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MIKE KROPF PHOTOS, TIMES-DISPATCH

A storm rolls in over the iconic sign for Bristol, which straddles the Virginia-Tennessee border, on June 16. The two states have vastly different policies on access to abortion, the result of last year's U.S. Supreme Court ruling that gave regulation back to states.

ONE BORDER, TWO POLICIES



In Virginia and Tennessee, Bristol highlights chasm on abortion rules between two states

CHARLOTTE RENE WOODS
Richmond Times-Dispatch

BRISTOL — An unassuming and unmarked small brick building has managed to hold the attention of protesters in the year since Bristol Women's Health set up shop on the Virginia side of Bristol, just across the state line from Bristol, Tennessee.

The clinic's presence in the border town has become a microcosm of the national abortion debate after the U.S. Supreme Court overturned federal protections of the procedure last summer. Tennessee has one of the strictest abortion bans in the country, while Virginia currently has the least restrictive abortion laws in the South.

Most days, a handful of abortion opponents gather in the street at the clinic's property

line with megaphones, signs and Bibles in hand. Conversely, a group of volunteers escort patients from their cars and into the clinic. They hold rain-bow-patterned umbrellas to shield patients' identities.

INSIDE

Where GOP legislators stand on proposed abortion laws if elected to new terms. **Page A12**

"Abortion isn't the answer. Stop for resources," read a sign from regular protester and Bristol, Tennessee, resident Debra Mehaffy on a Thursday in mid-June.

"Show me the real resources," a volunteer escort said when Mehaffy began speaking into her megaphone to patients.

Mehaffy continued to quote the Bible and urged patients not to enter the clinic.

"I'm being a voice for a child who cannot speak for itself and also a voice to people that come

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Debra Mehaffy, an anti-abortion activist, poses with her signs outside of the Bristol Women's Health clinic on June 15. "I'm being a voice for a child who cannot speak for itself and also a voice to people that come here," she said.

MORE ONLINE: A proposed ordinance in Bristol, Virginia, could ban future abortion clinics and stop Bristol Women's Health from expanding. See a video by aiming your smartphone camera at this code and tapping the link. **NEWSVU**

BROADBAND IN VA.

New maps 'far from perfect'

Will money fill holes in coverage?

MICHAEL MARTZ
Richmond Times-Dispatch

Rick Kizer says he should have been able to work from his home in King William County years ago, instead of driving 45 minutes to his job as an information technology specialist at a bank just north of Richmond.

But he could not, because the satellite service to his home near Aylett could not support the telecommunication needs of the job, such as tapping into a reliable virtual private network or videoconferencing.

Now retired, Kizer has been waiting for the promised extension of high-speed internet, via the flood of new federal money since the beginning of the COVID-19 pandemic, to close the digital divide between urban and suburban areas that have access to broadband networks and rural areas that do not.

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MORE ONLINE: Watch Rick Kizer talk about the internet speed at his home. Aim your smartphone camera at this code and tap the link. **NEWSVU**

ASHLAND

Timepiece brings back memories

As work was getting underway at a new home site in Ashland, Hanover and King William Habitat for Humanity construction manager Jeff Ell thought to himself he

ought to go over the property with his metal detector.

Ell, who has been with Habitat for two years, does not always use his metal detector on job sites, but the urge was strong on this one.

"Just curiosity — buried treasure, Viking gold or something," he said with a laugh.

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Ukraine observes 500th day of war with Russia
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Bristol

From A1

here,” she told the Richmond Times-Dispatch. “Apart from (accepting) Jesus Christ, they are destined to hell.”

But clinic volunteer Cheryl Wade Hanzlik of Bristol, Virginia, stressed the role that a lack of resources can play in why a pregnant person may need or want an abortion.

“A lot of the reasons why women are having abortions is they can’t afford any more kids,” Wade Hanzlik said. “Or they don’t have health care.”

Wade Hanzlik and other volunteers hear an array of stories from the patients she escorts — risky previous pregnancies and health concerns, fetal anomalies, the economic strain of having a child, rape, abusive relationships that patients are trying to leave, or simply not wanting to be a parent.

The matter is personal to her, too. She and her husband chose to have an abortion a few years into their marriage, shortly after the Supreme Court’s 1973 ruling that federally protected the procedure. She said that the abortion allowed them to be more financially stable and emotionally prepared to raise the three daughters they went on to have.

Other stories, a volunteer who declined to be identified relayed, include a lack of clinics nearby, challenges associated with travel costs or time, child care or time off work needed for an abortion.

“We’ve got so many things that go into it. It’s not just making the appointment. ‘How am I going to get a flight? How am I going into the clinic? I don’t have the money to rent a car,’” the volunteer said. “So now you’re at the appointment, who’s watching the kids you already have? Do you have to pay them money? They can’t sit out in the parking lot... They can’t stay at home by themselves. Not being able to find child care is a big reason for needing an abortion in the first place.”

Conflict over a clinic

Under Tennessee law abortion is prohibited, with exceptions for doctors to perform the procedure in certain medical emergencies, while Virginia law allows the procedure for any reason up to the end of the second trimester, or around 26 weeks of gestation. Third trimester abortions — which require three physicians to sign off on — are permitted if continuing the pregnancy were to threaten the life of the pregnant person.

There are only a handful of abortion clinics in Virginia and Bristol Women’s Health is the only one in Southwest Virginia. With abortion virtually prohibited in Tennessee and no other such clinic currently operational in the region, abortion-rights advocates say it is a vital resource.

Amid the daily tensions outside, the clinic’s mere existence is a source of conflict. Virginia’s Bristol City Council is considering an ordinance to restrict other clinics from setting up in town — and to force the clinic out of business if it renovates or alters its building. What’s more, the landlords of the building are suing the clinic, alleging they were unaware of the purpose of the lease.

Clinic founder Dr. Wes Adams offered abortions as part of his obstetrics and gynecology practice in Bristol, Tennessee, for over three decades. Tennessee’s abortion ban took effect shortly after the Supreme Court overturned Roe v. Wade, the 49-year-old ruling that had federally protected access to the procedure. So, when a draft majority opinion from Justice Samuel Alito leaked to Politico in May 2022, indicating that such a ruling was on the horizon, Adams contacted his friend and owner of multiple clinics, Diane Derzis, to set up Bristol Women’s Health a mile away in Virginia.



Derzis, an Alabama resident, owns the Mississippi clinic that was at the heart of Dobbs v. Jackson Women’s Health Organization — the case in which the Supreme Court overturned federal abortion protections. Derzis also owns clinics in other states and one in Richmond.

In a recent call with The Times-Dispatch, she called the last year “tiring,” as she’s maintained multiple clinics and watched several more states restrict or ban abortion.

Adams noted how judges appointed in recent years had told Congress Roe was settled law when seeking their confirmation, only to rule differently, and added: “They’re (expletive) liars and they’re imposing their own religious beliefs.”

As for the Supreme Court’s ruling last summer, Adams added: “I have no respect for the Supreme Court.”

Local abortion laws legal?

The ordinance that Bristol’s local government is considering could run afoul of state law, said University of Richmond law professor Carl Tobias. If adopted by

Tobias

council, the city could face legal challenge.

That’s because Virginia is among many states to follow the Dillon Rule, in which local governments only have powers expressly given to them by the state legislature. Virginia hasn’t granted localities the ability to regulate abortion.

The Family Foundation, a Richmond-based group that opposes abortions and lobbies the General Assembly, consulted with a former member of Bristol’s council to draft the ordinance to bar additional abortion clinics.

The ordinance declared that the city “values, respects, and seeks to protect and preserve the life, health, and well-being of every human being within its territory, including prenatal life at all stages of development.”

Meanwhile, Tobias said that locally regulating abortion through zoning ordinances could violate the Dillon Rule and opens the door for legal challenges.

“It’s even more compelling because the legislature has legislated in this area,” he added, referring to Virginia’s state abortion laws.

But Family Foundation president Victoria Cobb said Bristol can pass the ordinance.

“Local governments are given great deference on how to set up their communities,” Cobb said. “In the same way that the community can decide, ‘We don’t



Mayor Neal Osborne poses for a photo in Bristol City Hall on June 15.



A farmers market is held June 16 in front of the Grayson County Courthouse, where the Board of Supervisors meets. A proposed ordinance would declare the county a “sanctuary for the unborn.”

want to have adult entertainment next to a school, they can certainly make decisions about how they view abortion facilities and where they should be put.”

Last October, the Bristol Virginia City Council unanimously voted to send the ordinance to the city’s planning commission for review and request an opinion from the city attorney.

At the time, then-council member Kevin Wingard called it “the most important issue” to come before the council. Wingard declined to be interviewed for this story.

But then vice-mayor and current Mayor Neal Osborne plans to vote against the ordinance if it progresses further.

“I took the risk to vote ‘yes’ and send it on to see what happens,” Osborn said of his October 2022 vote. “Regardless if we ever voted on the actual ordinance or any resolution I would have voted ‘no.’”

City Attorney Randall Eads declined to share his opinion. Additionally, the planning commission has yet to put the ordinance on an agenda and members of the commission did not respond did not respond to interview requests for this story.

While Bristol’s measures appear to be stalled for now, nearby Washington County adopted a zoning ordinance

restricting where any potential abortion clinic could operate.

Though there are no abortion clinics in Washington County, the county now limits them to certain business zoning districts and prohibits clinics from being located within 1,500 square feet of churches, schools, public parks and other zoning districts.

Other neighboring localities in Southwest Virginia have also taken stances in abortion debates. Tazewell and Russell counties have adopted “sanctuary for the unborn” resolutions that are symbolic but not legally enforceable, Tobias of University of Richmond said.

However, about an hour and a half east of Bristol along the North Carolina border, Grayson County is considering a different restrictive ordinance and a local group has already threatened legal action.

Grayson County’s local government is anchored in the town of Independence. A multi-faith church, The Oracle Temple, just outside of town, is keeping a watchful eye on a proposed ordinance that would declare Grayson a “sanctuary for the unborn” and prohibit residents from obtaining abortion medication through the mail.

“If the ordinance passes, I will sue,” said the Rev. Laura George, a minister at



Victoria Cobb, president of The Family Foundation of Virginia, addresses the Virginia March for Life outside the state Capitol in Richmond in September 2021.



Anti-abortion demonstrators and volunteer escorts face off at the Bristol Women’s Health clinic on June 16.



Ziegler

not in Independence, Virginia.”

Mary Ziegler, a legal historian and professor at the University of California,

Davis, thinks Dixon and Mitchell may hope potential challenges to localities can progress to SCOTUS.

“They’re hoping that a state like Virginia will say, ‘Hey, you can’t pass this law because our state protects this procedure,’” Ziegler said. “Then Dixon and Mitchell will try to move the case into federal court with an idea of eventually getting it to the same Supreme Court that overturned Roe.”

Dickson and Mitchell have offered pro-bono representation should legal challenges ensue in Grayson — something Dickson said he offers any locality that passes such an ordinance.

“The offer to represent cities and counties is not an offer that just goes up to the Supreme Court of Virginia,” Dickson said. “But that offer is an offer that goes up to the Supreme Court United States.”

Surrounding states

In the meantime, surrounding states have taken action. Tennessee and West Virginia had pre-Roe abortion bans in place that took effect last summer. North Carolina and South Carolina’s legislatures recently adopted measures to bar most abortions after 12 and 6 weeks, respectively.

Abortion fund organizations are already reporting an influx in people seeking financial assistance for the procedure or travel costs associated with it.

“Pre-Roe overturn, we already saw people in Virginia for procedures,” said Billie Kate Holcomb, intake director at the Richmond Reproductive Freedom Project. “Since Roe, we have seen an influx of people coming up here under 10 weeks of pregnancy.”

Holcomb added that the rise in out-of-state patients means “in-state people are waiting longer for their appointment dates.”

To do what they can to help, George said The Oracle Temple and Institute have recently set up a fund and is in communication with other funds and groups like ReproRights and Planned Parenthood Advocates of Virginia.

As a handful of Southwest Virginia localities contemplate their role in abortion access, the procedure is still legal statewide — for now.

Where Virginia falls on the issue will ultimately come down to a handful of competitive elections this fall. The outcomes will also determine partisan control of the House of Delegates and state Senate and how much of his agenda Republican Gov. Glenn Youngkin can accomplish in the remainder of his term, which ends in January 2026.

Among his goals, is a ban on most abortions after 15 weeks, with exceptions for rape, incest, or when the life of the pregnant person is in jeopardy. GOP legislators’ efforts to further restrict the procedure did not clear the legislature in this year’s session.

While Virginia stands to remain the least restrictive state in the South or join its neighboring states in passing related laws, Bristol’s mayor never thought his city would become a microcosm for national debate.

“I’ve been in office for five years and we’re voting on how to fix pot holes, how to buy police cars, buy firetrucks, fund schools — those are the things that if you’re in local government you expect to be involved in and you want to try and find a way to help on,” Osborne said. “You don’t tend to think in a local government setting that you’re going to be legislating abortion.”

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