

The fight over abortion rights goes local as opponents work to ban the procedure town by town

Harvest Public Media | By Elizabeth Rembert

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Pink and blue balloons, a picture of a fetus and a sign reading “ABORTION FREE BELLEVUE SIGN THE PETITION HERE” are tied to a white tent.

The national battle against abortion has reached small local governments. Towns in Iowa, Nebraska and Texas have banned abortion within their borders, even if they don’t have a clinic. But in one community, that effort could interrupt abortion access for the entire region.

Wiley is a tiny town in west-central Iowa. It doesn’t have an abortion clinic, and it’s at

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abortions within its limits.

Mayor Kristin Nehring said people broke out into prayers and applause when the city council approved the rule, which imposes a \$500 fine against anyone who performs or aids an abortion in Willey.

Months later, she doesn't think it's had any real impact on access to abortions.

"We're a small town of 101 people, and there's not a medical clinic," Nehring said. "There probably wasn't anything occurring in our community. It was more, I think, about the community wanting to speak for what they believed in."

More than 50 towns in Nebraska, Texas, Louisiana and Ohio have also passed rules to



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But the stakes are higher in one Omaha suburb, where the same effort is playing out.

Bellevue, Nebraska

At the corner of a busy intersection in Bellevue, a big picture of a fetus and pink and blue balloons are tied to a white tent. Signs advertise a petition for an "Abortion Free Bellevue."

Margaret Ross lives in the city and added her signature.

"My perspective comes from a biblical worldview," she said. "The sanctity of life is important to God and so it's important to me."

Organizers have set up down the street from an abortion clinic — one of three providers in Nebraska.



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Bellevue's abortion clinic has the most availability of Nebraska's three providers, and is the only one to perform procedures up to 20 weeks. Abortion proponents said the practice provides critical access for people in the Midwest region.

The petition seeks to shut down procedures at the clinic by outlawing abortions in the city. If the proposal is approved by Bellevue's city council or voted in through a ballot initiative, anyone who performs or aids an abortion in the city could be sued by private citizens.

Joel Smith, another Bellevue resident, stopped by to express his disagreement with the cause.

"These people call it murder, but I don't see it that way. It's a woman's choice to do what she wants to do with her body," he said. "I feel taking away the right to an abortion is taking away a woman's rights to her own body."

No one from the clinic responded to interview requests. Medical Director LeRoy Carhart [told the Omaha World-Herald](#) in August that if the ordinance passes, he would follow the law, which could mean moving the clinic into Omaha.

Carhart's clinic is the only place in Nebraska that performs abortions up to 20 weeks.

Chelsea Souder, who leads the nonprofit Nebraska Abortion Resources to help people seeking abortions with financial support, said that's become more important as other

“Which in turn pushes people further in pregnancy,” she said. “So it's really imperative that we have clinics that can provide that care.”

Behind the bans

One man is behind most of the efforts to pass the ordinances. Mark Dickson treks across the middle of the country in his pickup truck to push bans through local governments.

Dickson traces his anti-abortion activism to his family. He grew up visiting his grandfather's booth with Right to Life of East Texas at the county fair and is now a director in the organization.

He founded the “Sanctuary Cities for the Unborn” initiative and began spearheading local abortion bans in 2019. His first effort was in Waskom, Texas, a town of just 1,700 people, where an all-male city council [outlawed abortion](#).

To Dickson, it's important to ban abortion even in remote towns without clinics or in states like Nebraska and Texas, where it's illegal to get abortion pills by mail.

“The Biden administration has said they want abortion access in every ZIP code,” he said. “And that's caused many to be concerned because they don't want abortions happening in their backyard.”

The local ordinances establish fines, allow private lawsuits or use a combination of both to penalize people who perform or aid abortions — a wide definition that includes people who give transportation to appointments or process insurance coverage — within the cities.



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Ann Marie Bowen helps Bellevue residents add their signatures to the petition to ban abortions within the city. Bowen has worked as an anti-abortion activist for about 50 years.

None of the local bans impose penalties against mothers, and they make no exceptions other than in cases where a mother's life is in jeopardy.

Dickson said he hasn't heard of any rule actually enforcing penalties against a person performing or aiding an abortion.

But one ordinance did shut down abortion services at a Planned Parenthood in [Lubbock, Texas](#). Dickson has come to Bellevue in hopes of shutting down another clinic.

"I think all communities need to stand up," he said. "This is an issue where the Supreme Court did say that this is an issue to be returned to the states, their people and their elected representatives. And that does include local governments."

Is this legal?

But it's not clear how legal the city-wide bans are. Anthony Schutz, a law professor at the University of Nebraska-Lincoln, said there are two questions at work.

Do local governments have the authority to impose bans? And even if cities have that ability, do state-wide rules about due process, equal protection or privacy overpower local ones?

“Those are the deeper questions that we have to answer,” Schutz said. “They're not questions about rights. They're questions about local government authority, as it relates to the state.”

Dickson argues that the ban has already withstood legal tests in Lubbock, Texas, and thinks Nebraska towns can outlaw abortion through their [ability to regulate health and welfare](#).

Schutz agrees there's an argument to be made, but Nebraska's courts tend to interpret that power narrowly.

“And we've been protective of state authority to regulate, especially when it's a subject that's really in need of a state-scale solution,” he said.

It will take time to get answers. Schutz said courts don't like to rule on hypotheticals. That likely means someone would have to sue a city for its existing ban.

In the meantime, Souder said her organization is working against the confusion the bans create.

“It's really just a fear mongering tactic for them. We know it's unenforceable, and we know that it's more symbolic than anything at this point.” she said. “I think that it creates more chaos and misinformation around the general public.”



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Judith Mansisor, one of the volunteer organizers behind the petition to ban abortion in Bellevue, prays the rosary with a friend at the signature drive event.

In Nebraska, the legislature soon may land on a state-wide answer to the smattering of local bans. Some state senators [have said](#) restrictive bills are coming in the next legislative session, while others have promised to protect abortion rights.

But Sheila O’Connell, who’s been working as an anti-abortion activist for about 45 years and stopped to sign the petition in Bellevue, said she’s not waiting on state senators for action.

“We’ve got a problem here in Nebraska,” she said. “Even last spring, we failed to stop abortion – in conservative Nebraska!”

To her, shutting down the clinic with a local abortion ban is just one part of a new incremental approach.

“We have to take it piece by piece by piece,” she said. “It’s no more giant steps after Roe v. Wade. That was our giant step.”

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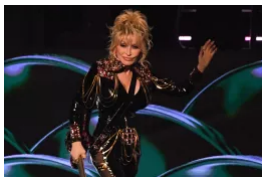
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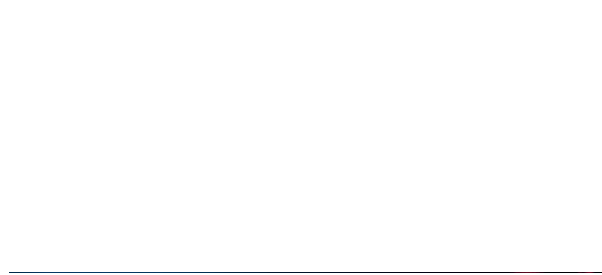
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