

### WORLD-HERALD BUREAU

WASHINGTON - State legislatures and Congress are likely to be emboldened to pursue new abortion restrictions now that the U.S. Supreme Court has upheld a federal ban on a disputed abortion procedure, both foes and backers of abortion rights said.

The high court's 5-4 decision Wednesday endorsing the ban on what critics call "partial-birth" abortion came in stark contrast to the court's 2000 ruling striking down a Nebraska ban on the procedure.

In its ruling, the newly conservative Supreme Court endorsed restricting a particular abortion method for the first time since its landmark 1973 Roe v. Wade ruling gave women a constitutional right to an abortion.

The court's liberal justices warned that Wednesday's ruling whittles away at abortion rights.

Douglas Johnson, legislative director for the National Right to Life Committee, said he expected the ruling to bolster efforts by abortion foes to seek new laws. They could include requiring doctors to inform women seeking abortions that their fetus may experience pain and requiring that women be offered drugs to relieve the fetus's pain during an abortion.

"We do see (the) ruling as going in the right direction," Johnson said.

Sen. Chuck Grassley, R-Iowa, said the ruling could lead to new requirements for parental consent or for providing more information to women seeking abortions. But Grassley said he didn't see the ruling as a major turning point toward overturning the right to an abortion.

Others saw it as having far-reaching ramifications.

"I think this a victory for not only the pro-life community to protect the unborn but also protect the . . . rights to legislate on medical procedures," said Rep. Lee Terry, R-Neb.

Abortion rights supporters predicted a similar impact and said the decision marked an erosion of the rights protected by Roe v. Wade.

"This is a significant setback for women's health," said Cecile Richards, president of the Planned Parenthood Federation of America, which supports abortion rights.

Richards said her organization "is concerned that politicians will be making medical decisions that ought to be made by doctors. (The ruling) opens the floodgates for politicians to introduce more state and federal laws that severely limit access to safe abortion care."

State legislatures could follow the example of the South Dakota Legislature, which has approved a ban on abortions, causing a re-examination of a woman's right to an abortion, said Eve Gartner of Planned Parenthood.

"It's a seismic shift," she said.

Abortion rights supporters said the Supreme Court's decision rejected the high court's precedent on the issue.

In 2000, the court had voted 5-4 against a Nebraska ban, saying the wording was too broad and didn't provide an exception allowing the "partial-birth" procedure to protect a woman's health.

In 2003, a Republican-controlled Congress approved the new federal ban, arguing that the procedure was inhumane, gruesome and never medically necessary.

This time, President Bush's two Supreme Court picks - Chief Justice John Roberts and Justice Samuel Alito - swung the majority the other way.

Alito's vote was crucial because he replaced Justice Sandra Day O'Connor, who had voted to strike down the Nebraska ban.

The federal law bans the procedure known medically as intact dilation and extraction, or D&X. A doctor partly removes a fetus from a woman's uterus, then crushes or cuts the skull to complete the abortion.

Of the more than 1 million abortions performed each year in the , about 90 percent are performed in the first 12 weeks of pregnancy and are unaffected by Wednesday's ruling.

Justice Anthony Kennedy, who wrote a sharply worded dissent in the 2000 ruling, wrote for the majority Wednesday. He said the law is constitutional, even though it doesn't make an exception to allow the procedure if needed to preserve a woman's health.

"The law need not give abortion doctors unfettered choice in the course of their medical practice," Kennedy wrote.

Joining Kennedy, Alito and Roberts in the majority were Justices Antonin Scalia and Clarence Thomas.

"Today's decision is alarming," Justice Ruth Bader Ginsburg wrote in a dissent. It "cannot be understood as anything other than an effort to chip away at a right declared again and again by this court."

She was joined by Justices Stephen Breyer, David Souter and John Paul Stevens.

The federal abortion ban was challenged by Dr. LeRoy Carhart of Bellevue .

Carhart, in an interview, called the decision an "all-out assault" on Roe v. Wade.

Janet Crepps of the Center for Reproductive Rights, which worked with Carhart, said those who spoke with him after the ruling said he viewed it as a "a devastating loss because all along he's been fighting for his right to give patients the best care."

Doctors who violate the federal law could face up to two years in prison. The law has never taken effect, pending the outcome of the legal fight, and proponents and opponents said they would be watching to see whether it is enforced.

Planned Parenthood will continue to provide abortions for women and will comply with the law, Gartner said.

Midlands Republican lawmakers and Sen. Ben Nelson, D-Neb., welcomed the decision.

"Women deserve better than abortion, and the court has held that they certainly deserve better than the harmful practice of 'partial-birth' abortion," said Rep. Jeff Fortenberry. "Finally, the court has taken a rational approach to the abortion debate."

But Sen. Tom Harkin, D-Iowa, argued that the law makes illegal a procedure that a number of doctors said was the safest in certain cases.

"It is an invitation for state legislatures to act to further limit the ability of women to make the most central and personal of decisions," he said, "and a clear signal that the court will not hesitate to further erode or even overturn the decision that articulates and defines the right to choose."



