

Opinion of the Court

have been reluctant to attribute those motives to the legislative body as a whole. “What motivates one legislator to make a speech about a statute is not necessarily what motivates scores of others to enact it.” *Id.*, at 384.

Here, the argument about legislative motive is not even based on statements by legislators, but on statements made by a few supporters of the new 19th-century abortion laws, and it is quite a leap to attribute these motives to all the legislators whose votes were responsible for the enactment of those laws. Recall that at the time of the adoption of the Fourteenth Amendment, over three-quarters of the States had adopted statutes criminalizing abortion (usually at all stages of pregnancy), and that from the early 20th century until the day *Roe* was handed down, every single State had such a law on its books. Are we to believe that the hundreds of lawmakers whose votes were needed to enact these laws were motivated by hostility to Catholics and women?

There is ample evidence that the passage of these laws was instead spurred by a sincere belief that abortion kills a human being. Many judicial decisions from the late 19th and early 20th centuries made that point. See, e.g., *Nash v. Meyer*, 54 Idaho 283, 301, 31 P. 2d 273, 280 (1934); *State v. Ausplund*, 86 Ore. 121, 131–132, 167 P. 1019, 1022–1023 (1917); *Trent v. State*, 15 Ala. App. 485, 488, 73 S. 834, 836 (1916); *State v. Miller*, 90 Kan. 230, 233, 133 P. 878, 879 (1913); *State v. Tippie*, 89 Ohio St. 35, 39–40, 105 N. E. 75, 77 (1913); *State v. Gedicke*, 43 N. J. L. 86, 90 (1881); *Dougherty v. People*, 1 Colo. 514, 522–523 (1873); *State v. Moore*, 25 Iowa 128, 131–132 (1868); *Smith*, 33 Me., at 57; see also *Memphis Center for Reproductive Health v. Slatery*, 14 F. 4th 409, 446, and n. 11 (CA6 2021) (Thapar, J., concurring in judgment in part and dissenting in part) (citing cases).

One may disagree with this belief (and our decision is not based on any view about when a State should regard prenatal life as having rights or legally cognizable interests),