

OPINION

BAGLEY'S VIEW » "NEW HIRES"



Right to interstate movement — especially for abortion — is critical to U.S. federal system

The second anniversary of the end of constitutional protection for reproductive rights is upon us. On June 24, 2022, the Supreme Court overruled *Roe v. Wade*. Utah's trigger law was declared effective that same evening. That law would prohibit all abortions except when necessary to save the woman's life, when needed to avoid a serious risk of substantial and irreversible impairment of a major bodily function of the woman, or when the pregnancy resulted from reported rape or incest. The law would also permit abortions if two maternal/fetal medicine physicians determine that the fetus has a defect that is "uniformly disposable" and "uniformly lethal" or has a "brain abnormality" so "severe" that it will "live in a mentally vegetative state." This trigger law was immediately challenged and put on hold by the courts.

Utah awaits a decision from its Supreme Court about whether the law violates the Utah State Constitution. For now, abortions in Utah are permissible up to 18 weeks of pregnancy. But Utah has already been affected by a steady drop in the numbers of medical school graduates seeking residency training in the state. This past year alone, Utah saw almost 1,000 fewer applications than the year before.

What will people in Utah do if the trigger ban goes into effect? More than half of all abortions in the United States are medication abortions. Whether Utahns will need to leave the state may depend on the conditions under which this method continues to be available — an issue expected to be decided by the United States Supreme Court by the end of June. If the new Utah law goes into effect, people in Utah will either need to use medication abortion if it is available to them, or leave

the state for abortions. People in nearby Idaho will be affected, too, because currently, patients who do not come within Idaho's even stricter ban are airlifted to Utah in cases of emergency.

Where could Utahns go? The closest Colorado clinics are in Glenwood Springs and Cortez; in Nevada, people will need to go to Las Vegas or Reno; and the clinic in Ontario, Oregon, is just across Idaho's border. Some of these clinics have limits on the services they provide. Several post-driving directions from Utah on their websites, as well as driving directions from states even farther away, such as Texas, where strict abortion prohibitions are in effect. But residents of Salt Lake City will face drives of about five and a half hours to Ontario or six hours to Steamboat Springs or Las Vegas — hardly an easy day trip. In this, they face shorter driving times than residents of Miami who, if they are more than six weeks pregnant, might have to drive 12 hours to North Carolina where they can get an abortion up to 12 weeks of pregnancy, or residents of New Orleans with pregnancies that threaten permanent damage to their health who might have to drive 12 hours to Illinois.

In our just-published book, "States of Health," we argue that this right to interstate movement is critical to the U.S. federal system. Rights to movement further some of the most important justifications for federalism. Experimentalism is one such value. When people can readily leave the state — or decide not to come, as many early-career physicians are doing — state experiments get put to the test. State residents and hopefully their legislators may be led to modify policies as they see what they are losing. Recognition of cultural or religious differences is another. Rights to movement allow states to pursue

separate paths on controversial moral issues like abortion without restricting people to an environment where they are in a minority. In Utah, 47% of the population believes that abortion should be legal in most or all cases — hardly a small number. If these people were unable to come and go from the state to access services that they believe are critical to their lives and perhaps even morally obligatory, the imposition on their liberty could be crushing. Government closer to the people is a further justification for federalism, but one that is being eroded as gerrymandering creates legislatures that are increasingly unrepresentative.

Finally, a uniquely American justification for federalism was James Madison's idea of the dual republic, where rights could be protected at both the federal and the state level of government.

In the U.S. today, where protection for reproductive rights at the federal level has been taken away, it remains possible for states to continue to protect these rights, as many states have done — and, with movement, for people who disagree with their home states to experience these protections through movement back and forth across state lines.

Rights to interstate movement are not perfect. For many, movement is impractical. People may not be able to take time away from jobs or family responsibilities, especially if distances are large. People with disabilities, minors or people who are undocumented may find movement especially challenging. But when there are deep moral disagreements, movement to take advantage of different choices made by states is far better than erecting barriers to movement, as states such as Idaho and Texas are attempting to do.

Leslie P. Francis and John G. Francis are the authors of "States of Health: The Ethics and Consequences of Policy Variation in a Federal System" (Oxford University Press, May 2024). They are both professors at the University of Utah.

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THE PUBLIC FORUM

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As if the facts don't matter

The overarching tenet of a successful democracy is the rule of law. As such, a court of law overrides the illusory court of public opinion. In our top-story world, public opinion about the Trump guilty verdict is being manipulated by Republican officials as if the facts and the evidence don't matter. Even speaker Mike Johnson has called for the Supreme Court to weigh in as if there is a constitutional issue to parse. About 70% of the Republican Party still deny the validity of the 2020 election and equivocate about accepting the results of the 2024 election.

Defendant Trump was admonished ten times during the trial for violating the gag order about attacking jurors and witnesses, when any other defendant would have been held in contempt of court.

Under normal circumstances, a guilty verdict would sink the campaign of a politician, but Trump was able to raise \$53 million within 24 hours of his conviction. Now he seems like more of a rebel, and he will "stack the justice system even more. His voters are probably not surprised by the guilty verdict because they see it as a political witch hunt.

After the 2016 election, Trump pushed for a ban of Muslim immigrants, but he was rebuffed on constitutional grounds. When we have a serious immigration issue at our southern border, Trump ordered his Republican lawmakers to vote against

a bipartisan bill to address immigration limits because he wants to use immigration as a talking point in his campaign.

In our times of political grievances and economic anxiety, it would behoove us to vote on the issues that affect us, not the legal woes of Donald Trump. If wannabe dictator Trump gets back in the oval of office, he may never leave.

Don Hiddleston

Midweek

Trump's verdict

Regarding the article, "What matters most about Trump's guilty verdict, according to 7 opinion writers?"

Amazing, out of opinions printed from The New York Times, only one showed support for Trump, Matthew Continetti (author of "The Right: The Hundred Year War for American Conservatism.")

Ironically, a hundred years ago, the 1924 election was won by Republican Calvin Coolidge who also ran on immigration issues and eventually that same year, passed the "Immigration Act of 1924," allowing immigrants entry through a national origins quota. Allowing immigrants visas to 2% of the total number of people of each nationality. Coolidge's other claim to fame was being remembered as the "Do Nothing President."

The remaining opinions respectfully explained why Trump was found guilty. Quotes used: "It was his total contempt for the process and the proceedings." "Belief that his celebrity entitled him to do what he wanted with women." "Prosecution's theory of the case was easy for the

jury to grasp." "Question in the court was more straightforward — did Trump do what he was accused of?" "The tactics by the defense seemed to placate Trump's own vanity," and finally, "The law doesn't necessarily care about public opinion."

If only the Republican Party could say the same!

Robert Hoff

Superiorville

Parents should be in charge

We have been funneling massive amounts of tax dollars into government schools for decades. We have been given the promise that our children would receive a good education in return for our investment. Government schools are continuing to renege on that promise, as they have for decades.

Now is the time to give parents school choice. We should be able to invest our hard earned tax dollars for the school of our choosing, regardless of whether it's a public, private or religious institution.

Empty promises of "facing schools" are not convincing us anymore! What government schools need is actual competition for our tax money. They should be held to improve when they get the funds anyway, irrespective of their performance. The Nordic countries have school choice, and far from destroying government schools, it forced them to improve! No more promises! Parents should be in charge of their children's education, not ideologues involved in government schools' "one size fits all" educational system.

Joni Miller

Mapleton

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