

Across Country, Lawmakers Push Abortion Curbs

By ERIK ECKHOLM
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Newly energized by their success in November's midterm elections, conservative legislators in dozens of states are mounting aggressive campaigns to limit abortions.

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Anti-Abortion Forces Gain in States

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The lawmakers are drafting, and some have already introduced, bills that would ban most abortions at 20 weeks after conception, push women considering abortions to view a live ultrasound of the fetus, or curb insurance coverage, among other proposals.

In Florida and Kansas, legislators plan to reintroduce measures that were vetoed by previous governors but have the support of the new chief executives, like ultrasound requirements and more stringent regulation of late-term abortions.

"I call on the Legislature to bring to my desk legislation that protects the unborn, establishing a culture of life in Kansas," Gov. Sam Brownback said last week in his first State of the State message.

"This is the best climate for passing pro-life laws in years," said Michael Gonidakis, executive director of Ohio Right to Life, expressing the mood in many states. "We've got a pro-life governor and a brand new pro-life speaker. Our government now is pro-life from top to bottom."

Abortion opponents plan marches in Washington and elsewhere this weekend and on Monday to mark the anniversary of the 1973 Supreme Court decision, Roe v. Wade, that established a woman's right to an abortion.

Republicans in Congress hope to strengthen measures to prevent even indirect public financing of abortions, but laws in the states have the greatest impact on access to them. Abortion opponents have been emboldened by major changes in the political landscape, with conservative Republicans making large gains.

Although social issues were often played down in the campaigns, many of the newly elected governors and legislators are also solidly anti-abortion, causing advocates of abortion rights to brace for a year of even tougher battles than usual.

The biggest shift is in the state capitols, with 29 governors now considered to be solidly anti-abortion, compared with 21 last year. "This is worrisome because the governors have been the firewall, they've vetoed a lot of bad anti-choice legislation," said Ted Miller, a spokesman for Naral Pro-Choice America.

In 15 states, compared with 10 last year, both the legislature and the governor are anti-abortion, according to a new report by Naral, and those joining this category include larger states like Michigan, Ohio and Wisconsin, as well as Georgia and Oklahoma. Maine and Pennsylvania are now strongly anti-abortion as well, if not quite as solidly.

Just which measures will pass is impossible to predict, particularly because many states are bogged down by budget crises.

Elizabeth Nash, who tracks state policies on abortion for the Guttmacher Institute, a research organization, said that while states would be preoccupied with budget issues, it appeared rather likely that more measures would pass this year than in 2010, which anti-abortion advocates considered a banner year, with more than 30 restrictive laws adopted in at least nine states.

The elections brought even more gains for their side than expected, said Mary Spaulding Balch, state policy director of the National Right to Life Committee, leading her group to call in its affiliates for a special strategy session on Dec. 7.

While many anti-abortion measures have been adopted or debated over the years, including requiring parental consent for minors and waiting periods, advocates have set a few top priorities for the months ahead:

¶ Banning abortions earlier in pregnancy. Most states place restrictions on later abortions, often defined as after fetal viability, or around 22 to 26 weeks after conception. But last year, Nebraska set what many advocates consider a new gold standard, banning abortions unless there is imminent danger to the woman's life or physical health, at 20 weeks after conception, on a disputed theory that the fetus can feel pain at that point. The measure has not been tested in court, but similar measures pushing back the permissible timing are being developed in Indiana, Iowa, New Hampshire, Oklahoma and other states.

The 20-week law in Nebraska, which took effect in October, forced a prominent doctor who performed late-term abortions to leave the state. Jill June, president of Planned Parenthood of the Heartland, said women suffering from complicated pregnancies but are not yet sick enough to qualify for an emergency abortion would be forced to travel to other states. Or, she said, doctors fearing prosecution will wait until such women become dangerously ill before considering an abortion.

¶ Pressing women to view ultrasounds. While several states encourage women seeking abortions to view an ultrasound, Oklahoma last year adopted a requirement that doctors or technicians perform the procedure with the screen visible to the woman, and explain in detail what she is seeing. The measure is under court challenge, but the Kentucky Senate has passed a similar bill, and variants are expected to come up in states including Indiana, Maryland, Montana, Ohio, Texas, Virginia and Wyoming.

In Florida, former Gov. Charlie Crist vetoed an ultrasound bill. The new governor, Rick Scott, attacked him for that veto and is expected to support a new proposal.

¶ Banning any abortion coverage by insurance companies in the new health insurance exchanges. Numerous states are poised to impose the ban on plans that will be offered to small businesses and individual insurance buyers under the Obama administration health plan.

The shifts to conservative governors, in particular, have opened new opportunities for abortion opponents. In Kansas, legislators said they would act quickly to adopt measures that were previously vetoed, including regulations that will make it harder to open abortion clinics or to perform abortions in the second trimester.

"There's pent-up demand in the Legislature for these changes," said State Representative Lance Kinzer, the chairman of the Judiciary Committee in the Kansas House. Once these long-debated steps are taken, he said, the Legislature will consider more sweeping restrictions, including banning most abortions after the 20th week.

The politics of abortion have changed profoundly in some larger states including Michigan, Pennsylvania and Wisconsin.

"We're facing the biggest threat to reproductive rights we've ever faced in this state," said Lisa Subeck, executive director for Naral Pro-Choice Wisconsin.

In Michigan, because of the switch to an anti-abortion governor, "the dominos are lined up well for us this time," said Ed Rivet, legislative director for Right to Life of Michigan. For starters, advocates hope to pass a state ban on the procedure opponents call partial-birth abortion that had been vetoed twice. After that, he said, "We have quite a list."

Many defenders of abortion rights argue that because the election hinged largely on the economy and the role of government, officials did not receive a mandate for sweeping new social measures. "This last election was not about these issues at all," said Cecile Richards, president of the Planned Parenthood Federation of America. "We now are concerned about a real overreaching by some state legislators and governors that will make it very difficult for women to access reproductive health care."

Daniel S. McConchie, vice president for government affairs with Americans United for Life, responded that laws restricting abortion have been adopted right along by the states and that while he expected large gains in the year ahead, they will be part of steady trend.

The abortion rate in the United States, which had declined steadily since a 1981 peak of more than 29 abortions per 1,000 women, stalled between 2005 and 2008, at slightly under 20 abortions per 1,000 women, according to a new report from the Guttmacher Institute.

Robbie Brown contributed reporting from Atlanta, Dan Frosch from Denver and Emma Graves Fitzsimmons from Chicago.