

Supreme Court upholds Indiana abortion law

In an action shedding only limited light on where it now stands on abortion, the Supreme Court upheld part of an Indiana law requiring humane and dignified disposal of the remains of aborted fetuses. At the same time, however, it took no stand on part of the same law barring abortions performed on the basis of race, sex or fetal disability.

The court's unsigned opinion held that the 7th U.S. Circuit Court of Appeals erred last year in overturning the fetal disposal section of the law requiring that fetal remains be buried or cremated, not treated as medical waste.

The Supreme Court's opinion also allowed the 7th Circuit's ruling against abortions based on race, sex or fetal disability to stand for now in light of its own standard practice of not reviewing legal issues that have not yet been considered by more than one Court of Appeals.

Justice Clarence Thomas concurred in the opinion but said in a separate opinion of his own that he was prepared to go much further in opposition to abortions performed for "eugenic" reasons.

Justice Ruth Bader Ginsburg concurred with the opinion but said she supported the lower court's ban on abortions based on race, sex or disability. Justice Sonia Sotomayor said she agreed with the 7th Circuit decision against both parts of the law.

The *Box v. Planned Parenthood of Indiana and Kentucky* case concerned an Indiana law adopted by the state legislature in 2016 after it was disclosed that a medical waste company was disposing the remains of fetuses aborted in abortion clinics. The measure was signed into law by then-Governor Mike Pence,

who is now vice president.

Indiana's brief to the Supreme Court asked it to review the decision and said the "premise" underlying the law's fetal disposition provision is that "an aborted or miscarried fetus is nothing less than the remains of a partially gestated human and should be treated with the same dignity." Eighteen states with similar laws joined in a brief asking the Supreme Court to consider the case.

Several other cases involving state laws placing some restrictions on the performance of abortion are now on appeal to the Supreme Court or will be shortly, while still others are at an earlier stage of the legal process that will bring them there.

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