

Voices: Will tough Texas abortion law spread to other states?



Rick Jervis, USA TODAY

12:30 p.m. EDT June 14, 2015



(Photo: H. Darr Beiser, USA TODAY)

AUSTIN – Judges at the U.S. [Court of Appeals for the Fifth Circuit](#) dealt abortion clinics in Texas a blow last week when they upheld the bulk of a state law mandating strict requirements on clinics.

The ruling, if upheld, could shrink the number of Texas abortion clinics from 18 currently in operation to just seven in the country's second-largest state. That's down from 41 before the law passed two years ago.

But for abortion rights activists, the ruling may have a silver lining.

Attorneys for the [Center for Reproductive Rights](#) on Wednesday filed a motion to stay the ruling and vowed to take the case to the [U.S. Supreme Court](#). They argue that Texas' restrictions are aimed at shutting down clinics, not fostering the welfare of women. Texas lawmakers and officials have maintained the law was created to improve safety standards on abortion procedures.

A Supreme Court hearing could lead to one of the most sweeping national rulings on abortion since [Roe v. Wade](#), the 1973 landmark decision legalizing abortion, and could roll back similar laws in states across the USA, says Stephanie Toti, an attorney with the center.

"If the Supreme Court upholds this law to be unconstitutional in Texas," she says, "it will be unconstitutional in every other state as well."

That's a big *if*.

But the potential is certainly there. More than 30 states currently have laws similar to Texas', including rules requiring abortion doctors to obtain admitting privileges at nearby hospitals and for clinics to meet ambulatory surgical centers standards, says Elizabeth Nash of the [Guttmacher Institute](#), a Washington-based group that advocates for reproductive rights.

Starting as far back as the mid-1970s, states began enacting laws that have slowly gnawed at [Roe v. Wade](#), Nash says. Then in 2011, states filed a flurry of laws focused on requiring abortion clinics to meet the same standards as ambulatory surgical centers or outpatient surgery centers. To date, 24 states, including Texas, have passed such laws.

I began covering the Texas law in 2012, watching it grow from debates in the [Texas Legislature](#) to former state Sen. Wendy Davis's famous red-shoe, 11-hour filibuster to try to block the bill to then-Gov. [Rick Perry's](#) signing it into law and the ensuing closing of clinics.

I spoke to plenty of people around Texas who favored the law, who felt the state had a moral obligation to restrict abortions. In a 2013 [University of Texas/Texas Tribune](#) poll, 38% of those polled said laws restricting abortion should be stricter, while 26% said they should be less strict and 21% said they should be left as they are.

"Our goal is that no woman will choose to seek abortions," says Joe Pojman, executive director of Texas Alliance for Life, who helped draft the current law. "We realize that vision is not going to be reality in the foreseeable future. In the meantime, we want to ensure women have all the information they have to make an informed decision."

That effort began in 2011 with a state law that requires a doctor to perform a sonogram on a woman before performing an abortion and culminated with the 2013 law – known as "HB2" – that requires abortion clinics to have, among other things, ambulatory surgical centers and doctors with admitting privileges at nearby hospitals.

Abortion opponents like Pojman say the law is designed to ensure women get medically safe abortions. Its critics argue the law is a thinly veiled attempt to shut down clinics that can't afford the upgrades and tramples women's constitutional rights.

Soon, they may have the opinion of the highest court in the country to clear things up.

Jervis is an Austin-based correspondent for USA TODAY.

Read or Share this story: <http://usat.ly/1SfjZF6>

TOP VIDEOS



[\(/videos/news/2632390400001/43014061260](/videos/news/2632390400001/43014061260)

Tropical Storm Bill strikes coast, residents clean up

[\(/videos/news/2632390400001/430140](/videos/news/2632390400001/430140)

01:53



Dyed armpit hair is actually a thing

[\(/videos/news/2632390400001/430077266600](/videos/news/2632390400001/430077266600)

[\(/videos/news/2632390400001/4300772666001\)](/videos/news/2632390400001/4300772666001)

01:00



Your cat could be making you sick

[\(/videos/news/2632390400001/430075848300](/videos/news/2632390400001/430075848300)

[\(/videos/news/2632390400001/4300758483001\)](/videos/news/2632390400001/4300758483001)