

# Supreme Court Throws Out Flawed 6th Circuit Abortion Pandemic Ruling

We've told you that the left worships at the altar of abortion.

Recently, when the 6th Circuit Court of Appeals revealed its blind devotion to abortion on demand, even during a global health crisis, the U.S. Supreme Court had to step in—at our urging—and rule in favor of common sense, throwing out the lower court's ruling.

As reported:

In the Tennessee case, the Supreme Court vacated a 6th Circuit decision that stopped the state from enforcing its own executive order—which required that nonessential or elective surgeries be put on hold while the COVID-19 pandemic was still raging—against health providers that perform abortions.

Health care providers in Tennessee challenged the order's effect on abortion services, eventually winning at the 6th Circuit, according to court documents.

But the challenged executive order officially expired at the tail end of April 2020, so the state of Tennessee argued that the case was then moot. The Supreme Court agreed that the 6th Circuit decision should be tossed for that reason.

When Tennessee Gov. Bill Lee ordered a halt on all elective medical procedures—including elective abortion—to reduce the spread of COVID, Planned Parenthood and ACLU filed a lawsuit to block the order, demonstrating once again the abortion giant couldn't care less about the safety of its patients or even its own staff.

We filed a critical amicus brief in support of the Tennessee rule, arguing that the state was well within its rights—and responsibilities—to protect its people.

States have broad authority to protect those within their borders.

In times of emergency as well as times of peace, the states possess substantial police power to protect their residents' health and safety. Lee's Executive Order No. 25 falls squarely within the constitutionally-recognized police powers of Tennessee, and any temporary infringement of a right to abortion is necessary to protect the health, safety and lives of all the people of Tennessee. Where the safety of all citizens conflicts with the rights of some, the safety of all must prevail.

The so-called "right" to abortion cannot trump the primary responsibility of every lawmaker and leader to protect their citizens, as well as the sworn duty of all medical professionals to "first do no harm."

That abortionists would place aborting innocent unborn babies over protecting everyone else is only slightly more disgusting than a ruling in favor of such twisted priorities.

As we stated in our brief:

"Constitutional rights are not absolute. The Supreme Court has long recognized that constitutional rights—even ones determined to be fundamental—are not absolute and can be subject to regulation and restriction, especially when the government acts to protect a compelling government interest such as protecting Americans' lives."

In other words, in government, the needs of the many outweigh the needs of the few who want to kill defenseless babies, especially during a dangerous, indiscriminate pandemic.

Despite our emergency amicus brief at the 6th Circuit in support of Tennessee's commonsense temporary restriction on all elective procedures— including elective abortions—the court ruled in favor of Planned Parenthood. It upheld an injunction against the Tennessee rule, allowing abortionists to keep their doors open, even as COVID-19 cases and deaths spiked across the country.

The state of Tennessee then took its case to the U.S. Supreme Court, asking it to vacate the 6th Circuit's order and dismiss the case as moot. By rejecting Tennessee's authority and ruling on behalf of the abortionists, especially during a pandemic, the 6th Circuit set a bad, and, quite frankly, dangerous precedent. By vacating it, the Supreme Court could essentially wipe the decision from the books like the mistake it was all along.

We also filed an amicus brief at the Supreme Court, this time focusing on the danger of letting this pro-abortion precedent stand in the face of what we call the abortion distortion. The abortion industry can't have it both ways. As we detailed for the court:

*[T]his case starkly highlights a recurring contradiction in abortion advocacy. The abortion proponents claim, on the one hand, that "abortion is extremely safe throughout pregnancy," ... but simultaneously claim, on the other hand, that "[d]elaying a woman's access to abortion even by a matter of days can result in her having to undergo a lengthier and more complex procedure that involves progressively greater health risks," ... To repeat, per the abortion advocates, abortion is always "extremely" safe, but even a short delay in having an abortion gives rise to an unacceptable—indeed, unconstitutional—health risk to the mother. These two propositions cannot both be true, and they are not. In fact, abortions pose significant maternal health risks throughout pregnancy ... (And yes, those risks increase the later the abortion is done, while perhaps not at the breakneck rate*

*abortionists suggest.) If one follows the science, it is statistically safer to bear a child than to abort.*

Even though the underlying emergency order was no longer in effect, we urged the court to grant review and vacate the 6th Circuit's decision.

Thankfully, the Supreme Court agreed with our arguments and vacated the 6th Circuit ruling as moot.

On Jan. 25, the Supreme Court granted the state's petition for certiorari, vacated Planned Parenthood's and the other plaintiffs' 6th Circuit victory and sent the case back for dismissal as moot. The Tennessee order expired at the end of April anyway, but removing the flawed ruling takes away a bad decision that could be used by pro-abortion forces down the road. {eo}

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