

Albuquerque to Put First-Ever Municipal Abortion Ban on Ballot

A bill banning abortions in Albuquerque after 20 weeks of pregnancy will be put to voters in New Mexico's most populous city in November and could become the first municipal abortion ban in the nation.

The city council voted 5-4 late on Monday to put on the ballot the "Pain Capable Unborn Child Protection Ordinance," which contains few of the standard **abortion** exceptions seen in many states.

In the latest salvo in the national debate over abortion, the city council was forced to act after abortion foes gathered enough signatures on a petition to require the council to either approve the law outright or put it to voters.

Local polling has shown the measure has enough support to pass. Activists on both sides say it would be the first municipal ban on abortion, and possibly a template for similar actions in other cities around the United States.

"It is a new strategy. There is more than one way to close an abortion clinic," said Troy Newman, president of Operation Rescue, a leading U.S. **anti-abortion** group that helped get the measure on the November 19 ballot in Albuquerque.

"If you can't get anything done in a state legislature ... you look at what is going on in a city. They say all politics is local. This is a great example of that."

Critics of the measure say abortion opponents have failed at the state level and are conducting "guerilla warfare" to try to pass an unconstitutional abortion ban at the city level.

Albuquerque is home to both the Southwestern Women's Options clinic, which provides abortions into the third trimester and is the target of complaints by abortion foes, and a **Planned Parenthood** surgical center.

Measure Has Support

If it passes, the measure would immediately be challenged in the courts, and this could cost taxpayers well over \$1 million, said Patrick Davis, a spokesman for ProgressNowNM, a nonprofit group that supports **abortion rights**.

A poll by the *Albuquerque Journal* newspaper in early September showed 54 percent of city voters supported the measure, while 39 percent opposed it. The margin of error was plus or minus 4.9 percentage points.

"If this passes, hundreds of municipalities are going to be facing this one by one," Davis said. "It is absolutely concerning. Albuquerque generally is a progressive city and New Mexico is generally a progressive state. And this is clearly unconstitutional. It doesn't provide for any of the exceptions that the Supreme Court has upheld time and time again."

The measure would make it a crime to perform an abortion after 20 weeks of pregnancy. It states that "pain receptors are present throughout the unborn child's entire body" at 20 weeks.

Exceptions are granted only to save the mother's life, or if continuing a pregnancy risks "substantial and irreversible physical impairment of a major bodily function" for the mother. The physician is required to try to save the life of the fetus.

The measure provides no exception for victims of rape or incest or for women suffering from "psychological or emotional conditions" connected to a pregnancy.

Supporters collected more than 12,000 signatures to get the measure on the ballot. The measure is part of a larger movement to tie **abortion bans** to hotly debated research suggesting fetuses feel pain 20 weeks into a pregnancy.

In July, Texas joined 12 other states that have approved a ban on abortions after 20 weeks of pregnancy. North Dakota and Arkansas have gone further, banning abortion as early as six and 12 weeks, respectively, although both bans have been put on hold by the courts pending legal challenges.

The landmark *Roe v. Wade* Supreme Court decision in 1973 allows abortion up to the point a fetus is viable, or can live outside the womb.

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