

Late-Term Abortion Chess Match

Chased out of Nebraska, abortionist LeRoy Carhart wants to open up shop elsewhere. But pro-life organizations are watching closely and hope to block his next move.

BY STEVE WEATHERBE

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OMAHA, Neb. — Late-term abortionist Dr. LeRoy Carhart has been forced by Nebraska's tough new anti-fetal pain law to expand his practice to three less restrictive states.

But in a kind of reverse-domino effect, pro-life activists in Indiana and Iowa are already working with supportive legislators to enact laws as tough as Nebraska's Pain-Capable Unborn Child Protection Act.

Both state and national pro-abortion groups remain tight-lipped on the expansion. Six such groups contacted repeatedly over several days would not comment on Carhart's announced move.

Iowa Right to Life's executive director, Jennifer Bowen, thinks the pro-abortion groups do not see Carhart as their best advocate in the public forum.

"It's funny how he seems to be doing a really bad job for them by raising awareness of late-term abortions," Bowen said.

According to his website, Carhart will perform a first-trimester abortion for as little as \$400, while a late abortion of "24 weeks and six days" costs \$3,090. Later than that and "fees will be quoted by arrangement," the site says.

Carhart is clear about his motivation: He needs to stay in business and can't do so in Nebraska under his current business model. "I need to have a place where I can practice," he told The Associated Press.

Carhart refused to speak to the Register.

So did the National Abortion Federation and the Center for Reproductive Rights, national lobby and education groups based in Washington, D.C., that have sponsored or supported previous legal actions in defense of Carhart's practice.

The Center for Reproductive Rights told the AP that Nebraska's new fetal-pain law, which prohibits abortions after 20 weeks because of the pain they cause the unborn children, is unconstitutional and will be appealed when the time is right.

Nebraska Right to Life's executive director, Julie Schmit-Albin, thinks the time will be "right" when a suitably appealing and photogenic plaintiff is found — a woman wanting a late-term abortion in particularly trying circumstances — who can claim Nebraska's law caused her undue hardship, mental anguish and/or physical risk. "They want the most sympathetic case. That's their usual M.O.," she said.

Nebraska's Solid Law

But the lack of any legal action so far, Schmit-Albin believes, is an indication that "we are on solid ground legally." Nebraska's law increased restrictions on abortion by moving the time limitation from 24 weeks based on the viability of the unborn child, as it is in some states, to 20 weeks, based on the point where science shows the unborn feel pain.

Iowa's Bowen said one reason Carhart wants to open shop in Iowa is that the state's late-term law leaves the judgment call on whether a woman's health is at risk to a single doctor, i.e., to the abortionist. But her organization has been working with "the new crop of legislators" elected to the state Assembly last month to plug that gap and also reduce the time limit to Nebraska's anti-pain 20-week limit.

The election not only brought many more pro-life legislators, but also a pro-life governor into office.



Iowa is appealing to Carhart not only because of existing loopholes, said Bowen. "We're right across the Missouri River." Carhart said he'll put his Iowa business in Council Bluffs, across from the Omaha suburb of Bellevue, where his current facility is.

But since Carhart announced the expansion a month ago, said Bowen, nothing has happened. "We think he is waiting to see what the [Iowa General] Assembly does."

Meanwhile, Indiana Right to Life has scheduled a Dec.15 strategy session to discuss a counter-Carhart strategy.

In Maryland, a more sanguine Jack Ames of Defend Life Maryland said its Legislature is thoroughly pro-abortion. A southerner and a Catholic, he said, "I came up here expecting, what with all the Catholics, to be part of a powerful pro-life movement. And there are plenty of so-called Catholic legislators, but they are all pro-choice."

Ames said that Maryland not only has permissive legislation, but also an opening in the market created by a crackdown on the abortion operation owned by Stephen Brigham. It fell apart in the summer when he and another abortionist dropped off a woman bleeding from a botched procedure at the nearest hospital so that they could return to the business to continue working through a waiting line of women, all of whom had driven from Pennsylvania.

Nebraska Right to Life's Schmit-Albin said Nebraska's law will be closely looked at by delegates of pro-life groups from across America meeting in Washington this week.

She cautioned that any action in state legislatures must be painstaking and thorough.

"We did our homework, with National Right to Life helping us all the way," Schmit-Albin said, "and put together a lot of solid scientific evidence."

But if another state approves an anti-fetal pain law without sufficient evidence, she warns, this would provide grounds for appeal.

Other national organizations that would not respond to queries from the Register include the National Partnership for Women and Families and Physicians for Reproductive Choice and Health.

Locally, the Emma Goldman Center and Planned Parenthood, which both offer abortion services in Iowa, also declined comment.

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