



Written by [Dave Bohon](#) on March 8, 2013

Arkansas Legislature Passes Nation's Strictest Abortion Law

The Arkansas legislature has overridden Gov. Mike Beebe's veto of legislation banning most abortions after the 12th week of pregnancy, giving the state the most restrictive abortion law in the nation. The March 6 override comes just days after the Republican-controlled legislature overrode Beebe's veto of its [Pain-Capable Unborn Child Protection Act](#), which prohibits most abortions after the 20th week of pregnancy. Beebe had justified his vetoes of both measures on constitutional grounds, saying that they conflicted with the Supreme Court's 1973 *Roe v. Wade* ruling that effectively legalized abortion until a pre-born baby can viably survive outside the mother's womb, which most experts place at between 22 to 24 weeks. "Because it would impose a ban on a woman's right to choose an elective, nontherapeutic abortion well before viability, Senate Bill 134 blatantly contradicts the United States Constitution, as interpreted by the Supreme Court," Beebe said in a letter vetoing the 12-week bill. "When I was sworn in as governor I took an oath to preserve, protect, and defend both the Arkansas Constitution and the Constitution of the United States. I take that oath seriously."



Known as the "Heartbeat Protection Act," SB 134, which is slated to go into effect this summer, the bill will prohibit abortions at a point when a pre-born baby's heartbeat can typically be detected with an ultrasound. As with the "Pain-Capable" bill, which is based on the scientific proof that a pre-born baby can feel pain by the 20th week of pregnancy, the 12-week ban will include exemptions in cases of rape, incest, or to supposedly save the life of the mother.

Pro-abortion forces vowed to sue the state to overturn the 12-week ban. "The Arkansas Legislature has once again disregarded women's health care and passed the most extreme anti-women's health bill in the country," said Jill June, the CEO of Planned Parenthood of the Heartland. "With this bill, the Arkansas Legislature will force many women to seek unsafe care."

Planned Parenthood's national director, Cecile Richards, added her voice of disapproval, claiming that the "majority of Arkansans — and the majority of Americans — don't want politicians involved in a woman's personal medical decisions about her pregnancy. Governor Beebe rightfully vetoed this



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legislation and the legislature would have been wise to let the veto stand as this bill is clearly unconstitutional.”

In his own statement Anthony Romero, executive director of the ACLU, accused the Arkansas legislature of having “the shameful distinction of passing the worst impediment to women’s reproductive health in decades.” Rita Sklar, director of the ACLU’s Arkansas franchise, said that her group would join with the radical Center for Reproductive Rights to challenge the law.

While Gov. Beebe challenged the constitutionality of both the 12- and the 20-week abortion ban, the ACLU indicated that at this time it would target only the ban on the earlier abortions. “We are preparing the papers to go to court as we speak,” Sklar said. “In fact, we’ve been working on them since the bill was filed.” She called the measure “flat-out unconstitutional” and emphasized that it would be “the most extreme, severe abortion law in the country.”

Nancy Northrup of the Center for Reproductive Rights told [Politico.com](#) that the law represented little more than “bumper-sticker legislation with really no chance of standing up in court.” She added that it “could be challenged in either state or federal court and we would expect to get an injunction immediately.”

[LifeNews.com](#) noted that even some pro-life groups oppose both the 12- and the 20-week abortion bans, out of concern that the measures will be summarily struck down “since the Supreme Court is currently dominated by at least a 5-4 pro-abortion majority.” The pro-life news site explained that such groups “are working to change the courts so *Roe* can be overturned and legislation like the heartbeat bill or others could be approved to provide legal protection for unborn children.”

Gov. Beebe claimed that the likely cost to the state of a legal challenge to the law also prompted his veto, a justification that Sen. Jason Rapert challenged in a statement before the override. “I have given you an opportunity to save thousands of lives in the future of this state,” said the lawmaker, addressing the governor, “... and you have stated that you would sign a bill to do away with the death penalty in the state of Arkansas for convicted murderers. I believe the same place in your heart in which you would find yourself able to do that should be the same place in your heart that you should be able to protect the lives of unborn innocent children.”

Before passage of the bill, Rapert told his fellow state senators, “I’m asking you to stand up for life, and I believe when there is a heartbeat, based upon even the standard the Supreme Court has utilized, you cannot have a viable child without a heartbeat.”

Following the override, Rapert told reporters: “The eyes of this nation have been on the Arkansas House of Representatives today. And the eyes of this nation [have] seen that people are ready for change.” He added that “if there’s a heartbeat, there’s life, and we’re going to stand up for this law, regardless of who opposes it.”



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