

South Dakota House OKs Ban on Most Abortions

By Michael Muskal
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South Dakota legislators today gave final approval for a ban on almost all abortions, firing a burst in the battle over one of the nation's most contentious political issues and a shot that backers hope will be heard by a more conservative U.S. Supreme Court.

The state House today passed the latest version of the bill 50 to 18, sending it on to Gov. Mike Rounds, who indicated that he would likely sign the bill. Under the law, which would go into effect July 1, most abortions would be illegal and doctors could get up to five years in prison for performing an illegal abortion.

"I've indicated I'm pro life and I do believe abortion is wrong and that we should do everything we can to save lives," Rounds told the Associated Press. "If this bill accomplishes that, then I am inclined to sign the bill into law."

The South Dakota law is an attack on *Roe vs. Wade*, the 1973 decision by the Supreme Court that established a women's right to an abortion. Proponents of the state law said they expect it to be attacked in the courts and they hope it becomes a vehicle to have the Supreme Court revisit the *Roe* decision.

The current court is more conservative than recent configurations. President Bush has added a new chief justice, John G. Roberts Jr., and a new associate justice, Samuel A. Alito Jr. Although Alito has written against *Roe*, both men were careful in their confirmation hearings not to give a position on the ruling, saying they would likely have to rule on abortion cases. Alito replaced Sandra Day O'Connor, who was viewed as a pro-abortion rights vote. It will likely take years for the case to reach the Supreme Court and Bush could have other appointments in the meantime.

Passage of the South Dakota bill, which had been widely expected, was attacked by NARAL Pro-Choice America, a leading abortion rights groups.

"This bill contains an inadequate exception to protect a woman's life and no other exceptions — not for rape, not for incest, not even to protect the woman's health," President Nancy Keenan said in a statement on the group's website. "Clearly emboldened by President Bush's judicial appointments, South Dakota has passed dangerous and unconstitutional legislation that its supporters admit is a direct attack on *Roe v. Wade*."

Seven other states are considering measures similar to South Dakota's, according to the Guttmacher Institute, a reproductive rights organization in New York and Washington. According to the institute, 21% of U.S. pregnancies in 2000 ended in abortion. About 8% of the pregnancies in South Dakota ended in abortion that year.