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Federal judge upholds Arizona's new law banning late-term abortions

by Joyce Coronel by Catholic News Service

PHOENIX -- The executive director of the Arizona Catholic Conference praised U.S. District Court Judge James A. Teilborg for upholding Arizona's recently enacted ban on abortions after 20 weeks except in cases of medical emergency.

Ron Johnson said he was "absolutely thrilled with the decision from the federal court." Johnson, who worked with Arizona legislators to help get the measure passed, said that "it's been frustrating at times" when courts overturn hard-won legislation.

"It's extremely rewarding when we get the legislation passed and the court upholds (it)," Johnson said, calling the new law "sensible and very positive legislation."

In his July 30 ruling, Teilborg wrote that the Arizona Legislature had written the law -- known as H.B. 2036 -- based on "the substantial and well-documented evidence that an unborn child has the capacity to feel pain during an abortion by at least 20 weeks gestational age."

Supporters of the law said that it also protects women from increased risks incurred in late-term abortions.

Three doctors who provide abortions, represented by the American Civil Liberties Union and the New-York based Center for Reproductive Freedom, had asked the court for a temporary restraining order or an injunction to prevent the law from going into effect Aug. 2. Teilborg's ruling denied both and declared Arizona's law constitutional.

The decision sent shock waves through the abortion industry, and opponents of the law said they would immediately appeal the ruling, calling the restrictions "extreme."

Alabama, Idaho, Indiana, Kansas, Nebraska and Oklahoma have similar laws restricting late-term abortions based on the scientific finding that fetuses experience pain.

Pro-life organizations throughout the country praised the ruling.

Dorinda Bordlee and Nikolas Nikas, attorneys with the Bioethics Defense Fund, advised Maricopa County Attorney Bill Montgomery, who was named as a lead defendant in the emergency injunction action filed by the abortion providers, the ACLU and the New York center.

"This ruling should be studied by everyone in the pro-life movement," Bordlee said, "because it foreshadows the day that the Supreme Court will return the abortion issue back to the state legislatures to act on their legitimate interests in protecting women and unborn children from the unspeakable violence of abortion."

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Steve Aden, senior counsel for the Arizona-based Alliance Defending Freedom, agreed.

"Every innocent life deserves to be protected. That certainly includes the most vulnerable of all: children in the womb who experience horrific pain when being torn apart in the womb during a late-term abortion like those this law prohibits," Aden said. "The ACLU and the Center for Reproductive Rights, who filed this lawsuit, apparently don't care about any of that, preferring to pursue their own agenda. The court was right to thwart their attempts to stop this law."

Father Frank Pavone, national director of Priests for Life, similarly welcomed the court's decision and called for an end to "dismemberment abortions" known as "dilation and extraction."

"The abortion debate should not be so abstract that we forget we're talking about pulling the arms and legs off of babies," Father Pavone said. "To those asking for our vote in November, I ask, do you or do you not think dismemberment should be legal? Every voter should ask the same."

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