

# Oklahoma governor vetoes bill that would make performing abortions a felony

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Oklahoma's Republican Governor Mary Fallin on Friday vetoed a bill that would make performing an abortion in the state a felony. It would have also revoked the medical licenses of physicians who assist in such a procedure, except in certain cases when the life of the mother is threatened.

The bill passed the Oklahoma House last month in a 59-9 vote; on Thursday, the state Senate passed it with a vote of 33-32.

Fallin made clear that she is “the most pro-life governor in the nation,” but that the legislation would have never withstood a criminal constitutional challenge, since the Supreme Court ruled abortion legal in *Rowe v. Wade*.

The governor's statement also stated: “The bill is so ambiguous and so vague that doctors cannot be certain what medical circumstances would be considered ‘necessary to preserve the life of the mother.’”

Cited as a possible running mate for presidential candidate Donald Trump, Fallin, a Tea Party Republican, has boasted of never vetoing antiabortion legislation. She reminded Oklahoma lawmakers that she has “signed no less than 18 bills supporting pro-life and pro-family values.” She said that the most direct path to a reexamination by the nation's high court “is the appointment of a conservative pro-life justice to the United States Supreme Court.”

If passed SB1552 would have been the most sweeping anti-abortion bill in any US state since the landmark 1973 Supreme Court decision in *Roe v. Wade*, which ruled that the Due Process Clause of the 14th Amendment to the US Constitution extended to a woman's decision to have an abortion.

Under the bill, any person who performed or induced an abortion would be guilty of a felony, punishable with between one and three years in the state

penitentiary. The legislation called for any physician assisting in an abortion—deemed “unprofessional conduct” in the bill—would be “prohibited from obtaining or renewing a license to practice medicine in this state.”

While medical licenses would not be stripped in cases where state deems an abortion is necessary to save the life of the mother, physicians performing such procedures would still be subject to the felony charge under the bill.

As the New York-based Center for Reproductive Rights wrote in a letter to Fallin, “saving the life of the mother” is open to strict interpretation under SB1552. “While the unprofessional conduct and license revocation provisions in the bill contain narrow exceptions for abortions necessary to preserve the life of the woman,” the group wrote, “the bill would still make it a felony to perform *any* abortion. Therefore, the bill criminalizes the performance of *any* abortion with no exceptions for the woman's life or health, save for abortions performed to remove an ectopic pregnancy.”

SB1552 was authored by Oklahoma State Senator Nathan Dahm, but was initiated by a local pastor with the support and guidance of Liberty Counsel. Liberty Counsel is a tax-exempt legal organization specializing in evangelical Christian litigation.

Liberty Counsel advocates for the state of Israel and supports barring people from the military on the basis of homosexual activity. The organization also opposes same-sex marriage, civil unions, and adoption by gay people. Last year it defended Kim Davis, the Kentucky clerk who refused to sign same-sex marriage licenses.

The *New York Times* quoted Mat Staver, chairman of Liberty Counsel, on Fallin's veto: “This is despicable betrayal of her word and of innocent children whose lives will be cut short because of her cowardly act.”

The clear aim of the Oklahoma legislation is to make abortions illegal, driving abortion providers out of the state and leaving women hostage to dangerous illegal abortions or forcing them to find a provider out of state. Dahm had openly stated that he hopes the measure could lead to the eventual overturning of *Roe v. Wade*, affecting reproductive rights nationwide.

Dahm told the *Guardian* Friday that Fallin's veto was "petty" and he was considering whether to seek an override of the governor's veto, which would require a two-thirds majority in both houses of the Oklahoma legislature.

Oklahoma currently has only two abortion clinics, one in Norman and the other in Tulsa, leaving many women in the state hundreds of miles from a provider. According to the *Los Angeles Times*, a new abortion clinic is scheduled to open in Oklahoma City next month.

Julie Burkhart, founder of the Wichita, Kansas-based Trust Women Foundation, raised about \$800,000 to start the new clinic. She told the *Times* that Oklahoma City was the largest metropolitan area in the US without an abortion clinic.

The Status of Women in the States 2015 Report Card ranked Oklahoma at 38th out of the nation's 50 states. It received a grade of D+ for women in Employment & Earnings, D- in Poverty & Opportunity, D+ in Reproductive Rights, and D- in Health and Well-Being. The intention of those pushing for SB1552 is not to improve these statistics.

The Oklahoma bill is the latest in a wave of antiabortion restrictions considered in the US so far this year. Earlier this week in South Carolina a measure was put in place banning women from obtaining abortions at 20 weeks or later, even if their pregnancies are the result of rape or incest. Sixteen other states have passed similar legislation.

A ruling from the Supreme Court is expected next month in a case on whether Texas abortion restrictions impose an undue burden on women. The bill requires doctors performing abortions to have hospital admitting privileges at local hospitals and that all abortions take place in "ambulatory surgical centers," even those induced by medication.

The result has been that half of the state's abortion clinics have closed, forcing women to travel long distances and wait unreasonable lengths of time to get

an abortion appointment.



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