

Reflections

Lawrence P. Grayson

The States Battle for Life

Life in the womb is the most polarized issue in our nation today. There are profound ideological differences in how the pros and cons -- those who believe in the unborn child's right to life and those who are committed to a woman's right to abortion -- view the matter. Presently, 18 states have laws to limit abortion, while 10 states have laws to protect the right to abortion. Not since slavery was debated and fought over has there been such a stark contrast in the beliefs of the opposing sides and in the state laws they are enacting.

Kentucky, with a pro-life governor and a pro-abortion attorney general, looks like a border state for the conflicting positions. After a U.S. District Court judge, last September, ruled that a 1998 state law requiring abortion clinics to have signed agreements with an ambulance service and a hospital was unconstitutional, the matter was raised to the U.S. 6th Circuit Court of Appeals. Briefs were soon filed by 16 attorneys general from politically-red states arguing that the 1998 law should be upheld, while attorneys general from 20 politically-blue states and the District of Columbia filed in support of the ruling. No date has yet been set for the hearing.

With a strongly pro-life president, a presumably more constitutionally-conservative Supreme Court, and the success of the abortion-revealing films *Gosnell* and *Unplanned*, pro-life advocates hope that *Roe v. Wade* may be overturned and the regulation of abortion returned to the states. Pro-life legislators have been energized, introducing over 250 pro-life bills in 41 states since the beginning of this year.

There are "trigger bans" that will automatically prohibit abortion if and when *Roe v. Wade* is repealed; "fetal development bans" that make abortions illegal after a certain point in a pregnancy, such as when an unborn child can feel pain or its heartbeat can be detected; "method bans" that bar dismemberment and other specific procedures; and "fetal characteristic bans" that prohibit abortion based on race, sex or disability.

Statutes banning abortions after a heartbeat is detected could protect almost all unborn children. With a vaginal ultrasound, detection can occur at about six weeks of gestation, a time when many women do not even know they are pregnant. Arkansas, Louisiana, North Dakota, South Dakota, Kentucky, Mississippi, Georgia and Ohio have enacted heartbeat laws, while Missouri, Tennessee, Florida, Texas, South Carolina and Oklahoma are advancing similar measures.

Alabama voters approved a state constitutional amendment last November that affirms the right to life for unborn children. Another bill was recently introduced that would make abortion at any stage of pregnancy a felony, except if the mother's life is at risk.

The Tennessee legislature is considering a bill that would prohibit abortion completely once *Roe v. Wade* is overturned. Trigger laws banning abortion have already been passed in Arkansas, Kentucky, Louisiana, Mississippi, North Dakota and South Dakota.

Utah and Kentucky recently enacted laws to protect unborn children diagnosed with a disability such as Down syndrome. The Texas legislature is considering a bill to remove fetal anomaly as an exception to an existing ban on abortions after 20 weeks gestation, forbid all abortions motivated by the unborn child's sex, race or disability, and expand perinatal palliative care for families whose children-in-the-womb are determined to have life-limiting disabilities.

Utah passed a law to ban abortions after 18 weeks gestation. The Arkansas House recently passed a similar bill.

North Carolina and Texas are debating bills to require appropriate medical care for newborns who survive abortions. The bills are similar to *The Born Alive Abortion Survivors Protection Act* that pro-abortion legislators are blocking in the U.S. Congress.

North Dakota enacted a law to prohibit dismemberment abortions, a brutal procedure typically used in the second trimester, in which a living unborn child is torn apart in the womb and removed in pieces. Indiana is advancing a similar measure.

South Dakota recently passed several laws that require abortionists to give women the chance to see a sonogram of their baby and listen to its heartbeat, inform women about abortion pill reversal, ban abortions on pain-capable children, and make the sale of aborted baby parts a felony.

In contrast to the pro-life efforts, abortion advocates have been working to expand access, remove restrictions and codify abortion rights, as well as challenge the new pro-life state laws. New York, New Mexico, Maryland, Rhode Island, Vermont, and Virginia have passed or are trying to pass bills that allow abortion up to the moment of birth or even after a child is delivered.

New York recently expanded access to third-trimester abortion in cases where a woman's health is in danger or where a fetus is not viable, permit non-physicians to perform abortions, and remove all criminal penalties for the procedure.

The Vermont Senate overwhelmingly approved an amendment to the State Constitution that would legalize abortions up to birth and deny legal rights to children-in-the-womb. The amendment must be approved by Vermont voters if it clears several more legislative hurdles.

The governor of Illinois has pledged to make that state "the most progressive state in the nation for access to reproductive health care." Two bills currently being debated would allow abortion for any reason up to birth, remove the ban on partial-birth abortion, permit non-doctors to perform the procedure, and strip away conscience protections for medical professionals who oppose abortion.

California, is arguably the most extreme supporter of abortion, permitting late-term procedures and allowing girls as young as 12 to obtain abortions without parental knowledge or consent. A bill is now advancing that would direct all public colleges and universities to provide abortion drugs to students on campus for free. A second bill would require every student identification card issued by public schools at all levels and religious colleges and universities to include the telephone number of a reproductive health hotline, e.g., Planned Parenthood.

With legislative victories on each side, the pro-life/pro-abortion divide grows deeper and the opposing factions more combative. The future, both politically and culturally, will continue to be contentious.

America survived the battle over slavery -- though at a significant cost with the fallout still being debated today. The nation will survive the decades-long conflict between an unborn child's life and a mother's choice. If you believe that life beginning at conception is a gift from God, there is only one side you can support. If you believe that God will prevail, you know the eventual outcome.

* * * * *

May 2019