

MUNCAS XVII

#PursuingDreams

S.C.O.T.U.S

(SUPREME COURT OF THE UNITED STATES)

LEGAL UNDERSECRETARY

PRESIDENTS:

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Table of Contents

Table of Contents	1
Welcome Letters	2
MUNCAS XVII Directive Board	2
Welcome letter from the chair	3
Glossary	4
Reach and functions of the commission	5
Amendment XIV	5
Section 1	5
Section 2	5
Section 3	6
Section 4	6
Section 5	6
Purpose of the committee	7
Introduction	8
Contextualization	8
Roe vs Wade 1973 case	8
Planned Parenthood of Southeastern Pennsylvania v. Casey	9
Dobbs v. Jackson Women's Health Organization	9
Development of the topic	10
Jackson's Women's Health Organization	10
Purpose of the academic site	12
Conclusions	13
Qarmas	14
Important sources	15
Bibliography	17



Welcome Letters

MUNCAS XVII Directive Board

Dear MUNCAS XVII participants,

Greetings.

Although young people have a duty to believe in a better world, the magnitude of some challenges may conceive us that our task seems impossible to accomplish. In response to this reality, from MUNCAS, we urged you to believe in the impossible, to dream the unbelievable, and, at all times, to act aware of the power of our actions. We are a project that is inspired by challenges posed on us and that does not rest until its objectives are met. The passion that abounds in our members is what we want to transmit to the participants of this entertaining adventure.

The model is built through spaces where ideas are discussed and consensus among positions serves as the basis for the growth of the participants. While these spaces are the garden where ideas can flourish, the process depends on the committed participation of the delegates. For this reason, we have proposed, as an essential part of the preparation of delegates, an Academic Site where they will be able to learn essential information for the development of the commissions.

The Base Committee has made a great effort to diversify the ways in which knowledge is presented. As a result of this hard work, you will find different forms of what used to be called the Academic Guide. This is part of a group of significant innovations designed for MUNCAS XVII participants.

At first, the challenges that make up this journey may seem overwhelming, as if they were invincible. But, we assure you that, with teamwork and consistent motivation, no challenge will be impossible to overcome. Always remember, firstly, the role we young people have in society, and, secondly, that only by working together towards common goals, we will be able to find a better present... and, why not? at less chaotic future.

From the Board of Directors of the project, receive a warm welcome and best wishes for your experience in the model.

Sincerely yours.

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Welcome letter from the chair

Honorable Delegates,

We are honored to address you as the Presidents of the Supreme Court of the United States. As we gather here to simulate the workings of the highest court in the U.S., we are filled with hope and optimism for the productive discussions and resolutions that will emerge from this conversation. Inside SCOTUS, we have a unique opportunity to address specific issues related to reproductive health. The importance of our work cannot be overstated, as it directly contributes to the broader mission of the nation. As we embark on this journey together, we encourage you to remember the gravity of the issues we are discussing and the potential impact of our decisions. Let us rise above our own experiences and work together to find the right interpretation of the laws and make our world a better place for current and future generations. We have full confidence in your abilities to represent your party with integrity and dedication. Let's strive for excellence in deliberations, commitment, leadership, and creativity in the days ahead. Let us make this commission a memorable and productive experience with abundant learnings from the discussion.

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Glossary

Abortion: An abortion is a procedure to end a pregnancy. It can be done two different ways: Medication abortion, which uses medicines to end pregnancy. It is sometimes called a "medical abortion" or "abortion with pills". Procedural abortion, a procedure to remove the pregnancy from the uterus. It is sometimes called a "surgical abortion."

Attorney: Is the one in charge of defending people in a court considering what is established on the law. Moreover, there is also a general attorney, who leads the United States department of justice, and is involve only when the state is being accused.

Brief: Is a legal written document arguing positions; therefore, each party need to present one. Include the arguments, relevant facts of the case and the laws applicable.

Claim of relief: Is when a party presents a set of facts onward a pleading in a court to present why they have a right to recover against a defendant.

Defendant: Is the one that is accused in a court of doing something illegal.

Justices: Are the members of the Supreme Court of the United States of America who oversee litigating the cases this court receives. The Supreme Court is made up of seven associate justices.

Mississippi's Gestational Act: To enact definitions; to prohibit abortions after 15 weeks' gestation; to provide civil penalties; and for related purposes.

Objection: Is a formal protest to what the counterpart have just exposed, keeping in mind the witness testimonies or other evidence presented.

Plaintiff: Someone who takes legal action against someone else in a court.



Reach and functions of the commission

The Supreme Court of the United States was established by the U.S. Constitution in 1789 on Article III Section 1 which says that “the judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish”, Article III Section 2 affirming that “The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed”, Article III Section 3, that states that “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort” (Constitution of the United States, 1787) and under the Judiciary Act of 1789. They all granted its authority and legitimacy. On the other hand, this Court has the duty of interpreting the Constitution and evaluating whether a law is constitutional or unconstitutional. After this, it has the license to repeal or suspend a law depending on the decision made.

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.



Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The justice disagrees with the court's outcome, but it can agree on certain points.

(Constitution of the United States, 1787)



Purpose of the committee

The purpose of the Supreme Court of the United States is to decide whether the gestational act is constitutional or not, taking into consideration that the verdict given will change millions of lives inside the country and must evaluate the consequences this may have in the health and liberty of its citizens

For us, as presidents, it is particularly important that you, as delegates, get conscious about such a current topic like reproductive rights and health. In this committee, we expect that people participating will have an impartial view and critical thinking in order to find an adequate solution for the country. This might be a challenge for their communication and research abilities; however, we are confident that they will be up to the task. Even though you will have a position on the committee, it is important for our delegates to acknowledge that they will be assigned a role, and it is necessary that they stick to their ideologies even though they might have a different opinion than their character. A topic as controversial as it is, abortion requires delegates to view facts and determine what is the best option for the nation, and we expect that while doing so every argument will be filled with knowledge, logic and relevance.

It is also important to highlight that there will be 4 attorneys, two for each side, and 9 justices who already have an ideology determined.

Introduction

The Supreme Court of the United States is the highest-ranked court in the nation. It works in an appellate jurisdiction, meaning it revises cases from lower courts, and in an original jurisdiction which means that the Supreme Court is the first to hear of a case. This national court is composed of seven justices and two attorneys that will lead to a final resolution.

Dobbs v. Jackson's Women's Health Organization is the trial placed in The Supreme Court in 2022 that seeks to eliminate the resolutions of the Roe v. Wade case that include, the recognition that a woman has a constitutional right to choose to have an abortion (Wex Definitions Team, 2022). This right is grounded in the Fourteenth Amendment's Due Process Clause, which protects an individual's right to privacy.

Contextualization

Roe vs Wade 1973 case

The legal proceedings commenced in 1970 when "Jane Roe," a pseudonym employed to safeguard the plaintiff's identity, Norma McCorvey, filed a federal lawsuit against Henry Wade, the district attorney of Dallas County, Texas, where Roe lived. The Supreme Court disagreed with Roe's claim of an unrestricted right to terminate pregnancy at any stage and in any manner. Instead, the Court sought to strike a balance between a woman's right to privacy and a state's interest in regulating abortion.

Subsequently, the Court endeavored to strike a balance between two significant interests of the state: the well-being of pregnant women and the potential life of fetuses. It determined that the state's compelling interest in safeguarding the health of pregnant women would permit abortion regulation at around the conclusion of the first trimester of pregnancy. As for the fetus, the Court identified the crucial point as "viability," which signifies the capability of meaningful life outside the mother's womb and typically occurs at approximately 24 weeks of pregnancy.

The U.S. Supreme Court's decision in Roe v. Wade acknowledged that the choice to continue or terminate a pregnancy is a personal matter, not subject to government interference. The ruling determined that the "liberty" protected by the Fourteenth Amendment of the U.S. Constitution, safeguarding individual privacy, encompasses the right to have an abortion before the fetus reaches viability.



Planned Parenthood of Southeastern Pennsylvania v. Casey

Case presented in The U.S. Supreme Court in 1992 when the Commonwealth of Pennsylvania, led by Governor Robert Casey, provided new abortion statutes that demanded that a woman seeking an abortion give her informed consent, that a minor seeking an abortion obtain parental consent, that a married woman notify her husband of her intended abortion, and finally, that clinics provide certain information to a woman seeking an abortion and wait 24 hours before performing the abortion. Therefore, before any of these laws could take effect, the organization Planned Parenthood of Southeastern Pennsylvania sued the Governor questioning the constitutionality of the proposed statutes.

Dobbs v. Jackson Women's Health Organization

Dobbs is a physician in charge of the state health department regulating Mississippi's only abortion clinic. As the state's chief health officer, he is the person who must be named in any lawsuit related to abortion or other health issues.

Jackson is the only clinic in the whole state of Mississippi that has the possibility of practicing an abortion

In March 2018 the case emerged when the Mississippi legislature passed the Pregnancy Age Act (HB 1510), which prohibits nearly all abortions after the 15th week of pregnancy allowing exceptions only for medical emergencies and fetal abnormalities. Jackson Women's Health, as the only abortion provider in the state of Mississippi, sued, saying that the law is in direct violation of Roe v. Wade. In response, Mississippi essentially asked the Supreme

Court to overturn Roe v. Wade as bad law, and barring that, to at least allow states to limit pre-viability abortions. Therefore, The Jackson Women's Health Organization challenged the constitutionality of the law and filed a lawsuit in federal district court for an injunction, which was granted the next day.

Development of the topic

Thomas Dobbs

He is a Mississippi State Health officer and one of Mississippi's Gestational Act (MGA) creators. The purpose of the MGA is based on the Tenth Amendment, stating that the Constitution does not provides a right to abortion. Additionally, he defends that the concepts of liberty, as articulated in the Fourteenth Amendment, pertain exclusively to fundamental rights firmly established within the historical and traditional framework of the United States. Therefore, Mississippi, through Dobbs, is seeking limitations towards elective abortions. (Shreiber, Khabele, Gehrig, 2022)

Jackson's Women's Health Organization

The specialized abortion clinic follows the principles of the Roe v. Wade verdict. It states that abortion is granted in the Fourteenth Amendment of the Constitution in the Due Process Clause which affirms that no one shall be deprived of life, liberty or property without due process of law. Therefore, the Organization defends that contraception is encompassed within the concept of "liberty." Women's Health further contended that abortion, or an individual's right to control their own body, holds significance within the common law heritage (The National Constitution Center, 2022).

Moreover, Jackson's Women's Health Organization has a severe dependency on the changes made by the Roe v. Wade case on the penal code of the nation. American women show a tendency to have an abortion in a specialized clinic as shown in Fig. 1 and considering that Jackson's Women's Health Organization is the only clinic in specialized conditions for abortion in Mississippi, the impact of the decision made in this court will affect in great measure the faith of abortion in this state.

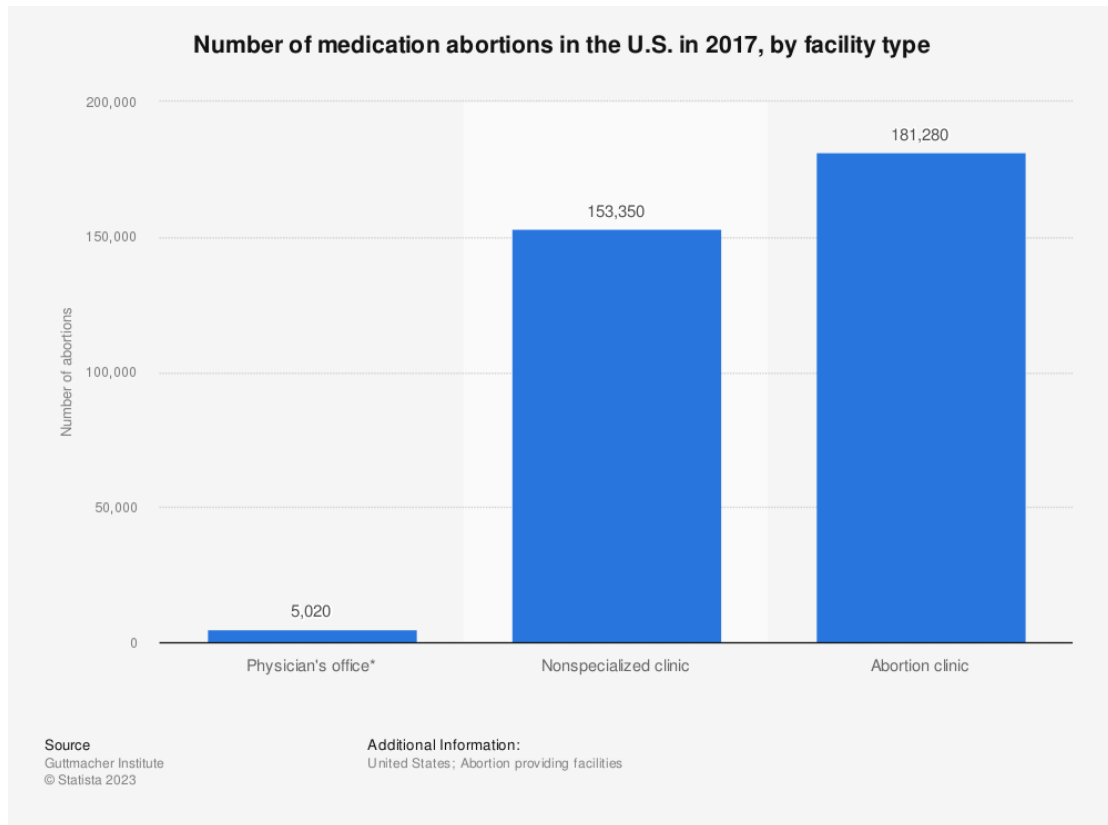


FIG 1.

Taken from: Elflein, J. (2021, August 16). *Number of medication abortions by facility type U.S. 2017*. Statista. <https://www.statista.com/statistics/1075357/number-of-medication-abortions-by-facility-type/>

Purpose of the academic site

Primarily, the documents will help you understand what to research. The information found in the documents, such as the procedures that we will follow as it is a court, some context, and topic development will be useful to create a basic understanding on the topic, however the research you will conduct is to provide arguments from the perspective that will be assigned to you as a delegate. Secondly, SCOTUS has specific procedures apart from the handbook found in the documents, there will be instructions on how to make objections, denials and bring witnesses to question. It is key for delegates to know the difference between the other types of committees and this court. Also, the documents will clarify the rights of each delegate. As this commission is a court, every member can deny and object to what is being discussed. By reading the academic guide delegates will know when it is pertinent to make this type of intervention. Finally, these documents will give you a main idea of what the commission is about, what is expected of your role, and the main points that will be discussed.



Conclusions

As a delegate of the Supreme Court of the United States, you have the opportunity to stand your ground but always stick to the facts. As justices, some will face significant decisions to make judgments and take different approaches to Mississippi's Gestational Act and the US Constitution. On the other hand, attorneys take the lead and represent each part of the dispute. The main purpose of the Court is that its delegates must enforce the law in accordance with the special procedures of this Commission. Taking this into consideration, the proper use of these ensures the vitality of the committee. This issue is controversial, but we expect impartiality and facts that support each perspective, this will ensure a smooth sailing of the commission.



Qarmas

Is Dobbs proposal adequate based on the Constitution of the United States?

To what extent the verdict of the Dobbs v. Jackson women's health organization case will affect the lives and health of the American citizens?

How are the Roe v. Wade and Planned Parenthood of Southeastern Pennsylvania v. Casey cases related to Dobbs v. Jackson women's health organization?

To what extent is the Mississippi's Gestational Act a violation of liberty?

How will the different definitions of liberty affect the interpretation of the constitution?

According to the legal basis upon which the Supreme Court acts, should abortion be considered a Human Right?

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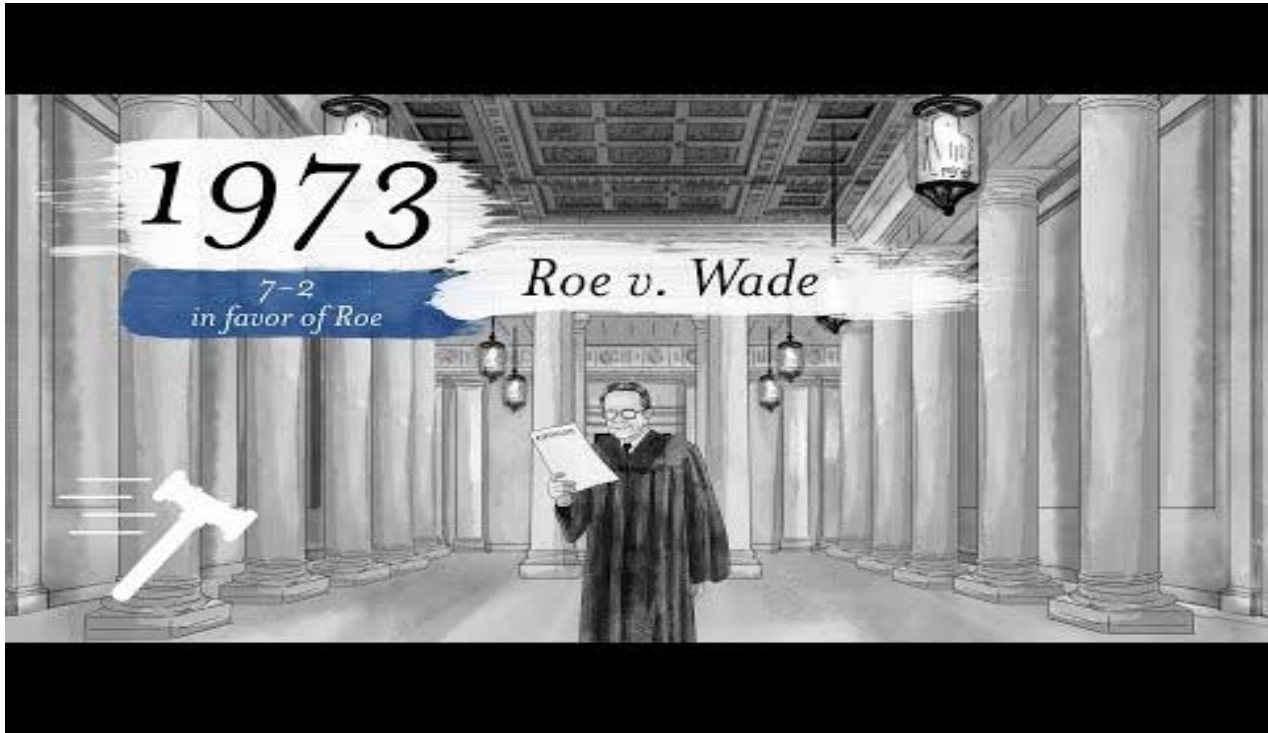
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