

This is a printer friendly version of an article from the **The Greenville News**  
To print this article open the file menu and choose Print.

[Back](#)

---

Local U.S. reps appeal to void abortion ruling  
*DeMint, Inglis, Barrett, 67 others seeking reinstatement of federal ban*

Published: Tuesday, November 22, 2005 - 2:00 am

By Ellyn Ferguson  
WASHINGTON BUREAU

WASHINGTON -- Three South Carolina lawmakers are asking the U.S. Supreme Court to review a Nebraska case in which the federal ban on partial-birth abortions was declared unconstitutional.

Sen. Jim DeMint, R-Greenville, and Reps. J. Gresham Barrett, R-Westminster, and Bob Inglis, R-Travelers Rest, joined 67 of their congressional colleagues seeking a reversal of the decision. They have filed a friend-of-court brief supporting the Justice Department argument that the 8th Circuit Court of Appeals was wrong to uphold a Nebraska federal judge's ruling that the 2003 law was unconstitutional.

The justices could decide as early as January on whether to take the Nebraska case, known as *Gonzales v. Carhart*.

The court already has two abortion-related cases scheduled for oral arguments Nov. 30. One of them involves parental notification for minors, which like the partial-birth ban restricts but does not overturn *Roe v. Wade*.

**Advertisement**      The American Civil Liberties Union, representing the National Abortion Federation, has filed a counterargument saying the federal courts ruled correctly. The ban, the ACLU argues, endangers a woman's health because it prohibits abortions as early as 13 weeks into a pregnancy and does not include an exception for the health of the woman.

The American Center for Law and Justice filed a brief Thursday on behalf of itself and the 70 members of Congress because "they wanted to have their voices heard," said Jay Sekulow, chief legal counsel. He argued in the brief that Congress over several sessions considered versions of the ban and in 2003 voted overwhelmingly to pass legislation that President Bush signed into law.

"Congress's judgment that the procedure as defined in the PBA (Partial-Birth Abortion) Act should be prohibited in order to reflect American society's horror at infanticide is entitled to considerable respect and deference," Sekulow said in the brief.

Contact Ellyn Ferguson at [eferguson@Gns.gannett.com](mailto:eferguson@Gns.gannett.com)

---