



SOUTH DAKOTA PASSES MOST RESTRICTIVE ABORTION LAW

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South Dakota has passed a law banning nearly all abortions, a move many say sets up a court fight to challenge the 1973 Supreme Court decision that legalized abortion.

Gov. Mike Rounds, a Republican, signed legislation Monday that would make it a crime for doctors to perform abortions, including in cases of rape or incest, unless the procedure was necessary to save the woman's life.

"In the history of the world, the true test of a civilization is how well people treat the most vulnerable and most helpless in their society," Rounds said in a written statement after signing the bill into law.

"The sponsors and supporters of this bill believe that abortion is wrong because unborn children are the most vulnerable and most helpless in our society. I agree with them."

A new Supreme Court

In crafting the law, legislators said a new Supreme Court may be more receptive to the antiabortion movement and overturn *Roe v. Wade*, legislation that legalizes abortion.

"As you know, Justice Roberts and Justice Alito were just favorably placed on that board. There is still another chance that President Bush will have to place another justice on that bench. I think it's time to pass House Bill 1215 and protect the lives of the unborn," pro-life Democratic state Senator Julie Bartling said in the lead up to the vote.

The law will take effect July 1, but it is likely a federal judge will suspend it during legal challenges, which could take years.

Planned Parenthood of South Dakota, which operates the state's only abortion clinic in Sioux Falls, has pledged to challenge the law through a federal lawsuit or a state referendum.

According to South Dakota law, if opponents of the measure collect 16,728 signatures of registered voters in the next three months the law will be delayed and a vote will be held on the issue in November.

"This proposed ban is a reprehensible attack on women's health care in South Dakota and across the country; it makes a bad situation intolerable for women," said Sarah Stoesz, the chief executive officer of the Sioux Falls clinic.

Abortion in South Dakota

South Dakota is already one of the most restrictive states in the country to get an abortion.

Existing law mandates a 24-hour waiting period and counseling prior to the procedure. Girls under the age of 16 must notify a parent.

No local doctors will perform abortions at the Sioux Falls clinic, so once a week a physician from Minnesota flies into the state to perform the procedure.

“I just remember from my practice how desperate women were, and I just wanted to be available to give them a safe abortion. There are doctors who can’t do this, emotionally, possibly. But for me, I put myself in their position, and I want to treat them the way I’d want to be treated myself,” said Dr. Miriam McCreary, a physician who left retirement to work at the clinic, in a March 3 NewsHour broadcast.

Critics of the challenge

Not all abortion opponents support South Dakota’s new law. If a case goes to the Supreme Court and the justices uphold Roe, it would be a big blow to pro-life movement.

They think a better strategy to limit abortions is to create restrictions such as parental and husband notification requirements that are acceptable to more Americans.

“We’re obviously in favor of a ban on abortion; that is our ultimate goal. But we are concerned about the timing,” Patty Skain, executive director of Missouri Right to Life, told the Associated Press.

--Compiled by Annie Schleicher for NewsHour Extra

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