

Iowa High Court Blocks Abortion Ban in Tied Ruling



The Iowa Supreme Court upheld a lower court's block on the state's six-week abortion ban, effectively preserving access to abortions. However, the evenly split decision also leaves the possibility for the state Legislature to reinstate the pregnancy-termination restriction.

With one justice recusing themselves from the case, the court was evenly divided, resulting in a three-three split. The justices upheld a trial court injunction on the state's controversial "heartbeat" ban, which severely limits abortions except in the early weeks of pregnancy. However, they acknowledged that this divided decision would not prevent the Republican-controlled state Legislature from reintroducing the restriction.

Justice Thomas D. Waterman, writing for the three-judge coalition that struck down the ban, characterized the case as extraordinary. He noted that it involved the polarizing issue of abortion and an unprecedented attempt to revive a statute declared unconstitutional four years ago without any appeal. Chief Justice Susan Christensen and Justices Waterman and Edward M. Mansfield maintained that the high court could not override the lower court's decision based on proper precedent at the time. The state argued that the decision could be reversed because the U.S. Supreme Court precedent, including *Roe v. Wade*, and prior state case law had been undermined by the U.S. Supreme Court's recent *Dobbs v. Jackson Women's Health Organization* ruling and a 2022 Iowa Supreme Court decision.

The American Civil Liberties Union (ACLU) of Iowa praised the ruling, with Legal Director Rita Bettis Austen emphasizing its significance for Iowans' health and basic rights. Austen noted that the "heartbeat" ban would have prohibited over 98% of abortions in the state.

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The Iowa high court rejected the lower level of scrutiny for state abortion restrictions, known as "rational basis review," as established by the U.S. Supreme Court in *Dobbs*. Instead, the court maintained that the higher standard, which considers whether restrictions impose an "undue burden" on pregnant patients, remains in effect in Iowa. The three justices provided various reasons for their decision and highlighted that the state Legislature was aware that the heartbeat ban was hypothetical and violated federal and state precedent when enacted.

Justice Waterman also raised concerns about imposing a lower standard for state regulation in Iowa, a state that upholds higher standards for other government actions, such as an individual's right to privacy in discarding garbage. He argued that it would be troubling for the court to grant more constitutional protection to trash set out for collection than to a woman's autonomy and control over her own body.

The other three justices disagreed, asserting that the lower court's injunction should have been lifted since the heartbeat ban was still valid law and was only blocked by an outdated legal standard. Justice Christopher McDonald expressed this view in his opinion, which Justices Matthew McDermott and David May joined. Justice McDermott further criticized his colleagues for engaging in speculation about the intentions of the legislative and executive branches when the heartbeat law was enacted.

The ruling received mixed reactions. While the Alliance Defending Freedom, represented by Senior Counsel Chris Schandavel, acknowledged the state Legislature's power to reenact the ban, he expressed disappointment in the outcome. Schandavel urged the legislature to intensify its efforts to establish further protections for unborn children through legislation.

The evenly divided Iowa Supreme Court decision maintained the block on the state's six-week abortion ban, ensuring continued access to abortions for the time being. However, the ruling also leaves room for the state Legislature to reintroduce the restriction, prompting ongoing debates and legal battles over reproductive rights in Iowa.

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