

Why Ohio abortion opponents, Republicans aren't banning abortion before Issue 1 vote

Jessie Balmert

Cincinnati Enquirer

More than a year after the U.S. Supreme Court sent abortion policy back to the states, Ohio's Republican-dominated Legislature has not passed any new laws to ban abortion here.

For decades, Roe v. Wade was, ostensibly, the only barrier standing in the way of Ohio Republicans committed to ending abortion in the state. But Roe v. Wade is now gone, Republicans control state government and abortion is still legal in Ohio up until 21 weeks and six days gestation because of a court order.

Rather than passing new laws, abortion opponents say they are laser-focused on defeating a proposed constitutional amendment on the November ballot to enshrine abortion and other reproductive rights in the Ohio Constitution.

"The reality is, once the Michigan amendment passed, especially, and we saw that they were thinking about bringing something so broad and so radical to Ohio, we had to divert all of our energy and attention," Citizens for Christian Virtue President Aaron Baer said.

But abortion rights proponents say lobbyists are hiding the ball about what they would do if November's Issue 1 fails. And a new, more strident anti-abortion group says powerful abortion opponents and Republican lawmakers aren't going far enough.

Ohio Right to Life President Mike Gonidakis once declared 2022 the year that Ohio would end abortion, but that ultimately didn't happen. He now says it's important to wait until after voters decide the fate of Issue 1 and the Ohio Supreme Court rules on a 2019 law banning most abortions before passing any new abortion policy.

Ohio Senate President Matt Huffman, R-Lima, echoed that sentiment, saying that any new legislation could be upended if voters approve the ballot measure, which he called "radical pro-abortion policy."

"We can pass legislation that two weeks later, the constitution is changed, or not," he said. "So are we going to do something after this? Maybe. I guess it depends on what happens with the vote."

House Speaker Jason Stephens, R-Kitts Hill, was noncommittal when asked about what abortion policy that chamber would pass this legislative session. "It's hard to tell what we'll do this session," he told reporters.

'They don't want to tip their hand to voters'

Republicans' recent inactivity on the controversial issue stands in stark contrast to a steady stream of laws passed over the past decade limiting when, how and where abortions could be performed in Ohio.

Ohio Republicans passed a law in 2019 banning most abortions by prohibiting doctors from performing the procedure after cardiac activity, which is around six weeks gestation. After Roe v Wade was overturned, that law took effect for 82 days last year before a Hamilton County judge blocked it.

Kellie Copeland, executive director of Pro-Choice Ohio, said Republican lawmakers still intend to ban all abortion in the state, but they don't want to broadcast that to voters right before the November election.

"They know if they are upfront about their true intentions, voters will reject them," Copeland said. "The reason they're waiting is they don't want to tip their hand to voters."

Few believe abortion should be illegal in all circumstances. The most recent Gallup Poll found about 13% of Americans hold that view. In the Pew Research Center's poll, 8% of U.S. adults said abortion should be against the law in all cases with no exceptions.

"There's no poll that's ever been done in the state of Ohio that says Ohioans want abortion to be banned without exceptions and yet that is their agenda," Copeland said. "That's what we're fighting. That's why this amendment is so important."

What's the right anti-abortion policy?

Meanwhile, a new anti-abortion group says Ohio's lobbyists and lawmakers aren't doing enough to criminalize abortion. End Abortion Ohio, affiliated with the self-described "abortion abolitionist" group End Abortion Now, wants to ban all abortions at conception and charge women who have them with murder.

Austin Beigel, president of End Abortion Ohio, said his group's proposal is being stymied by fellow anti-abortion groups in Ohio.

"The pro-life organizations don't want any legislation going through on the pro-life side of things whatsoever," said Beigel, who recently announced a GOP bid for the Ohio House. "They're very concerned about the messaging for the November Issue 1 and wanting a very tight grip on that messaging."

Beigel said he would rather focus on "the humanity and legal personhood of the preborn" instead of parental rights – a key focus of Protect Women Ohio, the campaign against the Issue 1 abortion rights amendment.

Ohio Right to Life's legislation has focused on penalizing doctors who perform abortions rather than the pregnant patients who have them. Gonidakis said his group's incremental approach has worked.

"If any other group thinks they have a better idea, pursue it. No one's stopping them, but I'm not sure they're getting any of their phone calls returned," Gonidakis said. "You're not moving the needle if you're just standing on the steps of the Statehouse complaining the whole time. I stand by our record. I'm proud of our record at Ohio Right to Life."