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Abortion Ban Opponents In Court

LINCOLN, Neb. (AP) -- Opponents of a new federal ban on certain late-term abortions are already challenging it in court and say they're willing to press their case all the way to the U.S. Supreme Court if that's what it takes.

"Until we can make every pregnancy a planned pregnancy and a wanted pregnancy then I think we have to honor the rights of women that decide to terminate their pregnancies," said Dr. LeRoy Carhart of Bellevue, Neb., who successfully challenged a similar ban in his home state and won at the U.S. Supreme Court three years ago.

Less than an hour after President Bush signed the federal law Wednesday, Carhart and three other doctors won a temporary restraining order from a federal judge to block it. The order by U.S. District Judge Richard Kopf in Lincoln applies only to the four doctors, who together are licensed in 13 states across the Midwest and East, and their staffs.

Federal judges in New York and San Francisco on Wednesday scheduled arguments in similar challenges by Planned Parenthood and the American Civil Liberties Union.

In his ruling, Kopf said he was concerned that the federal law was unconstitutionally vague and "very similar" to the Nebraska law that the U.S. Supreme Court determined created an "undue burden" on women's rights.

Kopf also cited concerns that the law lacks an exception to allow the procedure in cases when the pregnant woman's health is in danger.

"While ... Congress found that a health exception is not needed, it is, at the very least, problematic whether I should defer to such a conclusion when the Supreme Court has found otherwise," the judge said Wednesday.

The new federal law bans procedures on fetuses that are roughly 14 weeks or older that opponents call "partial-birth" abortions. The fetus is partially delivered before being killed, usually by having its skull punctured.

Under the law, a woman could not undergo the procedure even if her health was at risk or the child would be born with ailments.

U.S. Justice Department attorney Anthony Coppolino argued to Kopf that the procedure is "abhorrent and useless" and hasn't been studied enough to prove it is ever necessary. Kopf said he could find no record of a doctor who performs abortions in the second and third trimesters testifying before Congress on late-term abortions.

Kopf did not immediately schedule the next hearing in the case, during which he could decide whether to issue a preliminary injunction.

The temporary restraining order applies to Carhart, who is licensed in Nebraska, Iowa, Indiana, Kansas, Ohio, Pennsylvania, New Jersey, and Wisconsin; Dr. William Fitzhugh, licensed in Virginia; Dr. William Knorr, licensed in Georgia, Alabama, South Carolina and New York; and Dr. Jill Vibhakar, licensed in Iowa.

Carhart, who performs about 1,600 abortions a year, said the method is one of the safest abortion procedures because it reduces the risk of leaving parts of the fetus

inside the woman. The procedure is used most often in cases in which the woman has developed heart disease, diabetes or other life-threatening ailments.

Former President Clinton twice vetoed bills similar to the one Bush signed.