

5 Pro-Life Cases to Watch as the Supreme Court Begins Its New Term

This week, the U.S. Supreme Court begins its new term, which will continue through next June. As the nine justices meet about which cases from the 13 lower Courts of Appeals to take up, only the weightiest and controversial issues will rise to the top.

Following a summer which brought unprecedented attention to the issue of abortion, several cases yet to be granted review have people on the right, left and center all closely watching the Supreme Court.

“Abortion and Birth Control Top Supreme Court Agenda” proclaims the *Associated Press* headline, while a more partisan article begins: “Less than a year from now, *Roe v. Wade* could be all but dead.”

Abortion is no simple issue. Social trends show the abortion rate down nationwide, yet U.S. laws remain uniquely remiss at protecting lives in the womb (when compared with other Western nations). Perhaps recognizing its broad *Roe v. Wade* decision as out-of-step with public opinion, the Supreme Court has more recently ruled in favor of restricting certain abortion practices.

As the looming 2016 election will amplify public debate about their decisions, will the Supreme Court justices choose to take up these cases?

1. Texas Pro-Life Law Protects Women and Innocents

Case: *Whole Woman's Health v. Cole*

From 5th Circuit Court of Appeals

Last Action: Oct. 5

The years-long battle to protect preborn lives in Texas isn't over yet. Research indicates that more than 10,000 babies in the womb have been saved due to H.B. 2, which enacted commonsense regulations on abortion centers. Yet the law, which passed the Texas House by a bipartisan majority of 96-49 and was signed into law on July 18, 2013, has only been partially implemented.

Abortion providers have filed lawsuit after lawsuit, making arguments against the law's higher safety standards. One case, backed by an abortion center in El Paso along with several Planned Parenthood clinics, has prevailed before lower-court judges, and now it may be heard before the nation's highest court.

On Monday, Texas Attorney General Ken Paxton requested that the Supreme Court uphold the lower court's ruling, which would "protect the health and welfare of Texas women."

2. Mississippi Abortion Clinic Sues to Thwart State Regulations

Case: *Currier v. Jackson Woman's Health Organization*

From 5th Circuit Court of Appeals

Last Action: May 7

In another contentious case of an appeals court reversing a state law, a Mississippi abortion center says its providers should be exempt from the health and safety requirements all other physicians must meet. The law passed the Mississippi House by 80-37 March 13, 2012, yet has been held up in court ever since.

Dr. Brent Boles, a practicing OB-GYN who has admitting privileges at a nearby hospital, explains the law from a clinical point of view: "In the vast majority of cases in

which patients have experienced complications during or after abortions, the patient gets no help from the center. Women often present to an emergency room and see doctors who have no prior experience in handling the complications of abortion.”

Many speculate that this case, wherein public-interest legal group Alliance Defending Freedom backs Mississippi, will be granted review by the Supreme Court.

3. Nuns Challenge Obamacare Abortion-Drugs Mandate

Case: *Little Sisters of the Poor v. Burwell*

From 10th Circuit Court of Appeals

Last Action: Aug. 21

The story of Catholic nuns forced to cover abortion-inducing forms of contraception in their insurance plans is noted frequently to illustrate the Obama administration’s hostility to religious freedom. Less often does the news note that the nuns’ court case is ongoing, with a new injunction granted on Aug. 21.

While the Supreme Court’s Hobby Lobby decision in June 2014 applied to family-owned businesses, Little Sisters of the Poor are protesting the Obamacare mandate as a religious nonprofit group.

The Little Sisters’ legal challenge is one of seven major cases on the contraception mandate awaiting Supreme Court review. The cases span a wide swath of different Christian traditions, from Houston Baptist University to Geneva College (Reformed Presbyterian) to Southern Nazarene University; some factors indicate the high court may choose to take up the latter case.

4. Arkansas Appeals Heartbeat Law Decision

Case: *Edwards v. Beck*

From 8th Circuit Court of Appeals

Last Action: Oct. 6

Heartbeat Laws protect the right to life based on when a preborn baby's heartbeat can be detected. While the 8th Circuit Court of Appeals ruled against Arkansas' Heartbeat law, originally passed in 2013 by 56-33 (overriding the governor's veto), Arkansas plans to elevate the issue.

On Tuesday, Attorney General Leslie Rutledge announced that Arkansas has petitioned the Supreme Court to consider this case. "Arkansas and other states should be allowed to advance their profound interests in defending the life of the unborn, which is exactly what the Arkansas Human Heartbeat Protection Act accomplishes," said Rutledge.

5. Will North Dakota Appeal Heartbeat Law Decision?

Case: *MKB Management Corp. v. Stenehjem*

From 8th Circuit Court of Appeals

Last Action: July 22

In a case similar to Arkansas', the 8th Circuit Court struck down North Dakota's Human Heartbeat Protection Act—a law authored by State Rep. Bette Grande and passed by overwhelming majority. Yet what's striking to even the bill's author (as well as outlets like the *Washington Post*) is what the lower court said in its ruling.

"The full body of this new opinion is very positive for defending life," said Grande in a recent interview. The court ruling backs her up. "Good reasons exist for the Supreme Court to re-evaluate its jurisprudence," the judges state. "The viability standard discounts the legislative branch's recognized interest in protecting unborn children."

While Grande and the North Dakota Family Alliance have called

on the state to petition the Supreme Court, North Dakota has not yet announced its appeal; their deadline to act is Oct. 22.

In speaking with pro-life prayer leaders across the nation, Matt Lockett of Bound4LIFE International sees a bigger picture: "A testimony of answered prayer is building. We must be faithful and patient to see it all the way through."

He urges all believers to persist in prayer for the ending of abortion, saying, "Be a voice again, both in the courts of heaven and on the earth." {eo}

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