

St. Louis ordinance seeks to pre-empt Missouri abortion laws

 www.seattletimes.com/nation-world/nation-politics/st-louis-ordinance-seeks-to-pre-empt-missouri-abortion-laws/

JEFFERSON CITY, Mo. (AP) — A new ordinance in St. Louis prohibits discrimination based on “reproductive health decisions,” an effort by the heavily Democratic city to pre-empt a slew of anti-abortion measures advancing through Missouri’s Republican-controlled Legislature.

While largely symbolic, the ordinance that took effect last week bans employers from firing, refusing to hire or disciplining women because they have an abortion, take contraception, use artificial insemination or become pregnant out of wedlock.

Alderwoman Megan Ellyia Green said her ordinance wasn’t sparked by any specific case or current law. Rather, she viewed it as a way for the city to stake out its opposition to future laws enacted in Missouri, where Republicans now control all corners of government.

“I think a lot of advocates believe that those types of bills and that type of language is the future of discrimination,” Green said.

Last year, Missouri lawmakers killed a measure that several other GOP-led states approved letting companies cite a religious objection in denying employment or services. Such proposals — including a federal one applying to government contractors — were decried as discriminatory against the LGBT community, but Green said it’s not too far a stretch to imagine similar legislation targeting women for their pregnancy decisions.

Peter Karutz, a senior partner at MDD Forensic Accountants, said that while the St. Louis ordinance claims to roll back discrimination, it actually infringes on the religious rights of business owners.

“Businesses are not owned by robots,” said Karutz, who is also the president of the St. Louis chapter of an organization for Catholic business leaders. “They’re owned by people, and under the Constitution, people have the right to have their own beliefs.”

Religious organizations and several Republican legislators have spoken out against the St. Louis ordinance, and Gov. Eric Greitens has signaled he’ll fight against it.

“We need to send a clear message: the people of Missouri do not support Abortion Sanctuary Cities,” Greitens posted on Facebook last weekend about the ordinance.

Greitens’ spokesman Parker Briden didn’t respond to calls from The Associated Press.

Washington D.C, Boston and the state of Delaware all enacted laws in recent years prohibiting discrimination based on reproductive health decisions. But the partisan differences between leaders of St. Louis City Hall and the Missouri Statehouse raise the potential for a more direct clash down the road.

State laws usually override city laws, so St. Louis’ resistance may prove futile if Missouri legislators ultimately approve the kind of law the ordinance seeks to fend off. On Thursday, the Arkansas Supreme Court struck down a city ordinance banning discrimination based on sexual orientation or gender identity because of a state law prohibiting such local protections.

Employment lawyer Ben Westhoff said the St. Louis ordinance would “more explicitly stake out a protected class for women.” But, he said current law likely already allows women to sue for sex discrimination if they’re penalized

based on reproductive health decisions.

The ordinance also includes an exception for religious institutions, religious health care facilities or “any educational institution with historic religious affiliation.” Still, the Archdiocese of St. Louis plans to take legal action opposing it because it wouldn’t allow small business owners to act in accordance with their religious beliefs, general counsel Thomas Buckley said.

Missouri Sen. Wayne Wallingford, a Republican from Cape Girardeau, has filed legislation essentially negating the St. Louis ordinance. He argues that the measure doesn’t extend the same level of protection to crisis pregnancy centers and other facilities that encourage women to choose alternatives to abortion.

“I can’t change my race; I can’t change my color, my age ... whether I’m paralyzed. These are things you have no control over,” Wallingford said. “But now you could discriminate against a behavior” instead of an attribute protected by the law.

Andrea Miller, the president of the National Institute for Reproductive Health, said the nondiscrimination ordinances are part of a “groundswell” of reproductive health measures passing at the city and state levels.

Between 2010 and 2016, states have enacted more than 330 measures to restrict abortion access, according to the Guttmacher Institute. Miller said that over that time, cities have taken an active role in protecting abortion and contraceptive rights.

“Elected officials in cities understand intimately the needs of their constituencies,” Miller said. “Especially with the movement of states in the opposite directions, cities have a real opportunity to just address the real needs that they see day to day.”