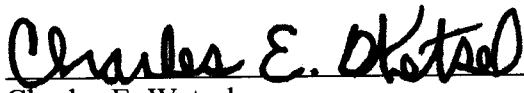
Rabia Muqaddam, Esquire
Center for Reproductive Rights
199 Water Street
22nd Floor
New York, NY 10038
Counsel for Petitioners

Jonathan Tam, Esquire
Dechert, LLP
One Bush Street, Suite 1600
San Francisco, CA 94104
Counsel for Petitioners

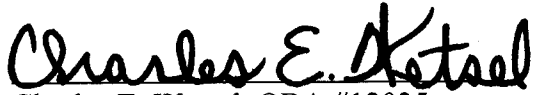
Diana Salgado, Esquire
Planned Parenthood Fed. of America
1110 Vermont Avenue, NW, Suite 300
Washington, DC 20005
Counsel for Petitioners

Camila Vega, Esquire
Planned Parenthood Fed. of America
123 Williams St., 9th Floor
New Your, NY 10038
Counsel for Petitioners

Zach West, Esquire
Audrey A. Weaver, Esquire
Assistant Solicitor General
Oklahoma Office of the Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
Counsel for Respondents


Charles E. Wetsel
Counsel for Amici Curiae

Dated this 3rd day of October, 2022.



Charles E. Wetsel, OBA #12035
TEAGUE & WETSEL, PLLC
1741 West 33rd Street, Suite 120
Edmond, OK 73013
(405) 285-9200
cwetsel@teaguwetsel.com

Mathew D. Staver*
Anita L. Staver*
Horatio G. Mihet*
Roger K. Gannam*
Daniel J. Schmid*
Hugh C. Phillips*
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854
(407) 875-1776
court@LC.org
*Not admitted in Oklahoma

Counsel for Amici Curiae