

ICYMI: Judges Reluctantly Block Abortion Law -- Signal Looming Threat to Roe

The U.S. Court of Appeals for the Eleventh Circuit [issued an order](#) blocking an Alabama law that bans the safest method of abortion in the second trimester. While it upheld a lower court's injunction against the law, ominous language in the court's decision signaled the imminent threat to abortion rights and *Roe v Wade*.

This comes as the Senate is poised to consider Trump's anti-abortion Supreme Court nominee Brett Kavanaugh, and as [13 abortion cases](#) are only one step away from the Supreme Court.

In the order, Chief Judge Ed Carnes -- a President George H.W. Bush appointee -- wrote:

- “Some Supreme Court Justices have been of the view that there is constitutional law and then there is the **aberration of constitutional law relating to abortion**.... If so, what we must apply here is the aberration.”
- “The Supreme Court has interpreted the Fourteenth Amendment to bestow on women a fundamental constitutional right of access to abortions. About twenty years after a majority of the Court had discovered that right **lurking somewhere** in the ‘penumbras of the Bill of Rights’”
- “In our judicial system, there is only one Supreme Court, and we are not it. As one of the ‘inferior Courts,’ we follow its decisions.... Our role is to apply the law the Supreme Court has laid down to the facts the district court found.”

Statement from Dawn Laguens, Executive Vice President, Planned Parenthood Action Fund:

“The chilling language in this decision underscores what’s at risk for our rights and freedoms in this country. Without a doubt, if the Senate confirms Kavanaugh, the balance of the court will turn against a woman’s constitutional right to abortion. Already, people in many parts of the country are forced to navigate enormous hurdles to access safe, legal abortion, if they can at all. This is a fight we can and must win, for every person’s right to control their own body and future.”