

ND Abortion Clinic Sends Clear Message to Pro-Life Supporters

The signs outside the **Red River Women's Clinic** in downtown Fargo, N.D., suggest a place under siege: "It is a federal crime to block the entrance to this building," says one. "No Trespassing," says another.

They are aimed at the protesters who gather each day outside a clinic that performs abortions, warning not to intrude on women's federally protected right to the procedure.

Today, however, the signs outside the clinic—the only **abortion** provider in conservative North Dakota—seem directed as much at the state's plan to impose the nation's strictest limits on abortion through two new laws that will go into effect on Aug. 1. One is aimed at sharply reducing the number of women who may obtain an abortion, the other imposes new standards on doctors who perform the procedure.

Unless pending legal challenges lead the courts to intervene, clinic officials say, the Fargo clinic will be forced to close next month, leaving a more than 800-mile swath of the upper Plains without an abortion provider.

In recent weeks, a nationwide push by conservative Republicans to crack down on abortion at the state level has focused on a legislative drama in Texas, where a filibustering Democratic senator and abortion-rights protesters temporarily delayed lawmakers from passing restrictions that could force the closure of all but five of that state's 42 abortion clinics.

Yet if any place symbolizes the impact of the strategy conservatives hope will lead to legal challenges that compel the U.S. Supreme Court to reconsider the abortion issue, it is

the clinic on First Avenue North in Fargo.

Doctors there perform 1,200 to 1,300 abortions a year on women who sometimes have traveled for hours through the state's brutal winter weather.

They include women like Shanna Labrensz-Smith, a mother of two children, who said she drove four hours one-way from Minot to get an abortion at the clinic in 2005 after she became pregnant during an extramarital affair.

"If I hadn't been in that position, maybe I wouldn't care as much" about the new limits, she said. "As a former patient, this is very upsetting. They are taking our rights away."

The Supreme Court's 1973 **Roe v. Wade** ruling established the right to abortion and allowed the procedure until a fetus is viable outside the womb—usually after about 24 weeks of pregnancy. But the court has left the states free to place various restrictions on abortion.

Going After Doctor Privileges

The North Dakota laws are part of an unprecedented wave of abortion restrictions passed in Republican-controlled states since the party made big gains in the 2010 elections.

In 2011, 92 **abortion restrictions** were approved in 24 states. The most approved in any previous year was 36. In 2012, 43 more were approved in 19 states. This year, as of July 5, 45 passed in 17 states, according to the Guttmacher Institute, which researches and tracks abortion laws.

State restrictions typically have ranged from limits on insurance coverage for abortions to requirements that women considering an abortion undergo an ultrasound test, during which technicians typically are required to point out a fetus' visible organs. Some states now have extended waiting periods for those who seek an abortion. The legislation before Texas lawmakers would ban abortions after 20 weeks of pregnancy.

North Dakota—which like Wyoming, South Dakota and Mississippi has just one abortion clinic—has gone further.

One of the new laws bans abortions at the first detection of a fetal heartbeat, about six weeks into pregnancy—the nation’s strictest standard. Another requires doctors who perform abortions to get admitting privileges at a local hospital.

If either law withstands legal challenges, the Red River clinic—now in its 15th year in a two-story storefront—would have to close, said director Tammi Kromenaker.

The ban on abortions after six weeks would eliminate 89 percent of her patients, she said. And none of the three out-of-state doctors who travel to North Dakota to perform abortions there could get admitting privileges at any of the three hospitals in Fargo.

One of the hospitals is a facility for veterans; another has a Catholic affiliation and does not grant privileges to abortion providers. The third requires a doctor to admit at least five patients a year to gain privileges.

Kromenaker said the Red River clinic has sent just one patient to a local hospital during the past decade.

“They are putting up barriers that sound reasonable, that sound like they care about women who are having abortions. But in fact they are just trying to put up a wall of regulations and requirements that are impossible to meet,” Kromenaker said.

Bette Grande, a state representative who backed both of the new laws, cast the restrictions on doctors as a safety measure, designed to make sure that only qualified physicians perform abortions.

The Center for Reproductive Rights, based in Washington, D.C., has gone to court to challenge both laws. Opponents of the

laws hope to win temporary injunctions to keep them from taking effect while the courts weigh their legality.

Backers of the state laws acknowledge the early-pregnancy ban on abortion might not stand up. An Arkansas ban on abortions after 12 weeks of pregnancy was blocked by a federal judge.

Proponents say they nevertheless want to restrict abortion as much as possible now.

“We do what we believe is right. We don’t do it in contemplation of what a court might do,” said Tom Freier, executive director of the North Dakota Family Alliance, a conservative lobbying group that backed the new laws. “We believe a ban will happen, this time or the next time.”

‘The Abortion Lady’

If the Fargo clinic closes, it would leave no abortion providers between central Montana and Minneapolis.

The number of abortion providers nationwide dropped from a high of 2,908 in 1982 to 1,793 in 2008, the last year the Guttmacher Institute counted them. Analysts believe the number has fallen further since then.

Kromenaker has seen a groundswell of both support for and threats against the clinic since the North Dakota laws were passed in March. She said she feels pressure from the attention.

“There is stigma to being the ‘abortion lady’ in Fargo,” said Kromenaker.

Former patients of the clinic have rallied to its defense, and Kromenaker has decorated the walls of the clinic’s break room with cards and emails of support from across the country.

“I am 89 years old and can’t believe these laws ... Don’t give up,” reads one. “I live down a dirt road in Maine, but my

state supports women. I salute and support you," reads another.

Callie Detar of Fargo, an event planner and mother of three, sponsored a fundraiser for the clinic's legal fund that netted \$2,000. She said she had an abortion there after becoming pregnant at age 16.

"I was very comfortable with my decision at the time and still am, and I think any woman should have that same right to choose," Detar said.

On the sidewalk outside the clinic, a small band of protesters lingers on Wednesdays, when abortions are performed. They urge arriving patients to reconsider their decision, and they provide what they call "sidewalk counseling."

"I view this as a last attempt to offer help and hope," said Ken Koehler, a director of Christian education and youth ministry at a local church who has protested outside the clinic for years.

Koehler usually carries signs offering a 1-800 phone number for counseling or declaring "Unborn Babies Killed Here." He says he has persuaded several women to change their minds.

"Even if it was only three or four in all these years, I consider it worthwhile," he said.

Both sides are gearing up to take advantage of the renewed interest in abortion in the 2014 and 2016 elections. Kromenaker said she believes that a "very large silent majority" who back abortion rights will punish lawmakers who backed the new laws.

"Come 2014 and 2016," she said, "we're going to make sure people remember what these legislators did."

Editing by David Lindsey and Prudence Crowther

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