

SHOCKER: Iowa Supreme Court concocts “right” to abortion

The Iowa Supreme Court today issued a 5-2 decision rejecting a 2017 provision requiring a 72-hour waiting period for women seeking an abortion in Iowa.

What’s most concerning about the ruling, however, is that for the first time, the Iowa State Supreme Court found a “right to abortion” in the Iowa Constitution.

“We therefore hold,” [wrote Chief Justice Mark Cady in his majority opinion](#), “under the Iowa Constitution, that implicit in the concept of ordered liberty is the ability to decide whether to continue or terminate a pregnancy.”

The FAMiLY LEADER Vice President and Chief Legal Counsel Chuck Hurley objected to the ruling, in which Cady argued that the Constitution should be interpreted according to “evolving standards” and that judges could therefore construe rights not actually specified in the Constitution.

“It’s shocking that the Iowa Supreme Court could read the Iowa Constitution, which lists the right to life as our first and most important right ([in Article 1, Section 1](#)), and then imagine a right to kill babies in the same document,” Hurley said. “Because that child in her mother’s womb ... she’s a baby. And as even Roe v. Wade admitted, if the baby were recognized as a person, then her ‘right to life would be guaranteed’ and should take precedence over an imagined right to abortion.”

Today’s ruling does not immediately affect Iowa’s nation-leading Heartbeat Law, which is facing a separate lawsuit.

Nonetheless, Hurley says, “This makes the Heartbeat case all the more important. Americans know that when a baby’s heart is beating, she’s alive, but our state judges aren’t willing to

protect her life. That's why we need the U.S. Supreme Court to hear this case."

Five justices sided with the majority in the 72-hour case: Justices Cady, Wiggins, Hecht, Appel, and Zager. Two justices dissented from the majority: Justices Waterman and Mansfield.

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