

Lawsuits challenge abortion access in changing landscape

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AUSTIN (BP)—Current lawsuits by expectant mothers in Texas and Kentucky highlight the complex legal landscape of abortion across the nation. A mother's address sometimes impacts whether an unborn child is carried to term.

In Texas, where abortions are banned at six weeks, a district court judge granted Kate Cox a temporary restraining order Dec. 7 allowing an abortion under a medical exception. When the Texas Supreme Court stayed the ruling, Cox traveled to another state for the procedure.

In Kentucky, a mother identified as Jane Doe is seeking class action status in a lawsuit filed in December, expressing her personal desire for an abortion, the Associated Press reported Dec. 8.

Her unborn baby has since died, AP reported Dec. 12, but her attorneys, including the American Civil Liberties Union, continue to pursue a class action lawsuit.

In Texas, Cox sought a medical exemption because her child's condition of Trisomy 18, her doctors said, coupled with Cox's history of cesarean section deliveries jeopardizes her life, according to her lawsuit.

"Ms. Cox is currently 20 weeks pregnant, and she has been to three different emergency rooms in the last month due to severe cramping and unidentifiable fluid leaks," CNN quotes the lawsuit. "Because Ms. Cox has had two prior cesarean surgeries ('C-sections'), continuing the pregnancy puts her at high risk for severe complications threatening her life and future fertility, including uterine rupture and hysterectomy."

A 'true culture of life'



Brent Leatherwood is president of the Southern Baptist Convention's Ethics & Religious Liberty Commission. (BP Photo)

While Southern Baptists consistently have advocated for life for more than half a century, Ethics & Religious Liberty Commission President Brent Leatherwood points out the delicacy of the case.

"Even as we have pushed for the defense of innocent lives, we also know that there are rare times where a doctor must intervene in order to save a mother's life, as has been stated in multiple SBC resolutions," Leatherwood said. "But what is the extent of that? That is the question being raised here. It should be answered within a framework that seeks to preserve life.

"And in those grievous cases involving life-threatening pregnancies, it is right to ask whether we have come far enough in establishing a true culture of life in policy and practice that wraps care and support around these mothers and families."

Cox expressed her concerns in an editorial in the *Dallas Morning News*.

"I do not want to continue the pain and suffering that has plagued this pregnancy or continue to put my body or my mental health through the

risks of continuing this pregnancy,” Cox wrote. “I do not want my baby to arrive in this world only to watch her suffer.”

The Texas case is believed to be the first challenge to the state’s narrow medical exemption window since the reversal of *Roe v. Wade*, and does not pursue a class action as in Kentucky. There, the case seems to hinge solely on the mother’s personal desire.

“I am a proud Kentuckian, and I love the life my family and I have here, but I’m angry that now that I’m pregnant and do not want to be,” the plaintiff said in a statement the ACLU released. “The government is interfering in my private matters and blocking me from having an abortion. This is my decision, not the government or any other person’s.”

Laws vary from state to state

Depending on where a pregnant woman resides, legal protections for her unborn child begin at six weeks of gestation, 20 weeks, 24 weeks, the child’s viability or at birth.

The child’s life might or might not be protected if the mother were a victim of rape or incest, or if the pregnancy compromises a mother’s mental health. The mother’s health might or might not trump the health of the child.

When disputed in court, decisions can be made by democratically elected judges that have declared allegiance to a particular political party, or by judges appointed by a U.S. president representing partisan politics.

The June 2022 reversal of *Roe v. Wade* saved the lives of an estimated 32,000 unborn babies in the United States in the first half of 2023, according to the pro-choice Guttmacher Institute’s Monthly Abortion Provision Study.

In some cases, pregnant women have traveled across state lines to get abortions when the procedure is no longer allowed in their home state. Nearly 20 percent of U.S. abortions were conducted out-of-state in the first six months of 2023, compared to 10 percent over the same time span in 2020, Guttmacher said Dec. 7.

Abortions are banned or restricted in 22 states, according to tracking sites, and largely protected in 28 states and the District of Columbia.