



Written by [Dave Bohon](#) on September 5, 2011

## Court Rules in Favor of S.D. Pro-Life Law

In the same decision, however, reported [Reuters News Service](#), the “8th Circuit Court of Appeals ruled against a provision in the 2005 law that would require the doctor to tell the woman about an increased risk of suicide after an abortion — with the court saying the link was unproven and may not exist.”



One dissenting judge, Raymond Gruender, argued that the “risk of suicide” provision should have been upheld, writing that “even the evidence relied upon by Planned Parenthood acknowledges a significant, known statistical correlation between abortion and suicide.” Noting that Planned Parenthood had not challenged the suicide findings, Gruender wrote that the “well-documented statistical correlation is sufficient to support the required disclosure that abortion presents an ‘increased risk’ of suicide, as that term is used in the relevant medical literature.”

In deciding in favor of key portions of the informed consent law, the court overturned an earlier ruling by U.S. District Judge Karen Schreier, who had said it was unconstitutional to require an abortionist to inform a pregnant woman that there exists a relationship between her and her un-born baby.

The pro-life measure has faced nearly constant attack by pro-abortion forces since it was passed by South Dakota’s state legislature and signed by its governor six years ago. Planned Parenthood, which operates the state’s sole abortion clinic in Sioux Falls, sued to overturn the law after Schreier temporarily blocked its enforcement. But in 2008, the 8th Circuit court overruled the judge’s order and the law took effect.

Then in August 2009, Schreier ruled that doctors must follow the law in disclosing to a pregnant woman seeking an abortion that she would be ending the life another human being. However, reported the [Associated Press](#), “she also at the time ruled in favor of Planned Parenthood in saying pregnant women do not need to be told that they have an existing relationship with the fetus abortion or that abortion increases the likelihood of suicide.”

Pro-life leaders applauded the appeals court’s reversal of Schreier’s ruling, with Leslee Unruh of the pro-life [Alpha Center](#) in Sioux Falls calling the decision “monumental.”

“We are thrilled beyond words,” Unruh told reporters, adding, “It just shows the tide has turned in this country and we need to protect unborn children, as well as the woman in making that decision.”

Steven H. Aden of the [Alliance Defense Fund](#), which had filed a brief in the case on behalf of a number



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of pro-life groups, noted that a “child’s life is worth more than Planned Parenthood’s bottom line. Planned Parenthood and other proponents of death work diligently to restrict the information mothers have about abortion and the life within them.” He added that it was “incredible for the lower court to have determined that the law cannot acknowledge that a ‘pregnant woman has an existing relationship with that unborn human being’ because some human beings are somehow not ‘persons.’ The 8th Circuit rightly determined that it’s perfectly constitutional to inform women of an undisputed biological fact.”

Elizabeth Nash of the pro-abortion [Guttmacher Institute](#) noted that as the nation’s first — and most expansive — informed consent statute, the South Dakota measure has been the model for similar laws in other states, including North Dakota, Missouri, Kansas, and Indiana. As reported by Reuters, Nash derided the life-saving law, insisting that it “really isn’t about health and safety. It’s really about forcibly trying to dissuade a woman from getting an abortion any way the state can.”

According to Reuters, South Dakota’s penchant for protecting its unborn has made it the target of pro-abortion judges on more than one occasion. In June of this year, reported the new source, “a federal judge blocked a South Dakota law that would have required the longest waiting period in the nation at 72 hours and a meeting at an anti-abortion counseling center before a woman can have the procedure.”



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