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Along Virginia-Tennessee border, an abortion battle rages on

https://richmond.com/news/state-regional/government-politics/abortion-roe-versus-wade-youngkin-bristol-tennessee-virginia/article_31281cfc-15f1-11ee-8559-9b85d4db3696.html#:~:text=A%20storm%20rolls%20in%20over,gave%20regulation%20back%20to%20states.

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 rainbow-patterned umbrellas to shield patients’ identities.

“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 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 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 they escort — 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 a lack of desire 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 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 the lack of clinics nearby and the challenges associated with travel costs, time, child care and work absences needed to get abortions.

"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. Virginia law, on the other hand, allows the procedure for any reason up to the end of the second trimester, or around 26 weeks of gestation. Third-trimester abortions — on which three physicians are required to sign off — 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 is 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 Richmond Times-Dispatch, she called the last year "tiring," as she has 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 high 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 the council, the city could face legal challenges.

That is 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 has not 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 locally regulating abortion through zoning ordinances could violate the Dillon Rule and open 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 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,” Osborne said of his October 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 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 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’s local government is anchored in the town of Independence. A multifaith 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 the temple who spearheads The Oracle Institute, the church’s educational nonprofit. A retired lawyer, she said she is ready to “dust off” her legal credentials if needed.

Mark Lee Dickson has spearheaded a “sanctuary for the unborn” movement across the country. The Texas native’s advocacy has been influential in moving the tides on Texas’ abortion laws. He has also traveled to various states to urge local governments to enact ordinances with the help of former Texas solicitor general Jonathan Mitchell. They first launched their efforts before the Supreme Court’s decision, at a time when a Louisiana clinic was moving into Texas. In the year since Roe was overturned, Dickson noted similar circumstances unfolding nationwide.

“After Roe v. Wade was overturned, we ended up seeing these border battles with abortion facilities going to other states,” Dickson said. “So we started going after those communities.”

In Grayson’s case, a local pastor reached out to Dickson, who visited for a community meeting. The Board of Supervisors introduced the ordinance in May, and a public hearing on it has been scheduled for December of this year.

Where Bristol’s ordinance could possibly violate state law and has been stalled, Grayson’s proposed ordinance may have more teeth, according to Dickson.

The ordinance refers to the Comstock Act, which Congress passed in the late 1800s to prohibit the mailing of contraceptives, “lewd” writings and abortion-related drugs or paraphernalia. Congress removed the contraception clauses in the 1970s, and the law was not enforced during the nearly 50 years of Roe.

But the dormant law has resurfaced amid federal legal battles surrounding the Food and Drug Administration’s decadeslong approval of mifepristone, a drug used for [abortions at up to 10 weeks gestation and for the treatment of miscarriages](#).

Using Comstock in a local ordinance, Dickson said, may stand up to a court challenge because it cites a federal law. It is why he is critical of zoning ordinances like Bristol’s.

“Is this ordinance presented in Grayson County, Virginia, explicitly outlawing abortion? No,” Dickson said. “The ordinance presented in Grayson County, Virginia, is simply requiring compliance with these federal statutes, which we believe completely stops abortion in communities.”

But Terry Dunlevy, a retired lawyer who chairs the county’s Democratic committee, thinks the ordinance could still be challenged for a number of reasons, such as for possible violation of the Dillon Rule, as regulating mail is a federal authority.

“How do you enforce this? Do you open up everyone’s parcels every day and look at them? There’s lots wrong with this proposed ordinance,” Dunlevy said. “We think that we have a local politician and a minister bringing outside agitators into this county to introduce a divisive social issue. This should be fought in Washington, D.C., and maybe in Richmond, but not in Independence, Virginia.”

Mary Ziegler, a legal historian and professor at the University of California, Davis, thinks Dickson and Mitchell may hope potential challenges to localities can progress to the Supreme Court.

“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 Dickson 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 of the 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 six 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 The Oracle Institute have recently set up a fund and are in communication with other funds and groups like REPRO Rising 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 potholes, 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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Two women, two pregnancies, two agonizing decisions

https://richmond.com/news/state-regional/government-politics/two-women-two-pregnancies-two-agonizing-decisions/article_24e5d5fc-742d-11ee-984d-6befc702d5d0.html

Karen McIntyre's first son sits by the television in her living room.

His ashes are in an urn. The small brown box is engraved with his name, Andrew, and the image of a small teddy bear.

After she and her husband, Dennis, struggled to conceive, they turned to in vitro fertilization for a chance at having a biological child. Testing was done on their embryos to ensure a smooth pregnancy and likelihood of having a healthy future baby. Everything was going according to plan.

At 16 weeks, she said, testing revealed fetal anomalies — a heart defect along with [Trisomy 21](#), the marker for Down syndrome, and "other chromosomal abnormalities that were unclear."

McIntyre and her husband had a few weeks to make a difficult choice: continue the pregnancy and hope for the best, or abort.

Though she's an associate professor at Virginia Commonwealth University, they are living in North Carolina while her husband completes a medical doctor fellowship at Duke University's School of Medicine.

In 2022, North Carolina law barred most abortions after 20 weeks. People seeking abortions had to be counseled and wait three days to undergo the procedure. The law

did not have exceptions for fetal anomalies. Now, North Carolina state law bans most abortions at [12 weeks](#) with the same three-day waiting period.

Her voice cracking at times and with pauses to cry, McIntyre, in an interview, described the choice as “agonizing.”

She and her husband immediately began reading about raising a child with Down syndrome, for which there is a broad range of disabilities and special needs or medical care. Then there were the other, yet to be defined chromosomal abnormalities.

Different types of chromosomal abnormalities can result in a range of intellectual or physical disabilities, and some can be more severe diagnoses. Examples include Edward or Patau syndromes, which 90% of babies [do not survive their first year](#), or Trisomy 16, which usually miscarries by the end of the second trimester and includes heart issues for the fetus.

Multiple chromosomal issues in a fetus are [rare](#), but do happen.

McIntyre and her husband also knew their future child would immediately need heart surgery. If the child had survived gestation, she said, their son would have a “long road” ahead of him.

“You can’t feel good about any decision in that case,” she said. “I guess the best way to think about it, or at least to try to bring some peace, is that we decided to take on this pain so that our baby wouldn’t have to experience all that pain.”

McIntyre had an abortion at 19 weeks of gestation in January 2022.

The couple gave birth to another son this year. At 4 months old, Nolan has already traveled across the country to meet family in California and Virginia, and he has a friend in the form of McIntyre’s Bernese Mountain Dog, Nya.

In Virginia, a person faced with a situation like McIntyre’s has a little more time to run further tests or decide whether or not they want an abortion. Current law allows abortions up to the end of the second trimester, or around 26 weeks, and bans most after that. In the rare instances an abortion would occur later, three physicians must agree that it would “irremediably impair” the pregnant person’s life or mental health.

Voters will decide whether that time frame should change.

Politics of the procedure

Abortion has become a key issue in the Nov. 7 General Assembly election, when all 140 seats are up for election and either party could win a majority.

Democrats promise to support current law. Most GOP candidates have coalesced behind a proposal from Gov. Glenn Youngkin to prohibit most abortions after 15 weeks, with exceptions for rape, incest or when the pregnant person's life is at risk. There is no exception for fetal anomalies.

(A few Republicans previously called for banning abortion entirely. Some others urged further abortion restrictions before most GOP candidates united behind Youngkin's proposal.)

Dr. Edward Springel, the medical director for Labor and Delivery at VCU Health, said serious anomalies can be detected between 10 and 14 weeks, usually from when the person is able to have their first ultrasound. He added that the second-trimester ultrasound around 18-20 weeks identifies most anomalies.

"Not all genetic problems or birth defects can be seen on ultrasound," he said.

This is where further testing, like chorionic villi sampling (10-13 weeks) or amniocentesis (after 15 weeks) can help diagnose issues. Amniocentesis tests can also take up to two weeks.

"Babies born before 21 weeks almost never survive," Springel said.

Not all Republicans completely support the governor's proposal. Riley Shaia, the Republican candidate who faces Del. Rodney Willett, D-Henrico, in [House District 58](#), wants to keep current law "at this time."

Sen. Siobhan Dunnivant, R-Henrico, who faces Del. Schuyler VanValkenburg, D-Henrico, in [Senate District 16](#), wants to add a fetal anomaly provision to the 15-week proposal. Dunnivant, an OBGYN, said that's why she [voted against](#) the Youngkin-backed proposal earlier this year. (She had also carried a [bill](#) to move Virginia's 26-week benchmark to around 22-24 weeks).

The governor and his party describe 15 weeks as a reasonable approach on which voters will find consensus. Democrats and abortion-rights advocates say it's too restrictive and call it a ban; Republicans aggressively push back at this claim because they say they don't want to bar all abortions in Virginia, just most abortions after 15 weeks.

Much of the debate has centered on Democrats' use of the word "ban."

A number of Republican legislative candidates have shied away from talking about abortion. When asked, some have obfuscated; others have expressed support for the 15-week proposal — and they do not call it a ban.

Both parties have called the other "extreme" in ads, mailers and when speaking to the public.

Democrats assert that despite their support for the 15-week proposal, Republicans will want to ban all legal abortion in Virginia and jail doctors. Republicans say Democrats want “no limits” on the procedure and “support abortion to the moment of birth.”

Rich Schragger, a law professor at University of Virginia, said that the “no limits” claim is “hyperbole.”

“I don’t think it is at all accurate to state that Democrats want ‘no limits’ if they merely seek to preserve Virginia’s current law,” Schragger said.

Amid a range of Republican bills to restrict abortion that failed in the legislature this year there was language to declare unlawful abortions as [Class 4 felonies for providers](#), but that language is also in the current abortion law that Democrats support.

“We are for reasonable limits,” Youngkin told reporters after a recent rally in Henrico County to promote early voting. “We’ve been wholly clear on what we want to do. And I think the other side is really trying to sell misinformation.”

GOP candidates point to a Democratic [attempt earlier this year](#) to codify Roe v. Wade into Virginia’s constitution as another example of “no limits.”

Roe v. Wade was a 49-year-old U.S. Supreme Court ruling that protected abortion access until the Supreme Court overturned it last summer. The proposed state constitutional amendment that failed this year would have protected access to abortions unless there is a “compelling state interest.”

“States have always had a compelling interest to restrict abortion after viability,” Schragger said. “Protecting the fetus after viability is a compelling interest.”

In a recent press call with the Democratic Legislative Campaign Committee, Del. Danica Roem, D-Prince William, said her party is “campaigning on a statewide referendum to the people: ‘Do you want to codify the existing protections that we have?’ ”

As politicians attempt to draw in voters on the issue, 49% of likely voters support keeping Virginia’s current abortion law, according to a [recent poll](#) from Christopher Newport University’s Wason Center, while 23% support making it less restrictive and 24% say abortion should be more restrictive.

A Washington Post-Schar School [poll](#) indicates that abortion is a key issue among Democratic and independent voters.

Abortion is another reason the state is on a national radar from political pundits to activists to scholars. Mary Ziegler — a legal historian at the University of California, Davis, who has written about abortion law — is watching Virginia’s politics, too.

She noted that several candidates this year and Youngkin, in past years, have been surreptitiously recorded discussing support for further restrictions on abortion rights than what they now call for.

“I think 15 weeks is probably what is viewed as politically possible now, but it’s not clear whether that would just be like a waystation or whether it would really be the stopping point,” Ziegler said.

Choices to be made

Mary Cronquist said her choice to keep a complicated pregnancy was what she needed — even though it meant giving birth, then burying her son.

The Stafford County resident said at her first ultrasound in 2008 when she was pregnant with the son she named Stephen, she learned he was anencephalic — meaning his brain and head would not fully develop and he would not be able to live.

With no national definition of when a fetus is considered “viable,” the classification is usually made by doctors on a case-by-case basis. The term refers to the likelihood of survival outside of the womb. According to Springel at VCU Health, the term “perivable” can describe most fetuses between 20 and 25 weeks — for which survival chances vary.

In Stephen’s case, his nonviability was apparent much earlier in his gestation.

But Cronquist, a devout Catholic, never considered an abortion. She said that continuing her pregnancy to term gave her “more time with him” and helped her grieve him after he was gone.

“I was recognizing I’m a mom, I’m grieving and I know what I need to get through death,” she said. “(Abortion) was not going to bring me healing. Having these months of rocking, singing, and feeling the kicks was going to mean more to me long term.”

And it did, she said. Stephen lived for nine minutes surrounded by family before he died. He is buried in the family’s cemetery plot in upstate New York. Cronquist then became a source of comfort for a neighbor who’d had a miscarriage around that time as well.

Their chosen paths diverged, but Cronquist and McIntyre both know what it feels like to have wanted a child they then lost. The matter is so personal that it compelled both women to speak out about their experiences.

For McIntyre, that meant sharing her story on social media and privately with members of her family. She said she hopes it can help show just one facet of why people can need or want abortions. Most [occur before the 15-week mark](#), but McIntyre said people in her situation may not have had sufficient fetal testing by that point to determine if they might seek an abortion.

“I don’t think people making these policies realize these less-frequent but traumatic situations,” McIntyre said.

Cronquist has always considered herself “pro-life,” but her experience inspired her to become more involved in the anti-abortion movement. She was among [hundreds to attend the Virginia March For Life earlier this year](#) where she first told aspects of her story to The Times-Dispatch.

She works for a Missouri-based nonprofit organization called the Vitae Foundation. It is not a lobbying or activist group — you won’t find its staff on any Capitol steps — but the organization conducts research that crisis pregnancy centers can use when attempting to talk people out of having abortions.

Crisis pregnancy centers typically resemble abortion clinics, but do not perform the procedure. Instead they counsel people not to seek an abortion. Some centers provide resources like formula or diapers to those who need it. Some such centers have drawn criticism from abortion-rights advocates, who say the centers have the potential to mislead people.

While McIntyre and her husband chose their abortion for medical reasons, she said she is cognizant of the other factors people face, from financial strains, to violent relationships, to not being ready to have a child.

Cronquist said she thinks an abortion should be an option for people if their life becomes threatened by continuing a pregnancy. She also said she hopes Republicans don’t stop at 15 weeks if they win control of the legislature.

“If that means we need to do incremental steps, I’m all for it,” she said. “But ultimately, yes, I want to protect every human life from the moment of conception.”

Both Cronquist and McIntyre wanted their pregnancies to continue. They wanted the boys they could have raised to become men.

Their choices diverged, but they reflect some of the nuances in the choices Virginia voters will make Nov. 7.

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A Virginia county considered 19th-century approach to abortion restrictions

https://richmond.com/news/state-regional/government-politics/a-virginia-county-considered-19th-century-approach-to-abortion-restrictions/article_2b72de8a-9b04-11ee-9864-1fbc992a7e0e.html

INDEPENDENCE — Threats of potential lawsuits echoed in [Grayson County High School's gymnasium](#) during the county board of supervisors' meeting Thursday night, about as often as declarations of being “pro-life” and quotes from the Bible.

Citing a more-than-a-century-old and dormant federal law — the [Comstock Act](#) — leaders of this county of 15,000 residents in Southwest Virginia considered an ordinance to prohibit the mailing of abortion medication and abortion-related paraphernalia. The ordinance is meant to make it illegal to obtain abortion pills or mail equipment needed to establish an abortion facility.

Ultimately the board voted 4-1 not to adopt the ordinance. Several residents and a board member expressed a desire for the board to revisit the issue next year when newly elected board members take office.

First passed by Congress in the late 1800s, the Comstock Act was intended to prohibit the mailing of contraceptives, “lewd” writings, and abortion-related drugs or paraphernalia. Congress later removed the contraception clauses in the 1970s and the law was not enforced during the nearly [50 years that Roe v. Wade was on the books](#), granting a constitutional right to abortion. But the Comstock Act is still technically law, and abortion opponents hope it can give legal standing to restrictions or bans.

“My office can and will conduct sting operations,” Grayson County Sheriff Richard Vaughan said during a public comment period before he rejoined deputies by the gymnasium door.

But some legal experts and opponents of the proposed ordinance say local law enforcement would not have the authority to enforce the measure. They also assert that the proposed ordinance would violate state law because it would regulate something that the state legislature has not expressly granted localities to do.

“I understand the proponents of this certainly think it’s a good vehicle through which to make law as a federal law,” American Civil Liberties Union attorney Geri Greenspan said at Thursday’s meeting. “But any litigation challenging ordinances can and will likely be decided under state law.”

While some representatives from civil rights groups ventured from around the state to attend the meeting in Independence, about 290 miles from Richmond, a handful of local residents opposed the ordinance too.

Julia Delacroix was among residents to caution the board that the proposed ordinance, if passed, might cost the county money in legal fees that could instead be spent on local services and amenities.

“It will drain our tax dollars on a fight we will lose,” she said.

A number of local residents who showed up to support the proposed measure said their Christian faith was a driving force, and for some, the message the ordinance could send is important.

“I know that many times things are not always black and white and that there are many gray areas in life. Abortion is a very hard issue,” said Lynn Roberts, a Grayson resident. “I do think that if (we) were to pass this it would shine a light that we are pro-life.”

To accommodate the larger than usual attendance, the county moved the meeting from its municipal building to a high school gym where about 60 people spoke or listened to public comment that lasted more than three hours.

Local matters, nationalized

Grayson’s consideration of the proposed ordinance comes as the United States Supreme Court prepares to take up a case challenging access to mifepristone. The medication is used in conjunction with misoprostol to induce abortions up to 10 weeks or ensure an active miscarriage concludes with fewer complications.

In the year since the U.S. Supreme Court overturned *Roe v. Wade*, abortion regulation has become an issue for states to decide.

In Virginia, Democrats took control of the House of Delegates and maintained control of the state Senate in the Nov. 7 elections. Abortion had been one of the key issues on voters’ minds while Democrats promised to protect access and many Republicans embraced Gov. Glenn Youngkin’s proposal to stop most abortions after 15 weeks with exceptions for rape, incest and the life of the pregnant person.

In an interview this week with Bloomberg Television, Youngkin said he does not think that his emphasis on abortion was a mistake.

“It was not a mistake. I firmly believe that one of the challenges that we have had as Republicans is we haven’t been clear on what we’re going to do,” he said. “And I believe that we can be clear and we can find a reasonable place to land in what is one of the most difficult topics in America.”

Some localities, like Grayson County, are not waiting for their state legislature to enact restrictions or bans and are considering their own proposals.

Now, the long-dormant Comstock Act is surfacing in proposed local ordinances around the country as experts predict that abortion opponents will continue trying to draft local measures based on the law.

Before voting against the measure Thursday, board chair Michael Hash reaffirmed his Christian faith but noted concern about legal repercussions that could stem from the proposed ordinance.

Supervisor Tracy Anderson, who dissented from his colleagues, said he was listening to the constituents in his district who wanted the measure.

The matter that crystalized in the Grayson County meeting Thursday goes beyond local representation. It's a national issue as well.

Mary Ziegler, a legal historian at the University of California, Davis said that the endgame for using the Comstock Act reaches further than local governments.

"These ordinances are not just about local community values anymore," she said. "There are opportunities for lawsuits that could lead to a nationwide abortion ban. So the stakes are a lot higher."

The proposed ordinance is part of a national movement to declare communities a "Sanctuary for the Unborn."

Texas native Mark Lee Dickson, who spearheads the movement, travels the country in an effort to convince localities to adopt such ordinances. David Osborne, a local pastor, reached out to Dickson to get things started in Grayson.

Rural Grayson is near the North Carolina border. Dickson said his organization has focused on border towns because they would be a likely access point for people in neighboring states seeking abortions if their state has restrictions or bans. North Carolina prohibits most abortions after 12 weeks.

"Is this ordinance presented in Grayson County, Virginia explicitly outlawing abortion? No," Dickson previously told the Richmond Times-Dispatch. "The ordinance presented ... is simply requiring compliance with these federal statutes, which we believe completely stops abortion in communities."

He has also approached Bristol, Va., a city about an hour and a half west of Grayson County. Bristol straddles the border with Tennessee which has a near-total abortion ban. Though his idea didn't come to fruition in Bristol, Va., its city council has progressed a zoning ordinance to restrict its current abortion clinic from expanding or relocating while barring future clinics from setting up shop. It now awaits a green light from the planning commission. But the commission has kept it in limbo by not adding it to an agenda in over a year.

Looking to 2024 and beyond

Ziegler at the University of California noted not just the potential but the likelihood that the Comstock Act will surface in the landscape of next year's presidential and congressional elections — and a conservative manifesto is pointing the way.

The Heritage Foundation, a conservative think tank, released a series of policy goals called "[Project 2025](#)." In its proposals to restrict abortion, it [cites the legal code](#) from the

Comstock Act without naming the act specifically (Grayson's proposed ordinance cites the same code).

This issue has already surfaced in New Mexico, where the state's supreme court recently held hearings on [challenges](#) to local abortion restrictions that cite the act.

In the meantime, Ziegler suspects Dickson is hoping that states will challenge localities that adopt his ordinances. That could prompt court cases that could work their way through lower courts and might bring the issue before the U.S. Supreme Court.

He has promised free legal representation to any local government that faces legal challenges over their ordinances and confirmed to The Times-Dispatch that his offer extends to appearances both before state supreme courts and the nation's.

Lauren MacIver Thompson, a legal historian at Kennesaw State University in Georgia, concurs in speculation that the Comstock Act will be a bigger talking point around the country in the future.

She said she always assumed her knowledge of the niche and dormant law was more about fun trivia than a threat to abortion access. While some aspects of the act have been stripped away over the years, as when Congress removed the contraception clauses in the 1970s, she said that the fact that it is still a law and that language about abortion and abortifacients is still in it creates "a sticking point."

"I think that it's been a pretty smart and canny move on the behalf of the nationwide anti-abortion movement. 'Wow, we have a weapon here in the Comstock Act because it has never been rolled back by Congress,'" she said. "So it's a way that they can achieve a national ban on abortion without ever passing any kind of new legislation."

In the more immediate future, supervisor Hash urged the crowd in the Grayson County High School gymnasium to stay engaged by reaching out to their state and federal representatives.

Said Hash: "Make your voice known."