

Supreme Court Rules On Idaho Abortion Ban

In one of the most eagerly anticipated opinions of this term, the U.S. Supreme Court has essentially decided to kick the can down the road on Idaho's abortion law.

The official release of the ruling comes a day after the decision was prematurely leaked by someone at the Supreme Court. It was published online briefly on Wednesday before being removed. A court spokeswoman said the post was a mistake.

The decision will allow emergency abortions for now in a procedural ruling that leaves key questions unanswered. For now, the Idaho case will continue to play out in lower courts, and could end up before the Supreme Court again.

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Liberty Counsel Founder and Chairman Mat Staver explained, "This order means that the case returns to the Ninth Circuit, which had ordered that the appeal of the preliminary injunction be decided by the full court on an expedited basis without any further briefing. The abortion ban currently remains in place in Idaho, except for those in emergency room situations."

What the Case Is Really About

The Biden administration had sued Idaho claiming the state's law violates a federal law called the Emergency Medical Treatment and Labor Act (EMTALA). The White House insists the EMTALA requires hospital emergency rooms to provide abortions to women if their general health is at risk. Idaho's law already provided an exception to save the life of the mother,

so the case is seen as an effort to expand abortion access beyond that.

Idaho Solicitor General Joshua Turner suggested the Biden administration's "health" definition is too broad because it could be interpreted to include many non-life-threatening health concerns, including mental health.

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And the Alliance Defending Freedom accused the Biden administration of trying to invent "a federal abortion mandate by manipulating EMTALA."

During the arguments at the court, Justice Samuel Alito said the EMTALA was not intended to include abortion because it specifically identifies unborn children as patients who should be cared for in emergency rooms.

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