

Supreme Court Cites This in Abortion Ruling

The U.S. Supreme Court, which is due to hear arguments in March in an important abortion case from Texas, on Tuesday rejected a bid by Arkansas to revive a state law blocked by a lower court that had banned abortions after 12 weeks of pregnancy.

The justices left in place a May 2015 ruling by the St. Louis-based 8th U.S. Circuit Court of Appeals that struck down the 2013 law, saying it violates a woman's right to terminate a pregnancy at a point before the viability of the fetus. A lower court in 2014 blocked the law.

The Supreme Court is set to hear arguments on March 2 in its first major abortion case since 2007, a challenge by abortion providers to parts of a restrictive, Republican-backed Texas law they contend are aimed at shutting clinics that perform the procedure.

While the high court legalized abortion more than four decades ago, abortion remains a contentious issue in the United States. Some states, particularly those governed by Republicans, have sought to chip away at a woman's right to end a pregnancy by passing laws imposing a variety of restrictions.

Lawyers for Arkansas said their appeal does not directly challenge a woman's right to have an abortion. They said it instead questions the Supreme Court's finding in the landmark 1973 *Roe v. Wade* ruling that "sets in stone" the viability of the fetus as the point at which a state's interests, including its desire to protect the life of the fetus, can trump a woman's right to an abortion.

Viability, according to medical experts, occurs around the 23-

to-24-week mark of a pregnancy. Lawmakers in Arkansas and other conservative states have sought to ban abortions at an earlier stage, citing among other things hotly debated medical research suggesting a fetus feels pain starting at 20 weeks of gestation. The Arkansas ban prohibits abortions after 12 weeks, when a fetal heartbeat is detected, except in cases of rape, incest or when the health of the mother is in danger.

Two doctors, backed by the American Civil Liberties Union and the Center for Reproductive Rights, challenged the law.

“Arkansas cannot veto a woman’s decision to have an abortion, period,” said Talcott Camp of the ACLU’s Reproductive Freedom Project. “This personal, medical decision rests with a woman, her family and her doctor, not politicians.”

The federal appeals court judge who backed the lower court’s decision to block the law said they were bound in part by a 1992 Supreme Court ruling, *Planned Parenthood v. Casey*, that upheld the right to have an abortion before viability.

The state has an existing ban on post-viability abortions that is not affected by the case.

The case is *Beck v. Edwards*, U.S. Supreme Court, No. 14-448.

(Editing by Will Dunham)

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