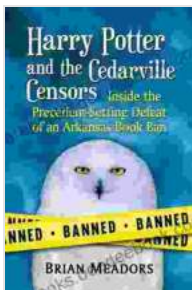


Inside the Precedent-Setting Defeat of an Arkansas Ban: A Comprehensive Analysis of Little Rock Family Planning Services v. Jegley

On October 4, 2022, in a landmark victory for reproductive rights, the Eighth Circuit Court of Appeals struck down Arkansas's ban on abortion after 18 weeks (HB 1563). The case, Little Rock Family Planning Services v. Jegley, was closely watched as it has the potential to set precedent for other abortion bans across the country.

Background

HB 1563 was enacted in 2021 and prohibited abortions after 18 weeks, with no exceptions for rape or incest. It was quickly challenged by the Arkansas chapter of the American Civil Liberties Union (ACLU) on behalf of Little Rock Family Planning Services, the state's only abortion clinic.



Harry Potter and the Cedarville Censors: Inside the Precedent-Setting Defeat of an Arkansas Book Ban

by Brian Meadors

★★★★★ 5 out of 5

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Screen Reader : Supported
Enhanced typesetting : Enabled
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The case proceeded to the Eighth Circuit Court of Appeals, where a three-judge panel heard arguments in June 2022. The panel issued its ruling in October, striking down the ban as unconstitutional.

The Legal Basis for the Ruling

The Eighth Circuit panel based its ruling on the Supreme Court's landmark 1973 decision in *Roe v. Wade*, which established the constitutional right to abortion. *Roe* held that states cannot ban abortions before viability, which is typically around 23-24 weeks.

The panel found that HB 1563 violated *Roe* because it prohibited abortions before viability without exceptions for rape or incest. The court also rejected the state's arguments that the ban was necessary to protect fetal life, finding that the state's interest in protecting fetal life does not outweigh a woman's right to make decisions about her own body.

The Impact of the Ruling

The ruling in *Little Rock Family Planning Services v. Jegley* is a major victory for reproductive rights. It is the first time that a federal court has struck down a pre-viability abortion ban since the Supreme Court overturned *Roe v. Wade* in June 2022.

The ruling has immediate implications for Arkansas, where abortion is now legal up to 23 weeks. It also has potential implications for other states with pre-viability abortion bans, as it could provide a roadmap for legal challenges.

The Dissenting Opinion

Judge Bobby Shepherd dissented from the majority opinion, arguing that the panel should have upheld the ban. Judge Shepherd argued that *Roe v. Wade* was wrongly decided and that states should be allowed to restrict abortion as they see fit.

Significance

Little Rock Family Planning Services v. Jegley is a significant case that has the potential to shape the future of abortion rights in the United States. The ruling is a reminder that *Roe v. Wade* remains the law of the land, despite the Supreme Court's recent decision in *Dobbs v. Jackson Women's Health Organization*. The ruling also provides hope to reproductive rights advocates who are fighting to protect abortion access across the country.

The Eighth Circuit's ruling in *Little Rock Family Planning Services v. Jegley* is a major victory for reproductive rights. The ruling strikes down a pre-viability abortion ban, making it clear that states cannot ban abortion before viability without exceptions for rape or incest. The ruling also has potential implications for other states with pre-viability abortion bans, as it could provide a roadmap for legal challenges.

The fight for reproductive rights is far from over. However, the ruling in *Little Rock Family Planning Services v. Jegley* is a step in the right direction and provides hope to those who are working to protect abortion access across the country.

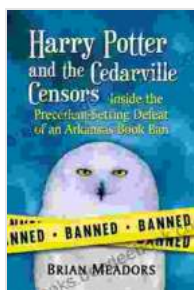
Additional Resources

* [ACLU Arkansas: *Little Rock Family Planning Services v. Jegley*] (<https://www.acluarkansas.org/en/cases/little-rock-family-planning-services-v-jegley>) * [Eighth Circuit Court of Appeals: *Little Rock Family Planning*

Services v. Jegley]

(<https://www.ca8.uscourts.gov/opinions/pub/21/212875P.pdf>) * [Guttmacher Institute: Arkansas's 18-Week Abortion Ban Struck Down by Federal Court]

(<https://www.guttmacher.org/article/2022/10/arkansas-18-week-abortion-ban-struck-down-federal-court>)



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