

US Supreme Court rejects Arkansas bid to revive abortion law

January 19 2016, by Andrew Demillo

The U.S. Supreme Court refused on Tuesday to revive an Arkansas law that would have banned abortions after the 12th week of pregnancy if doctors can detect a fetal heartbeat.

The justices did not comment in rejecting the state's appeal of lower court rulings that struck down the law. Federal judges had called the law inconsistent with Supreme Court rulings that generally tie restrictions to the fetus' viability, not the presence of a heartbeat.

"Arkansas politicians cannot pick and choose which parts of the Constitution they want to uphold," said Nancy Northup, president and CEO of the Center for Reproductive Rights, which had challenged the ban with the American Civil Liberties Union of Arkansas. "The Supreme Court has never wavered in affirming that every woman has a right to safely and legally end a pregnancy in the U.S.—and this extreme abortion ban was a direct affront to that right."

In striking down the Arkansas law in 2014, U.S. District Judge Susan Webber Wright said it was unconstitutional and violated the 1973 *Roe v. Wade* decision that legalized abortion until the time a fetus could viably survive outside the womb. A fetus is generally considered viable at 22 to 24 weeks. A [federal appeals court](#) panel upheld Wright's decision last year and Arkansas Attorney General Leslie Rutledge asked the Supreme Court to review the case.

Rutledge, a Republican, said she was disappointed with the court's

decision.

"The Arkansas Human Heartbeat Protection Act was passed by the elected legislators of this state and was a reasonable way to protect the lives of more unborn children," Rutledge said. She said the court should have accepted the case "to change its current doctrine that prevents a state from prohibiting abortions until later in pregnancy."

The high court already has an abortion case on its agenda, examining restrictions on Texas abortion clinics that the state says are meant to safeguard women's health. Abortion-rights supporters argue that the restrictions' only aim is to make abortions harder to obtain.

Arkansas lawmakers approved the 12-week ban in 2013. Mike Beebe, a Democrat who was governor at the time, had vetoed the 12-week ban, citing the viability standard. But Republicans, controlling the Legislature for the first time since Reconstruction, overrode him.

The 12-week ban had included exemptions for rape, incest, the life of the mother and highly lethal fetal disorders. Wright left in place a portion of the law that requires doctors to check for a [fetal heartbeat](#) and to notify the pregnant woman if one is detected.

The state is defending other abortion restrictions enacted since the 12-week ban. A federal judge has temporarily blocked a law restricting the way a pill that induces a non-surgical abortion is administered while she considers a lawsuit challenging its constitutionality.

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