

# North Dakota enacts most restrictive abortion laws in US

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29 March 2013

North Dakota's Republican Governor Jack Dalrymple on Tuesday signed a ban on abortions after the sixth week of pregnancy, the earliest a fetal heartbeat can be detected via an intravaginal ultrasound. The most restrictive law in the US, the ban comes on the heels of dozens of other reactionary bills across the country.

The North Dakota law stipulates that doctors can face five years in prison if they knowingly terminate a pregnancy after a fetal heartbeat is "detectable." Abortion providers will be compelled to perform transvaginal ultrasounds to comply with the law. Kansas and Ohio are considering similar fetal heartbeat laws.

The laws are part of a coordinated, nationwide effort by the religious right to chip away at *Roe v. Wade*, the 1973 Supreme Court decision protecting the right of women to obtain abortions. In particular, right wing forces have taken aim at the court's ruling that abortion is legal until a fetus is "viable" outside of the womb, generally after the second trimester of pregnancy, around 24 weeks. More fundamentally, the attack on *Roe v. Wade* is an attempt to destroy the separation of church and state, as laid out in the First Amendment of the Constitution.

Advocacy groups for reproductive rights have already filed suits to contest the North Dakota law.

In addition to the fetal heartbeat law, the governor signed two other bills. One, cynically couched in the language of anti-discrimination laws, bans abortions in cases of gender preference or genetic defects. A violation of privacy laws and the personal prerogatives of pregnant women, the ban is an attempt by the government to intrude into medical decisions.

The other law requires doctors who perform abortions to have hospital-admitting privileges. This law puts pressure on both the practitioners at North Dakota's only abortion clinic and on the two hospitals within range of it. A nearly identical measure in Mississippi threatens the closure of that state's lone abortion provider. Last month the

Alabama and Indiana legislatures adopted similar measures.

The three North Dakota laws will go into effect August 1.

The impact of such legislation is clear. Working class and poor women, who already confront formidable expense and logistical difficulties in obtaining abortion services, will find themselves compelled to carry unwanted pregnancies to term or seek out unsafe alternatives to professional care.

The new laws follow an even more far-reaching measure, approved by the North Dakota legislature last week, to amend the state's constitution to assert that life begins at conception. Such a change would grant "personhood rights" to a fetus, create the basis for outlawing abortion and threaten access to some forms of birth control. Ultimately, the law would allow for women receiving abortions and providers of the procedure to be charged with murder.

North Dakota's lone abortion provider, the Red River Women's Clinic in Fargo, condemned the measures as "extreme and unconstitutional."

The clinic provides some 3,000 abortions per year with the help of doctors who fly into the state to perform the procedures. Over the past several years, the clinic has been subjected to laws requiring it to file more paperwork, distribute literature and provide ultrasounds to patients. Red River Women's Clinic and the Center for Reproductive Rights are currently challenging a 2011 law that effectively banned the use of medication (non-surgical) abortions. Court hearings begin in April.

Speaking to the *New York Times*, Director Tammi Kromenaker noted the escalation of the government attack against the clinic. "In the past it's been, 'We're going to try and make it more difficult, more hoops, more obstacles for women to have to jump through or jump over'... But this is specifically: 'Let's ban abortion. Let's

do it. Let's challenge *Roe v. Wade*. Let's end abortion in North Dakota.'"

Forty-two states introduced legislation to reduce access to reproductive health care last year. According to the Guttmacher Institute, a reproductive rights organization, state legislatures enacted 122 provisions related to reproductive health, 43 of them explicitly seeking to restrict access to abortion services. The legislation comes on top of the record 92 abortion restrictions signed into law in 2011.

On March 6, the Arkansas legislature overrode a veto by Governor Mike Beebe to enact a ban on abortions after 12 weeks. The following day, Republican Senator Jason Rapert, who sponsored the fetal heartbeat bill, introduced legislation calling for the elimination of state funding for Planned Parenthood. Planned Parenthood does not provide surgical abortion procedures in Arkansas but distributes Plan B emergency contraceptives and low cost care to poor women.

As of March 1, at least seven other states have introduced bills aimed at lowering the number of weeks at which a pregnancy can legally be terminated. Sixteen states are currently considering adopting ultrasound requirements. In three states, bills mandating counseling and waiting periods before abortion are currently circulating, and five legislatures have drafted bills requiring women to make two trips to a clinic before obtaining care.

Six states have proposed restrictions on how doctors can prescribe medication for abortion and bans on telemedicine. In February, the Indiana Senate passed a raft of measures prohibiting telephone consultations for prescribing Plan B or discussing services, requiring small clinics to meet hospital standards, and requiring ultrasounds and waiting periods. The new laws would require clinicians to tell a patient that the fetus can feel pain.

Montana is considering a measure requiring parental consent for teenage girls who seek abortions. The Kansas Senate passed a measure that would allow a medical professional to withhold information from a pregnant woman that might result in her seeking abortion.

All these measures are part of efforts to cultivate the most backward and fascistic elements. Abortion providers have been subjected to violent attacks. In 2009, Dr. George Tiller, an abortion provider in Wichita, Kansas, was shot to death at his church by a deranged anti-abortion activist. On January 1 last year, the Pensacola, Florida American Family Planning Clinic was firebombed

with Molotov cocktails. April 1 saw the bombing of a Planned Parenthood clinic in Grand Chute, Wisconsin.

These right-wing attacks have been enabled by the Democratic Party and the administration of Barack Obama. While seeking to present themselves as protectors of women's rights, Democrats have repeatedly caved in on the issues of abortion and contraceptive care. The Guttmacher Institute noted that in the midst of frenzied activity against women's health care services, "no laws were enacted this year to facilitate or improve access to abortion, family planning or comprehensive sex education."

The Obama administration has repeatedly acceded to the Catholic Church and Christian fundamentalists on abortion rights and access to emergency contraceptives for teens. In 2010, Obama signed an executive order explicitly prohibiting the use of federal funds to "cover any part of the costs of any health plan that includes coverage of abortion" except in cases of rape, incest, or danger to the life of the mother. The order, which reiterates already existing restrictions under the 1976 Hyde Amendment, was part of an effort to appease Republicans. This pandering was also intended to create a chilling effect on insurers before the passage of the president's health care law, to discourage them from offering plans that covered abortion services.

In February, the Obama administration reprised this act, exempting "religious employers" from covering contraceptive costs under employer-provided health insurance plans as part of the Affordable Care Act (ACA).

When the health care law takes effect in 2014, the Department of Health and Human Services will not require an employer seeking exemption from contraceptive coverage on religious grounds to include religious values in its mission statement, primarily employ people who share that employer's religious views, or primarily serve persons of that religion. The ACA exemption is both an ideological and monetary windfall for the Catholic Church, which employs hundreds of thousands of people in its charities, hospitals, schools, and universities across the US.



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