

Ohio, Texas and Mississippi ban abortion under guise of fighting coronavirus

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Over the last two weeks Ohio, Texas and Mississippi have effectively implemented a temporary ban on abortion under the guise that it is a “nonessential” procedure that must be delayed due to the ongoing COVID-19 pandemic. The announcement has drawn criticism from both associations of medical professionals and abortion rights groups, who have pointed to the time-sensitive nature of the medical procedure and the political motivations behind the decision to ban it.

All three states currently have Republican governors in office, and in recent years have passed legislation that severely curtails a woman’s right to an abortion. Last year both Mississippi and Ohio legislatures passed bills that ban abortion at the moment when a fetal heartbeat can be heard by ultrasound—a possibility within six weeks of conception, when some women may not even know they are pregnant. These “fetal heartbeat” laws are currently being challenged by separate lawsuits against the respective states.

On March 20, Ohio Attorney General Dave Yost sent letters to the Women’s Med Center in Dayton and Planned Parenthood of Southwest Ohio’s Cincinnati Surgery Center calling on them to cease surgical abortions because of requirements for personal protective equipment (PPE). The previous Tuesday, the Ohio Department of Health issued a statement calling for all nonessential and elective procedures to halt in order to preserve PPE, such as surgical gloves and N95 masks, which are currently in short supply due to the coronavirus pandemic.

Yost’s letter states, “You and your facility are ordered to immediately stop performing nonessential and elective surgical abortions. Nonessential surgical abortions are those that can be delayed without undue risk to the current or future health of a patient.” It also

warned, “the Department of Health will take all appropriate measures” if the clinics did not comply.

Preterm, a Cleveland-based abortion and reproductive health clinic, told the *Daily Caller* that they would continue to provide a “full range of abortion care services because it is essential care.”

Planned Parenthood of Southwest Ohio also stated that they would comply with the order related to the use of personal protective gear, but would continue to perform “essential procedures, including surgical abortion.”

Ohio Governor Mike DeWine has stated that his policy of effectively banning abortions is primarily a “deterrent” to encourage people to stay at home and minimize the spread of the virus. However, a spokesman for DeWine, Dan Tierney, has stated that the state is “investigating the allegations in the complaints [of abortions continuing at different facilities], and it’s ongoing at the moment.”

Texas Governor Greg Abbott also issued a statement banning nonessential medical procedures. On March 23, Texas Attorney General Ken Paxton issued a clarification of Abbott’s statement, declaring that “no one is exempt from the governor’s executive order on medically unnecessary surgeries and procedures, including abortion providers.”

Paxton’s office also said that violation of the order could result in fines of up to \$1,000 or up to 180 days in prison. The sole exception is if the operation is “medically necessary to preserve the life or health of the mother.”

On Wednesday, Planned Parenthood Federation of America (PPFA), along with other pro-choice organizations, filed a lawsuit against Abbott, Paxton and several other government officials. The lawsuit claims that Abbott’s declaration and Paxton’s

interpretation violate the 14th Amendment to the US Constitution because they are “singling abortion providers and their patients out for differential treatment from providers of other medical services and their patients.”

The suit also argues that the primary motivation for the governor’s order is to ban abortions, and not to conserve limited resources during the coronavirus epidemic. The lawsuit notes that surgical abortions require very little PPE, and abortion by medication—which is also illegal under Paxton’s interpretation of the order—does not require any.

In another show of vitriolic opposition to abortion, Mississippi Governor Tate Reeves vowed at a press conference Tuesday to take action against his state’s sole abortion clinic, known as the Pink House. He stated that he wanted “to make Mississippi the safest place in America for unborn children.” He later attempted to claim that the decision to ban abortions was because there was a need to conserve PPE because of COVID-19.

Exposing his own hypocrisy, Reeves on the same day signed an order labelling gun stores, department stores, and real estate offices as “essential” and “critical” businesses. The order overturns advisories put forward by cities to close nonessential businesses in order to limit the spread of the virus. Reeves’ order reflects sentiments similar to those of Trump, who has called for lifting restrictions on businesses by Easter.

Two days prior to the letters being sent to the clinics in Ohio, the American College of Obstetricians and Gynecologists, alongside other professional associations for physicians, issued a statement about the importance of continuing to offer abortions during the ongoing health crisis. They wrote, “Abortion is an essential component of comprehensive health care. It is also a time-sensitive service for which a delay of several weeks, or in some cases days, may increase the risks of potentially making it completely inaccessible.”

Despite these warnings, it is possible that the abortion bans could be expanded. According to the *New York Times*, various anti-abortion groups sent a letter to Alex Azar, secretary of the US Department of Health and Human Services, demanding that “broad emergency authority” be used to stop abortion clinics from operating and prevent the spread of telemedicine abortion.

The recent moves to ban abortion reflect the combination of a massively underfunded health care system with the reactionary right-wing anti-abortion agenda. While the recent attacks on abortion rights have been carried out by Republican governors and district attorneys, they have been prepared through endless capitulation by the Democrats, including agreements that Medicaid and Obamacare would not be allowed to cover abortions.



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