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Sides air views in lawsuit over 3 Arkansas abortion laws set to take effect this week

Judge weighs providers' challenge

by [Linda Satter](#) | July 23, 2019 at 7:14 a.m.



FILE — U.S. District Court in Little Rock is shown in this file photo.

The pros and cons of three new abortion laws scheduled to take effect Wednesday across Arkansas -- unless enjoined from enforcement at the last minute -- were debated Monday in a daylong hearing in federal court.

Faced with the quickly approaching effective dates of laws that ban abortion after 18 weeks of pregnancy, require abortion doctors to be board-certified or board-eligible in obstetrics and

gynecology, and prohibit women from seeking abortions because of fetal Down syndrome diagnoses, U.S. District Judge Kristine Baker set strict time limits on testimony.

After hearing from doctors, numbers experts and a woman who regrets aborting a child because of a Down syndrome diagnosis, Baker said a written order will follow. She had already pored over hundreds of pages of arguments and exhibits in the wake of the June 26 filing of a lawsuit by two abortion providers, backed by the American Civil Liberties Union, that challenges the laws' constitutionality.

In addition, Baker is familiar with some of the issues, having presided over three other lawsuits challenging new abortion restrictions in the past four years.

The law that most of Monday's testimony focused on was Act 700, which requires doctors performing abortions to be board-certified or board-eligible for certification as an OB-GYN.

Several abortion-performing doctors, some of whom meet the requirement and others who don't, testified on behalf of the plaintiffs -- Little Rock Family Planning Services and the Little Rock office of Planned Parenthood.

Dr. Frederick Hopkins, a board-certified OB-GYN who lives in California and provides surgical and medication-induced abortions for Little Rock Family Planning Services every other month, testified that not all OB-GYNs are trained in performing abortions, and that physicians don't need to be board-certified or board-eligible to practice as OB-GYNs.

Asked about the benefit of an abortion doctor being certified or board-eligible as an OB-GYN, he said, "I can't think of any reason they would be more competent" than noncertified physicians.

Noting that he has faced harassment, he said he is "not surprised at all" that the clinic has been unable to recruit any certified or eligible OB-GYNs in Arkansas to perform abortions, in response to the new law. He said he isn't willing to move to Arkansas to help the clinic meet the requirement by taking up the slack for other doctors who aren't certified or eligible.

Dr. Linda Prine, a family practitioner who performs abortions in a busy New York City health center and trains other doctors to do them, testified that under Act 700, "someone like me would not be able to provide abortions in Arkansas."

Asked if certification would improve a clinician's ability to provide abortion care, she said, "I can't see why."

"Enforcement of that act would be harmful to patient care," Prine testified. "Women would die because of this law. It's really unsafe."

She said it would severely limit the pool of doctors who are available to provide abortions, which would force women to wait until later in their pregnancies to receive abortions, when the procedure is

riskier.

Lori Williams, a nurse practitioner who is the director of Little Rock Family Planning Services' clinic, testified that abortions make up 95% of services the clinic provides. Ten percent of the abortions are medication-induced, which are available only up to 10 weeks of gestation, and the other 90% are surgical procedures. The clinic is the only one in the state that performs surgical abortions.

Williams said the clinic received "no responses" to a letter it sent to every certified OB-GYN in the state, using the state Medical Board's records, in an effort to comply with the upcoming requirement.

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If the law takes effect, she said, no qualified physician will be available to provide abortions at the clinic until Hopkins returns in October, and the clinic won't be able to maintain its overhead, forcing it to close "within a month."

Under cross-examination, she acknowledged that she has a 20% ownership interest in the clinic. Dr. Thomas Tvedten, a 72-year-old physician who performs abortions, owns the other 80%. Tvedten performs abortions three days a week at the clinic.

Baker also heard from Dr. Janet Cathey, a board-certified OB-GYN who oversaw training of OB-GYN residents at the University of Arkansas for Medical Sciences for five years and said that "very, very few of them" are trained in abortion care.

Cathey performs medication abortions three days a week at Little Rock's Planned Parenthood clinic. She said that while working at UAMS, she had "no hesitation" referring patients to Tvedten, who does "a superior job."

Attorneys for the state presented testimony from Dr. Donna Harrison, a former board-certified OB-GYN who leads the American Association of Pro-Life Obstetricians and Gynecologists, which opposes abortion.

She testified that women who receive abortions are more likely to suffer pre-term births when they become pregnant again, citing literature that attorneys for the plaintiffs attacked as unreliable and extremist.

"It's very clear abortion is an independent risk factor for pre-term birth," Harrison insisted, saying she based her opinion on about 150 studies that show "a definite link" between the two.

She also testified that women who abort children who are expected to be born with Down syndrome suffer from increased psychological problems later in life -- an opinion adamantly criticized by experts for the plaintiffs.

After Harrison's testimony, Baker heard from Judy McGruder, an Arkansas woman who said that in 1999, when she was 20 weeks pregnant with her third child, a fetal diagnosis of Down syndrome and a doctor's advice to stop having children prompted her to have an abortion. She said she "wasn't aware" at the time that children with Down syndrome can lead happy lives.

She said that after the procedure, she experienced excessive bleeding and called the abortion clinic, only to be told by a nurse "not to worry" because some of the blood was "my baby's blood."

She said she realized then "just how far along I had to be," and her life began a downward spiral that led to drinking and a divorce. She said she is still struggling to deal with her decision, and she testified that an abortion "shouldn't even be an option" in response to a Down syndrome diagnosis.

Listening to the day's testimony was Sen. Jason Rapert, R-Conway, a sponsor of both the Down syndrome law and the 18-week ban, which wasn't discussed at length. Arkansas law currently bans abortions after 20 weeks' gestation.

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3WORLDSTATE1 JULY 23, 2019 AT 9:56 A.M.

Well, I have a distant cousin use DS child has ruined everything good about her life. She is single and poor. Her "child" takes every second of her life and dictates all of it. She would no doubt make a different choice next time.

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LR1955 JULY 23, 2019 AT 11:07 A.M.

You mean she would have put the child up for adoption?

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GENERALMAC JULY 23, 2019 AT 11:23 A.M.

3WORLD.....if Barack HUSSEIN Obama had his way she could have had that CHILD born but had the delivery paused once the head was out.

Then a sharp scissors could have thrust into the base of the skull KILLING the baby before the rest of the body was delivered.

That way it could be called " an abortion" instead of a MURDER if the entire body was out.

Yes, she could still take that child today and thrust a scissors into the base of the skull. But that would be MURDER.

KILLING it with part of the body still in the birth canal was called " abortion" before congress outlawed it and the Supreme Court upheld the ban.

Barack HUSSEIN Obama sure wasn't happy, though.

He wanted ..THAT...as an abortion option.

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PACKMAN JULY 23, 2019 AT 11:25 A.M.

You mean next time she would choose not to have sex?

You mean next time she would choose not to have unprotected sex?

You mean next time she would choose to wait until she's married to try to make a baby?

You mean next time she would choose to put a little money in the bank before she tries to make a baby?

.

Lots of choices there 3rdWorld that don't involve killing an innocent baby in the womb.

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ILLINOISROY JULY 23, 2019 AT 12:17 P.M.

There are a lot of choices, abortion is just one of them. Unless you are willing to take an unwanted fetus and raise as your own child you need to shut up and mind your own business.

Obamaphobia will destroy ya!

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GENERALMAC JULY 23, 2019 AT 12:39 P.M.

ILLINOISROY.....surprised someone in East St Louis Illinois is so concerned about ARKANSAS laws . !

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BLUEOVALZ JULY 23, 2019 AT 1:07 P.M.

I'm surprised you have to shout (capitalize) Obama's middle name...perhaps emphasizing ????

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3WORLDSTATE1 JULY 23, 2019 AT 1:08 P.M.

I suspect, if she knew what she knew now, she would t have the child, period. But that's just my guess, seeing how the disabled child has basically taken her life and made it a chaotic mess. Her words. Kid is about 15 now. Not one day off. Sad for both.

[Permalink](#) [Report Post](#)**3WORLDSTATE1 JULY 23, 2019 AT 1:13 P.M.**

She was married douche turd. And that douche turd left her. He couldn't handle it either. So, since she is the mother and holds the ULTIMATE LIABILITY, abortion should be an option to all givers of life. That's the problem with you self righteous douche turds. You think you hold some kind of moral ground. And you've proven you hold none.

[Permalink](#) [Report Post](#)**SEITAN JULY 23, 2019 AT 1:34 P.M.**

If it's not your uterus, it's none of your business.

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