

Like it or not, Idaho won't overturn abortion law

Marty Trillhaase/Lewiston Tribune

To all the anti-abortion rights activists roaming the Idaho Capitol, the U.S Supreme Court has a message for you:

Stop.

Quit.

Give it a rest.

That means you, Idaho Chooses Life director David Ripley.

That means you, Kerry Uhlenkott, legislative coordinator of Right to Life of Idaho.

And that most certainly means you, state Rep. Ron Nate, R-Rexburg, and House Assistant Majority Leader Brent Crane, R-Nampa.

Stop telling us you're merely watching over the health of Idaho's women by placing obstacles between them and their constitutional rights.

Stop trying to sell lawmakers - including those who know better but fear the political consequences of voting no - on the idea of targeted restrictions on abortion providers.

Stop trotting out bills that prohibit any abortion not performed "by a physician with admitting privileges at a hospital within 30 miles of where the physician performs surgical abortions."

Stop claiming you're looking out for the health of an Idaho woman with bills that would force her to undergo anesthesia before getting an abortion.

Stop hiding behind the ruse that you're looking out for a rural Idaho woman's well-being by outlawing abortion by tele-medicine, even if it means she has to travel a great distance and/or wait.

There's already been much too much of this.

Such as requiring Idaho women to put up with a waiting period.

Such as forcing them to endure mandatory counseling - involving publications that discourage abortions.

Such as forcing physicians to refer women seeking abortions to free ultrasound services - virtually all of which are operated by anti-abortion rights advocates who will try to dissuade them from their decision.

But, the state of Texas took it too far.

Painted in the broad strokes of a masquerade to safeguard women's health, a new Texas law instead took aim at shutting down all but 20 abortion clinics statewide. It did that by requiring providers to have admitting privileges at nearby hospitals and by forcing clinics to satisfy standards that otherwise apply only to outpatient surgical centers.

Of course, abortion would remain legal - assuming you could find someone able and willing to perform one. That's already an issue in Idaho where only two clinics - one in Twin Falls, the other in Meridian - offer abortion services.

The Supreme Court saw right through that subterfuge. Without access, the right to abortion is a right on paper only: "The surgical-center requirement, like the admitting privileges requirement, provides few, if any, health benefits for women, poses a substantial obstacle to women seeking abortions, and constitutes an 'undue burden' on their constitutional rights to do so."

The ruling came down on a 5-3 margin. So no matter who becomes president next year - whether it's Hillary Clinton or Donald Trump - the replacement for the late Justice Antonin Scalia will not change the outcome.

So as much as *Roe v. Wade* in 1973 or *Planned Parenthood v. Casey* nearly two decades later, this is settled law.

You don't have to like it. But continuing to climb down into this legal rabbit hole would be as fruitless as resisting the Supreme Court's ruling recognizing the constitutional right of same-sex couples to marry.

If Ripley or Nate try to pursue legislation in spite of it, the federal courts will strike it down. - but not before the taxpayers of the Gem State will be forced to cover the legal expenses of Planned Parenthood or any other plaintiff seeking to overturn a blatantly unconstitutional law.

Idaho is lousy on that score. Whether it was former state Rep. - and later one-term Congressman - Bill Sali's insistence on passing an overly broad parental consent bill or efforts to roll back abortion rights after the 20th week of pregnancy, the courts have been clear: The state was overstepping its authority. Lawyers who won those cases have collected, so far, about \$920,000 - to say nothing of the resources Idaho's attorney general devoted to defending the flawed statutes.

Hasn't the anti-abortion rights crowd wasted enough of the Legislature's time - and the Idaho taxpayers' money? - M.T.