



Written by [C. Mitchell Shaw](#) on May 27, 2016

Battle Over Oklahoma Pro-life Bill Not Over Yet

The battle over S.B. 1552 — Oklahoma’s controversial pro-life bill vetoed by Governor Mary Fallin — may have run its course for this year, but it is far from over. While the Senate adjourned early Friday afternoon without voting for an override, leaving Governor Fallin’s veto intact, Senator Natham Dahm (R-Broken Arrow) has said he plans to reintroduce the popular legislation again next year.



The bill — [which would have essentially ended abortion in Oklahoma](#) — enjoyed the support of a large majority of Oklahoma’s citizens and legislators. S.B. 1552 passed overwhelmingly in the Senate on March 8 with a vote of 40-7 before going to the House, where it passed on April 21 by a margin of 59-9. It then went back to the Senate for approval of language changes made by the House and passed once again on May 19 by 33-12.

Resting on the 10th Amendment, which says, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people,” the bill would have revised the state standards for medical licenses to exclude any doctor who performs abortions except when “necessary to preserve the life of the mother.” As *The New American* reported previously:

In an interview with *The New American*, Paul Blair — pastor of Fairview Baptist Church in Edmond, Oklahoma, founder of Protect Life and Marriage OK, and a candidate for the Oklahoma state senate — explained:

Among those powers reserved to the states are the standards for licensing doctors to practice medicine within the borders of each state. Medical licensing is clearly a “state” issue. There is no such thing as a Federal Doctor’s License. Each state is free to determine standards of behavior.

Since doctors take an oath to intentionally do no harm to a patient, it is reasonable for the Oklahoma Legislature to expect and insist that Doctors honor that oath and do no intentional harm either to mother or child.

According to Blair, Attorney Richard Mast of Liberty Counsel, a non-profit constitutional litigation firm with offices in Orlando, Florida; Lynchburg, Virginia; and Washington, D.C., confirmed:

SB 1552 is constitutional, and is an appropriate regulation of physician licensure and professional conduct, consistent with the obligation of the State of Oklahoma to protect human life. While respecting and protecting the rights of women in danger from life threatening conditions, the bill makes the performance of an “abortion” (defined as any abortion outside the bill’s exception for “an abortion necessary to preserve the life of the mother”) grounds for revocation or denial of physician licensure.

In fact, Liberty Counsel was so sure of the constitutionality of the bill that it offered to defend it *for free* in federal court if necessary. As a statement released by Protect Life and Marriage OK — a pro-life and



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pro-family organization founded by Pastor Blair — says:

Governor Fallin has signed numerous bills in the past which have been struck down by the courts. It is interesting that she has suddenly anointed herself a Constitutional scholar in time to veto this bill. A number of attorneys were so excited about the constitutionality of this new approach using the Tenth Amendment, they were willing to defend Oklahoma in court for free.

With such support from both the electorate and the elected — and a guarantee that it would cost the state nothing to defend the constitutionality of the bill, one would well expect such a solid piece of pro-life legislation to have the full support of Governor Fallin, who is ostensibly pro-life. In fact, Fallin — who had known about the bill from the beginning — had promised to sign the bill if it reached her desk.

According to another statement released by Protect Life and Marriage OK:

[A nationally renowned attorney], along with a group of pastors and legislators, met personally with Fallin last year in an hour long meeting in her board room at 10 am on October 8, 2015. The meeting was a success as the purpose was to inform the governor of this strategy and secure her promised support if the bill got to her desk.

Though she had pledged to sign S.B. 1552, the governor instead surprised everyone by vetoing it the day after it passed, claiming it was vague and that “doctors cannot be certain what medical circumstances would be considered ‘necessary to preserve the life of the mother.’”

Pastor Blair, along with other Oklahoma ministers and the sponsors of both the Senate and House versions of the bill, decided not to take her veto lying down. They began reaching out to the governor to discuss what language changes would need to be made to the bill to assuage her concerns. She refused to meet with them. Her office said she was “too busy working on the budget to discuss the bill.” In reality, she may have been preparing to be announced as the co-chair of the 2016 Republican National Convention Committee on Resolutions, commonly known as the Platform Committee.

Senator Dahm and Representative David Brumbaugh (the latter the author of the House version of the bill) began pushing for an override, but — politics being what they are — some were afraid that voting for an override would jeopardize future bills if the governor should choose to respond vindictively. So Pastor Blair and others planned a rally on the rotunda at the state Capitol (shown above). With barely 48 hours to pull it together on social media, they attracted nearly a thousand supporters.

As Blair told *The New American*:

This effort was driven by Pastors all over the state who wanted a prayer meeting and a reminder to the legislature and the Governor that pro-life must be the priority even when dealing with multiple other pieces of legislation.



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The rally — which was to serve the dual purpose of putting pressure on Fallin to meet with the sponsors of S.B. 1552 and encouraging legislators to override her veto — did not accomplish either of those objectives. What it did accomplish, though, was to show that Fallin is willing to avoid not only the bill's sponsors, but also her own base. Blair told *The New American*, "One of our volunteers actually caught Mary Fallin sneaking out of her office and running down the stairs to avoid the people." (The photo, taken by the volunteer referenced by Blair, shows the governor making her quick exit to the stairwell.) He added:



We met right outside her office. Now, her office doesn't open onto the rotunda, but her office opens into a hallway that very quickly leads to the rotunda. So, right out there on the rotunda — on the second floor outside the governor's office — we had about a thousand supporters. And we put that group together in 48 hours. Those thousand people are the same type people that put her into office. That is her supposed base. That is the pro-life, Christian, Republican voters out there — right outside her office — and why would she not come out and embrace those people? Why would she sneak out the side door? Why would she go to such lengths to avoid her base of supporters? Well, only because she knew she'd betrayed their trust.

As the legislative session was coming to a close and an override looked less likely, Charlie Meadows, president emeritus of Oklahoma Conservative Political Action Committee (OCPAC), told *The New American* that he believes the bill's real opposition came from left-leaning business interests. "It's my educated opinion that the real force behind the opposition here is the State Chamber of Commerce along with the Oklahoma City and Tulsa Chambers of Commerce," Meadows said, adding:

It all stems from them caring very little about social issues. They seem to prefer that there be no social issues such as abortion, Second Amendment or anything dealing with homosexual issues. They would prefer that our legislature never deals with any of those. For them it's dollars and cents. That's basically all they care about. They've seen what's happened in North Carolina or anywhere else where social conservatives basically try to stand for good or take a stand in opposition to that which is anti-Christian.

At the end of the day, Fallin — rather than side with her base and keep her commitment as a "pro-life governor," chose to side with the abortion industry. A report by *USA Today* quoted Julie Burkhart, who is planning next month to open the first new abortion clinic in Oklahoma since 1974, as saying, "We applaud Gov. Fallin for vetoing the bill. We're just anxious to open our doors."

As for the bill's sponsors, they say they will make minor language changes to the bill and reintroduce it next year. It will likely pass with the same overwhelming support, and — if it avoids veto — will begin saving the lives of unborn Sooners. Perhaps Governor Fallin can live with this bill waiting another year.



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