

# News From The States

## EVENING WRAP

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By [Kate Queram](#)

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All rise! Court (news) is in session.



### The Big Takeaway

**The U.S. Supreme Court took a rare opportunity to Not Be The Literal Worst**, which it (briefly) seized by declining Monday to hear a legal challenge against Washington state's ban on conversion therapy. (More on who managed to be The Worst Court this week shortly). The decision allows the law to remain in place but does not guarantee its long-term survival, according to a pair of dissents penned by the perennial buzzkill duo of Justices Samuel Alito and Clarence Thomas, who argued that the law restricts speech by silencing one side of the "debate," which should warrant "careful scrutiny," [the Washington State Standard reported](#).

**This sounds like dull legalese to everyone but right-wing activists**, who have long co-opted the issue of free speech as a convenient vehicle for advancing an anti-LGBTQ+ agenda. The original challenge to Washington's law was filed by a [far-right legal group](#) on behalf of Brian Tingley, a family and marriage counselor, who claimed that [the policy](#) violated his constitutional right to free speech. Tingley, a self-described "Christian provider," had mostly used that right to espouse his belief that a person's sex assigned at birth is "a gift of God" that should not be changed.

That mindset is a key tenet of [conversion therapy](#), a quack science that purports to change a person's sexual orientation or gender identity. It doesn't work, because sexual orientation and gender identity are not psychological conditions or aberrations that require "fixing," but it does teach LGBTQ+ people — usually kids — to hate themselves, leaving them at an increased risk of depression, anxiety and drug use, among other things. It is harmful and hateful and dangerous, and that is why reputable medical organizations, including the [American Medical Association](#), have long rejected the practice.

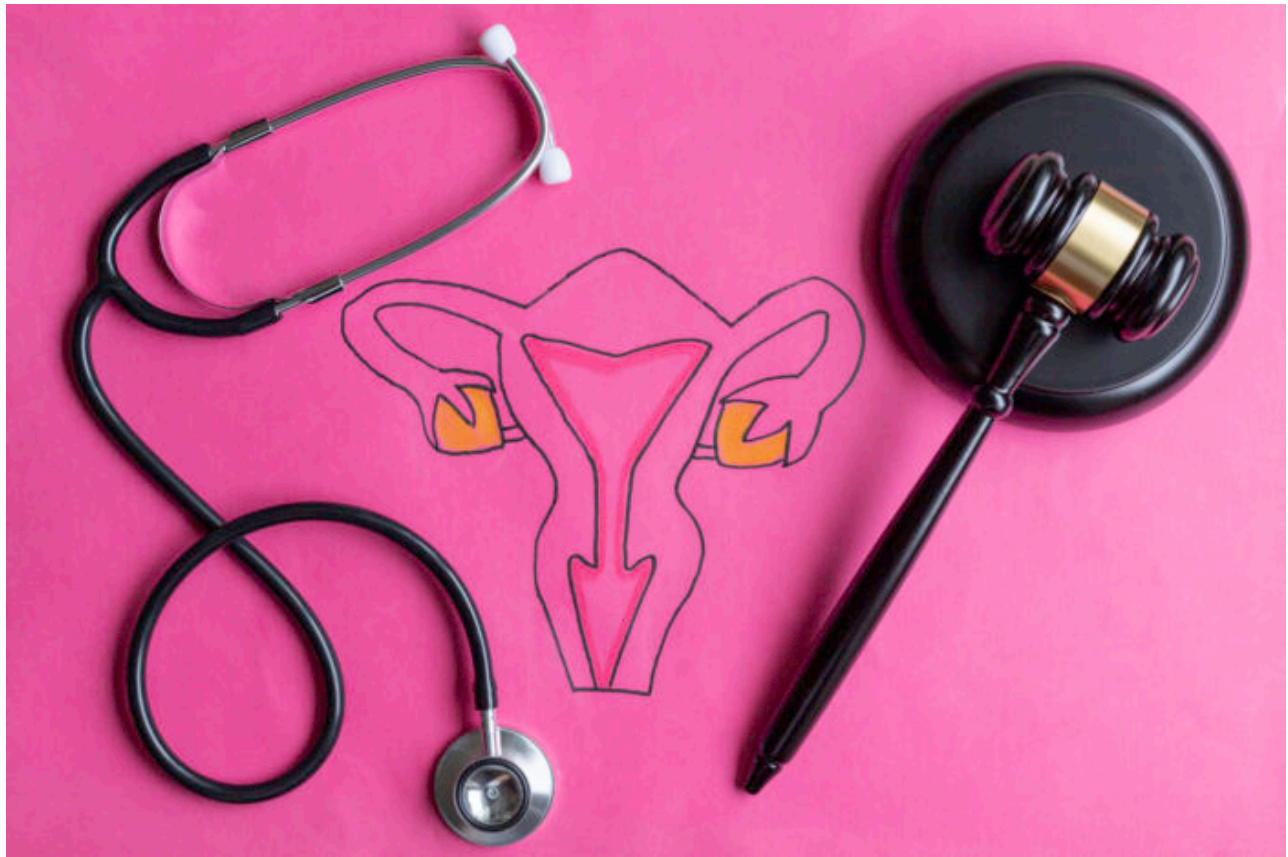


*Ever-so-briefly not the worst.  
(Photo by Getty Images)*

**The 9th U.S. Circuit Court of Appeals acknowledged as much** in September 2022, ruling that the law fell “within the well-established tradition of constitutional regulations on the practice of medical treatments,” including those “implemented through speech rather than through scalpel.” Tingley appealed that decision to the U.S. Supreme Court, which rejected the case Monday.

For now, anyway. The right-wing Alliance Defending Freedom on Monday seemed undaunted by the decision — and encouraged by the dissents, which it said “pointed out” that the law “clearly regulates speech.” The issue “is not going away,” said John Bursch, senior counsel for the group.

“We urge the Supreme Court to take a similar case when the time comes,” he said.



*“On Wednesdays, we wear pink and make medical decisions for other people.”  
(Photo by Getty Images)*

**The Literal Worst Court story is, obviously, out of Texas,** where the state Supreme Court on Monday overturned a lower court order allowing an abortion for a Dallas woman whose fetus was diagnosed with a lethal abnormality. In [a seven-page ruling](#), the court said Kate Cox’s pregnancy did not warrant a medical exception under the state’s near-total abortion ban and should not have been authorized in the first place. The decision came hours after Cox left the state for the procedure, [the Texas Tribune reported](#).

“These laws reflect the policy choice that the Legislature has made,” the court wrote. “The courts must respect that choice.”





*And only that choice.  
(Photo by Ben Torres for The Texas Tribune)*

Cox, a 31-year-old mother of two, petitioned a judge last week for an abortion after her fetus was diagnosed with [Trisomy 18](#), a chromosomal disorder that typically results in miscarriage or stillbirth. The vast majority of babies who make it to term will die before their first birthday. By 20 weeks of pregnancy, Cox had visited the emergency room multiple times for “severe cramping, diarrhea, and leaking unidentifiable fluid,” according to court documents. Continuing the pregnancy posed a threat to both Cox’s health and her ability to have more children, but her doctors refused to perform an abortion for fear of facing criminal charges under the state’s [near-total ban](#).

Travis County District Judge Maya Guerra Gamble sided with Cox last week, issuing a temporary restraining order that permitted an abortion under the law’s narrow exception for medical emergencies. That order was quickly placed on hold when Attorney General Ken Paxton filed an emergency petition asking the state Supreme Court to intervene. Then, just for good measure, Paxton [threatened to take legal action](#), including “first-degree felony prosecutions” and fines of “not less than \$100,000,” against any hospital or doctor who intervened to terminate Cox’s pregnancy, which [he said](#) did not satisfy “all of the elements necessary” to warrant an exemption. The judge, he added, was not “medically

qualified to make this determination.”

**Because everyone knows those decisions are better left to male attorneys general and state Supreme Court justices!** And that brings the story to its wholly predictable conclusion, in which a conservative judicial panel pretended to sympathize with Cox even as it denied her autonomy to make decisions about her own body and for her own family.

“No one disputes that Ms. Cox’s pregnancy has been extremely complicated. Any parents would be devastated to learn of their unborn child’s trisomy 18 diagnosis,” the justices wrote. “Some difficulties in pregnancy, however, even serious ones, do not pose the heightened risks to the mother the exception encompasses.”

**Five minutes, tops:** [Alabama AG: Private individuals can’t bring Section 2 Voting Rights Act claims ...](#) [U.S. Supreme Court ducks conversion-therapy case, but it won’t help in Florida ...](#) [Idaho Supreme Court hears oral arguments from Babe Vote, Secretary of State on lawsuit appeal ...](#) [Indiana Supreme Court Disciplinary Commission files to unseal AG agreement after contradictory remarks ...](#) [Judge rules Kentucky’s charter school law unconstitutional ...](#) [Brett Favre interrogated in Mississippi about welfare funding ...](#) [Ohio leading seven-state lawsuit challenging NCAA’s transfer rules ...](#) [Tennessee Supreme Court redistricting ruling overturns lower courts again ...](#) [University of Wisconsin System regents to discuss governor’s lawsuit as GOP leaders refuse further negotiations ...](#) [WyoProfile: Judge Melissa Owens, arbiter of Wyoming’s abortion ban suit ...](#) [Not just the U.S. Supreme Court: Ethics troubles plague state high courts, too](#)



### Also Trending

Next spring, Chapul Farms will break ground on a North Dakota facility that will create high-protein animal feed from black soldier fly larvae, which is a real thing that I did not make up, [per the North Dakota Monitor](#), the newest member of the States Newsroom family. (Nothing says “launch day” like “fly larvae,” you know?)



*Michael Place, Chapul Farms chief technology officer, examines a tray of black soldier fly larvae, which is a very normal job responsibility.*

*(Photo via the North Dakota Monitor)*

The farm, slated for an energy park west of Jamestown, will feed its resident larvae a byproduct from a neighboring ethanol plant, occasionally accompanied by wet pulp from sugar beet processing. The larvae are then processed into a protein powder for pet food or livestock feed. (I did not see this twist coming and am now feeling weirdly sad for what are, for all intents and purposes, maggots. North Dakota, taking me for a ride.)

**The facility will use what's known as a tray system**, placing the wet feed on (yes) a tray and then plopping the larvae on top to feed for about a week. The tray is then sifted to remove the poop (it's used in fertilizer), leaving the larvae to be dried and then pulverized. From start to finish, the process can convert a ton of food waste into 200 pounds of animal feed and 400 pounds of fertilizer. The farm is expected to process 150 tons of wet feedstock each day, or around 50,000 tons per year.

Were they not generously giving their lives, the larvae would live short lives, growing into inch-long adult black soldier flies who would then mate, lay eggs, and die. The species, which has no mouth or stinger, is common in the United States, officials said.



**The wild kingdom:** [Oh deer. Kentucky to create statewide plan to reduce wildlife-vehicle collisions.](#) ... [Maps reveal where Minnesota deer hunters struck big, and struck out](#) ... [Two men indicted for illegal killing, trafficking of bald and golden eagles from Montana](#) ... [Nonprofit launches zebra mussel study and accuses South Dakota of ‘capitulation’](#)



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- [Zelenskyy pitches Congress on Ukraine military aid, but it’s tied to stalled border talks](#)



## One Last Thing

Someone [stole the bronze hat](#) off an Abraham Lincoln statue in Louisville, a feat that required “strength and determination,” according to the sculptor.

“Good grief,” he added.

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