

# UPDATE: Carhart v. Ashcroft Federal Abortion Ban Trial in Nebraska

## Press Releases

**03.31.2004** - Lincoln, NE

THE LAWSUIT: *Carhart v. Ashcroft* is a federal civil rights lawsuit in U.S. District Court for the District of Nebraska challenging the constitutionality of the "Partial Birth Abortion Ban Act of 2003." The Center for Reproductive Rights won a 2000 Supreme Court decision in *Stenberg v. Carhart*, striking down a Nebraska ban on so-called "partial birth abortion," representing Dr. LeRoy Carhart, the lead plaintiff in this federal lawsuit. The current lawsuit contends that the federal ban, like the Nebraska ban, is unconstitutional because it would ban abortions as early as 12-15 weeks in pregnancy, outlaw abortions that doctors say are safe and among the best for women's health, and contains no exception for the woman's health.

MARCH 30 (DAY 2): On the first day of trial, John Doe, M.D., an abortion provider at a prominent university in a major metropolitan center, testified about second trimester abortion procedures. He testified in a closed proceeding in a secure location due to concerns for his safety. On the second day, two of the plaintiff doctors testified about the impact of the federal abortion ban on their practices. "The testimony at trial makes clear that if the federal abortion ban is allowed to go into effect, doctors will have to either risk prosecution or stop providing abortions in the second trimester," said Nancy Northup, President of the Center for Reproductive Rights.

\* William G. Fitzhugh, M.D., Medical Director of the Richmond Medical Center for Women in Virginia, testified that he would probably risk going to prison if the ban were to take effect. He said that he would probably continue to provide abortions the way he had always done them, and risk prosecution.

\* Jill L. Vibhakar, M.D., Assistant Professor of Clinical Obstetrics and Gynecology at the University of Iowa College of Medicine, testified that if the ban were in effect she would stop providing second trimester abortions.

### UPCOMING WITNESSES:

March 31: Joel D. Howell, M.D., Ph.D., a medical historian who teaches at the University of Michigan, William H. Knorr, M.D., a physician licensed to practice in Alabama, South Carolina, Maryland and New York.

April 1: LEROY CARHART, M.D., licensed to practice in Nebraska, Iowa, Indiana, Kansas, Ohio, Pennsylvania, New Jersey and Wisconsin.

The Center for Reproductive Rights advocates for legal protection for women's reproductive rights in the U.S. and around the world. It has won significant victories in state and federal courts, including *Stenberg v. Carhart*, the U.S. Supreme Court decision that struck down Nebraska's partial birth abortion law. The Center

has pioneered the application of international human rights law to reproductive health, working with UN agencies, human rights bodies, and women's organizations in more than 45 countries.

### Cases

[Stenberg v. Carhart](#)

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