

## **Eighth Circuit on Heartbeat Law**

The Eighth Circuit Court of Appeals is asking for the Supreme Court to review the North Dakota Heartbeat Law. They said:

“The Supreme Court has posited there are ‘logical and biological justifications’ for choosing viability as the critical point...

“But this choice,” said the Eighth Circuit, is better left to the states, which might find their interest in protecting unborn children better served by a **more consistent and certain marker** than viability. Here, the North Dakota legislature has determined that the critical point for asserting its interest in potential life is the point at which an unborn child possesses a detectable heartbeat.

“To substitute its own preference to that of the legislature in this area is *not* the proper role of a court.”

They are right.

Debra Cassens Weiss, “8<sup>th</sup> Circuit Strikes Down Strict Abortion Law but Questions Fetal Viability Standard,” *ABAJournal.com*, July 24, 2015.

[http://www.abajournal.com/news/article/8th\\_circuit\\_strikes\\_down\\_strict\\_abortion\\_law\\_but\\_questions\\_fetal\\_viability](http://www.abajournal.com/news/article/8th_circuit_strikes_down_strict_abortion_law_but_questions_fetal_viability)