El Dorado County woman accused of murder – again

By Peter Hecht, Sacramento Bee

On July 27, 1985, a local land surveyor facing divorce called the El Dorado County Sheriff's Office from one of two family homes near Wilderness Way, south of Placerville.

"I think I just shot my husband," Colleen Ann Batten told a dispatcher.

Last Sunday, sheriff's officers arrested the same woman – now Colleen Ann Harris – on suspicion of shooting and killing another husband at a neighboring property.

The arrest of Harris, 70, a rural resident who asked neighbors to pony up money for road-paving and orderly mailboxes, stirred memories of her acquittal 27 years ago in a sensational Placerville murder trial.

Up a meandering mountain road from the wooded house on Wilderness Court, where authorities say she shot and killed Robert Edward Harris, 72, a week ago, longtime neighbor Dan McKelvie is puzzled over the tales of one woman, two husbands and two deaths in the same rustic community.

"She was acquitted last time. So I can't say there were two murders," said McKelvie, who merely knew Colleen Harris as a "very nice person" who had a court case long ago involving a husband who died.

"But I would like to go to the courthouse to see what this is all about. I'm just blown away by the coincidence."

The last time authorities responded, they had gotten a call about the shotgun killing of Harris' then-husband, James Batten, 46. In an emergency call, she told authorities she was

“scared” and that her husband was “lying on the floor” and “won’t get up.”

She also told the dispatcher, “He said he was going to kill me. Oh God!”

A trial that followed pitted the prosecutor’s contention that she had gunned down her husband after a dispute over dividing up property in a divorce case against defense arguments that she acted in self-defense in response to ongoing abuse.

As the trial unfolded in January and February 1986 at the historic courthouse in downtown Placerville, the local *Mountain Democrat* newspaper chronicled the proceedings with screaming headlines: “Colleen Batten – murderess or martyr?” and “Batten killing – justifiable homicide or murder?”

In court, defense attorney David Weiner called a psychiatrist to testify that Colleen Batten – despite her 911 call – suffered from traumatic amnesia and had no recollection of the killing.

On the witness stand, Batten testified to remembering that, before the shooting, her then-husband held a gun to her head, threatened to kill her and forced her to commit a sex act after boasting of having sexually abused a daughter for more than a decade.

Weiner told jury members, “It would be a horrible mistake to find her guilty of murder,” urging the panel: “Acquit her. Let her go home to her family. Hopefully, in time, the scars will heal.”

But the prosecutor, then-chief assistant district attorney Walt Miller, argued that Colleen Batten had waited an hour before calling police after shooting James Batten with a .410-bore shotgun as he was apparently reading a newspaper in bed. Miller alleged that she moved in to finish her husband off with a second round at close range and later planted a pistol

on the bed to make it appear as a self-defense killing.

The jury acquitted Colleen Batten of murder after a judge declined to allow a lesser charge of manslaughter.

Jury foreman Paul Laufman told the *Mountain Democrat*, "We were aware that a man's life had been taken … but the net result was, we felt there was insufficient proof of intent to commit murder."

Miller, who went on to serve as El Dorado County district attorney from 1989 to 1995, said in an interview last week that he believed Colleen Batten deliberately killed her husband in the earlier case.

"I thought she had committed a homicide. I argued sincerely for a conviction for murder," Miller said. After hearing of the new fatal shooting from the DA's office, he reflected, "I can't say I expected her to do it again."

This time around, authorities found the body of Robert Harris after an emergency call from an attorney for Colleen Harris directed them to her home in the 3200 block of Wilderness Court in the Hanks Exchange area near Placerville.

Authorities said Robert Harris was Colleen Harris' husband and a volunteer since 2007 for the El Dorado County Sheriff's Team of Active Retirees program, in which seniors help out with record-keeping and community watch programs. Court records say the couple, married in 1990, divorced in 2004.

Last week, Harris, wearing an orange jail smock, appeared in an El Dorado County courtroom on a charge of homicide with use of a firearm as the judge set arraignment for Jan. 16. A criminal complaint said Colleen Harris fatally shot Robert with a 12-gauge shotgun.

Authorities provided few other details. Defense lawyers haven't offered a theory on what occurred.

“She definitely wants to present a defense at the proper time and in the proper manner,” said attorney Dain Weiner, whose father, David, represented Harris in the last shooting trial and will lead her defense again.

As she faces a murder trial that could put her in prison for 25 years to life, her neighbors are being careful about drawing conclusions.

McKelvie said Colleen and James Batten were land surveyors who had mapped out the neighborhood of about a dozen homes off Pleasant Valley Road near Diamond Springs. McKelvie, who didn’t know Robert Harris, said Colleen “is just a very nice person.

“It just amazes me what’s going on,” he said of another shooting death in the neighborhood, years after the first. “I feel terrible for her. I don’t know what the facts are. I don’t want to rush to judgment.”

Bay Area brother-sister survive night in backcountry

Updated Jan. 13 12:25pm

By Kathryn Reed

Two Bay Area residents are recovering from frostbite and hypothermia after being rescued near Bear River Reservoir in Eldorado National Forest on Saturday night.

“We are just lucky to be alive,” Sally Shanks told *Lake Tahoe News* on Jan. 13 from her bed at Barton Memorial Hospital. But she admits she and her brother would not have survived another

night outside. Temperatures have been subzero for the past few nights.

El Dorado County rescue crews got the missing persons report Santa Clara County officials. John Hearne, 70, of Los Altos and Shanks, 66, of Walnut Creek had planned a day snowmobile trip, but failed to return home Friday night.

The experienced snowmobilers were dressed for the elements, but were not prepared to spend the night in the wilderness. What slowed search and rescue crews is the two did not tell anyone where they would be parking and where exactly they would be snowmobiling.

Shanks said she has been snowmobiling for 40 years, and they both know the area well. It was after they had gone in on 29 miles of groomed trails that they decided to follow the sign that said 4 miles to their truck. But that route had them going through deep powder they were not expecting. That's when their sleds got stuck.

"When we saw we could not make it we built a shelter and hunkered down for the night," Shanks said. "My brother and I are pretty hearty and resilient. We made a smart decision Friday night to camp rather than go where we knew couldn't go."

They dug out under a downed log, put pine branches up as walls and packed that with snow.

Sheriff's Deputy Damian Frisby told *Lake Tahoe News* the two also huddled together and did exercises to stay warm.

They had food and one bottle of water. But that bottle was solid ice. Shanks was able to break through the water at Tragedy Springs to fill the bottle. But that meant they were not starting to hydrate until Saturday afternoon.

Shanks' vehicle was found Jan. 12 at 11:43am at the old Iron

Mountain Ski Resort at Iron Mountain Road and Highway 88 in El Dorado County. Deputies, along with search and rescue volunteers from El Dorado, Amador, and Alpine counties began searching the area, as did CHP helicopter H24.

CalStar out of Lake Tahoe Airport joined the search as darkness closed in because the helicopter pilot has night vision goggles. Two buried snowmobiles were located about 7pm northeast of the Bear River Reservoir.

Following their foot tracks, CalStar located the missing duo approximately 4 air miles away. The ground distance traveled by the two was estimated at 12 miles.

The CalStar crew loaded the two on board at 7:18pm, taking them to Barton Memorial Hospital. They remained in the South Lake Tahoe hospital Sunday afternoon.

Shanks isn't sure when they will be released. She said she should fully recover, but her brother has frostbite issues with some of his toes. He took his boots off Friday night, wrapped them in a vest and stuffed them in a backpack. He had to stuff his feet into frozen socks and boots the next morning.

Shanks admits they were scared.

"We were getting tired and run down. We knew we needed to make wise choices. We conferred on every direction," Shanks said as they walked along snowmobile tracks on Saturday.

She said she just kept thinking about finding the road, hitch hiking to the truck and having to endure a long drive home. She didn't anticipate having to spend a few days in a hospital.

Mostly, though, she is thankful to the search and rescue teams, CalStar pilot and hospital staff for all they have done and continue to do.

Snippets about Lake Tahoe



• 2008 South Tahoe High School grad Alex Boyar is on his way back to Delaware to be Sen. Chris Coons' state finance director.

• South Tahoe Rotary Club is paying South Tahoe High School's subscription to the Junior Library Guild, a "book of the month" service for school libraries. These funds will ensure STHS students have new books arriving in the library on a monthly basis.

• Here are the weekly Caltrans roadwork schedules for Sierra and El Dorado-Tahoe.

• Jim Holmes is chairman and Jack Duran vice chairman of the Placer County Board of Supervisors.

• The Beacon restaurant at Camp Rich is having a snowshoe cocktail race Jan. 19 at 7pm. It's free to compete. More info is online.

U.S. women miss podium at World Cup in Austria

By USSA

ST. ANTON, Austria – Lindsey Vonn (Vail) came ever so close to the podium Sunday in St. Anton, finishing fourth – just one-hundredth of a second out of third. Slovenia's Tina Maze continued her total dominance on the Audi FIS Alpine World Cup with the win to join Vonn as one of six athletes to win in all five World Cup disciplines.

Julia Mancuso (Squaw Valley) was sixth, Laurenne Ross (Bend, Ore.) 17th and Stacey Cook (Mammoth Mountain) 25th.

Ski report: Starting off below zero

Another incredibly cold day in Lake Tahoe. Put on a couple more layers.

Here is the Jan. 13 ski report.

— Curtis Fong

Backcountry fun can help Sierra Avalanche Center

The Tahoe Backcountry Vertical Challenge continues this winter for the third year. Participants must register online to log human-powered, backcountry vertical travel. It’s all free.

When the cumulative goal of 15 million vertical feet of human-powered uphill travel is reached, Alpenglow Sports of Tahoe City will make a $3,000 donation to the Sierra Avalanche Center.

This is the opportunity for local backcountry enthusiasts to give back to the Sierra Avalanche Center at zero cost. Every single foot of uphill travel matters, and no number is too small.

The event runs through April 30.

LTCC to groom campus trails

for Nordic center

By Kathryn Reed

A Nordic center at Lake Tahoe Community College is expected to open next month.

The college board of trustees on Jan. 8 approved the creation of the South Lake Tahoe Community Nordic Ski and Snowshoe Club. This will be a pilot program run through the college's Connect Community Education.

Megan Waskiewicz, who runs Connect Ed, told *Lake Tahoe News* after the meeting that when people think of alpine locations, they assume Nordic and hockey will be part of the mix.

Until now there had been no groomed cross country trails in South Lake Tahoe.

A 5-kilometer course that will go behind the college starting at the Ledbetter Terrace will be groomed. This is where the parking will be, too.

U.S. Forest Service employees will practically be able to get on the trail from their office's front door. Forest Supervisor Nancy Gibson submitted a letter of support for the center.

Garrett Villanueva, trail building expert with the U.S. Forest Service, is part of the volunteer team of community members helping make the center a reality.

It has been quick process to get the center off the ground this season, as well as a collaborative effort.

Tyler Cannon bought equipment from the now defunct operation at Spooner Summit. He has volunteered to do the grooming.



This Google map image has the route of the LTCC Nordic trails drawn in white.

Pete Fink and Jonathan Moore with the city's Recreation Commission spoke in favor of the center at the board meeting. Fink said he believes there is room for growth by possibly adding the Bijou meadow in the future.

He even said the college should think about having a Nordic team in the future. To which a college official said LTCC did in the past.

Waskiewicz said Lake Tahoe Unified students have gotten wind of the idea and want to start using the trails. Right now South Tahoe High School trains at Kirkwood.

Waskiewicz told the board her future goals are to have 10 kilometers of groomed trails, skate skiing and a walking path for snowshoers.

While it will cost money to use the trail, the goal this season is to see what type of interest there is. It will be an honor system to use the trails – much like parking areas have with an envelope to pay the fee. Passes will be available

during the week at the Connect Ed off on campus. Day use will be $5, with an individual season pass costing $29.

Feb. 1 is the target date for the Nordic center to be open.

‘Get Out of My Crotch’ writers, publisher to speak at LTCC

The Lake Tahoe Community College Writers’ Series will celebrate the book launch of “Get Out of My Crotch” on Jan. 25 at 7pm.

In this anthology, 21 writers examine reproductive rights, access to health care, violence against women, and the rise of rape apologists in the 21st century in the United States.

The book hits the streets Jan. 22 on the 40th anniversary of Roe v. Wade.

It was published by Cherry Bomb Books, an imprint of Meyers press Bona Fide Books.

The event at Lake Tahoe Community College’s library will feature a short reading and discussion with contributors Janet Frishberg and Camille Hayes, as well as publisher and co-editor Kim Wyatt.

The event is free. Books will be available for purchase.

Scam artist calling Tahoe residents claiming to be DEA agent

A South Lake Tahoe resident on Jan. 12 reported a suspicious phone call to law enforcement that has led to a warning by officers.

According to police, a man identified himself as a Drug Enforcement Agency agent investigating a mail order prescription purchase the resident had made in 2006. The resident was told to send/wire $1,000 to avoid being arrested on charges of making an illegal prescription purchase via the Internet.

The resident instead called the police and did not send the money.

The DEA is aware of this scam and has posted a warning on its website advising criminals are posing as DEA agents and attempting to extort money from people who have purchased prescriptions via the Internet. The impersonator tells the person they will take action, which includes arrest, if they don’t pay a fine.

If anyone is ever contacted by someone who claims to be DEA agent or any law enforcement officer and demands money or any other form of payment, it is a scam, South Tahoe officers warn.

Police urge people to never give anyone personal or financial

information over the phone or email unless having verified who the person is and what company they work for.

More information about the scam is on the DEA website.

– Lake Tahoe News staff report

Lawmakers whittling away at reproductive justice

By Kate Pickert, Time

It’s 8am on a Wednesday, and Tammi Kromenaker is on the phone, trying to untangle an insurance snafu.

After 15 minutes of arguing with a billing operator, the director of the Red River Women’s Clinic in Fargo, N.D., begins preparing for the patients who will soon arrive. Staff members trickle in. One puts a DVD of old sitcoms on the waiting-room television. Another straightens a pile of magazines. Someone brews a pot of coffee. By 10 a.m., the clinic is bustling with patients. Before the day is over, 18 women will undergo surgical abortions at Red River. Four others will receive abortion-inducing medication.

Kromenaker, a social worker, was born in January 1972, one year before the Supreme Court decided Roe v. Wade. She has spent her entire adult life providing abortion services and is

among hundreds of clinic directors across the U.S. navigating an ever increasing number of state-imposed abortion regulations. At Red River, the only abortion clinic in North Dakota, a woman must wait 24 hours between scheduling an appointment and arriving at the facility. Once there, she must undergo a counseling, verification and testing process that lasts up to five hours. If she is a minor, she must notify her parents; get permission from one or both, depending on who has custody; or get approval from a judge. Like Medicaid programs in some 30 other states, North Dakota's does not cover abortion services except in instances of rape or incest or to protect the life of the mother.

In the past two decades, laws like the ones that govern appointments at Red River have been passed with regularity as pro-life state legislators have redrawn the boundaries of legal abortion in the U.S. In 2011, 92 abortion-regulating provisions—a record number—passed in 24 states after Republicans gained new and larger majorities in 2010 in many legislatures across the country. These laws make it harder every year to exercise a right heralded as a crowning achievement of the 20th century women's movement. In addition to North Dakota, three other states—South Dakota, Mississippi and Arkansas—have just one surgical-abortion clinic in operation. The number of abortion providers nationwide shrank from 2,908 in 1982 to 1,793 in 2008, the latest year for which data is available. Getting an abortion in America is, in some places, harder today than at any point since it became a constitutionally protected right 40 years ago this month.

It might seem as though recent electoral victories by Barack Obama and congressional Democrats set the stage for a reversal of this trend. The President's campaign mobilized Democratic voters and women around the issue of reproductive rights—an effort that produced, according to some exit polls, the widest gender voting gap in history. But while the right to have an abortion is federal law, exactly who can access the service

and under what circumstances is the purview of states. And at the state level, abortion-rights activists are unequivocally losing.

Part of the reason is that the public is siding more and more with their opponents. Even though three-quarters of Americans believe abortion should be legal under some or all circumstances, just 41 percent identified themselves as pro-choice in a Gallup survey conducted in May 2012. In this age of prenatal ultrasounds and sophisticated neonatology, a sizable majority of Americans supports abortion restrictions like waiting periods and parental-consent laws. Pro-life activists write the legislation to set these rules. Their pro-choice counterparts, meanwhile, have opted to stick with their longtime core message that government should not interfere at all with women's health care decisions, a stance that seems tone-deaf to the current reality.

Pro-choice activists' failure to adapt to the shift in public attitudes on abortion has left their cause stranded in the past, says Frances Kissling, a longtime abortion-rights advocate and former president of Catholics for Choice. Kissling is part of a small group within the pro-choice movement trying to push the cause toward more nuanced stances. "The established pro-choice position – which essentially is: abortion should be legal, a private matter between a woman and her doctor, with no restriction or regulation beyond what is absolutely necessary to protect the woman's health – makes 50 percent of the population extremely uncomfortable and unwilling to associate with us," she says.

At the same time, a rebellion within the abortion-rights cause – pitting feminists in their 20s and 30s against pro-choice power brokers who were in their 20s and 30s when Roe was decided—threatens to tear it in two. Many young activists are bypassing the legacy feminist organizations that have historically protected access to abortion, weakening the pro-choice establishment at the very moment it needs to coalesce

around new strategies to combat pro-life gains and connect with the public.

As memories of women dying from illegal pre-Roe abortions become more distant, the pro-choice cause is in crisis. In 1973, female lawyers from the Center for Constitutional Rights said Roe v. Wade was “a tribute to the coordinated efforts of women’s organizations, women lawyers and all women throughout this country.” Writing a new playbook for the pro-choice cause — one that ensures that Roe is not overturned and that access to abortion is preserved and even expanded — would require the same kind of coordination. If abortion-rights activists don’t come together to adapt to shifting public opinion on the issue of reproductive rights, abortion access in America will almost certainly continue to erode.

In many ways, the fight to preserve access to abortion is even more daunting than the fight to legalize it 40 years ago. In a dynamic democracy like America, defending the status quo is always harder than fighting to change it. The story of pro-choice activism after Roe reveals that there may be nothing worse for a political movement’s future than achieving its central goal.

Around her workspace at Red River, Kromenaker has tacked up photographs of her daughter and phone numbers for the Fargo police department and a security hotline operated by the National Abortion Federation. In the filing cabinet behind her desk, she keeps a green folder full of mail from pro-life activists. The correspondence ranges from vaguely threatening notes to prayers on behalf of Kromenaker, the doctors who work at Red River and their patients. Kromenaker is proud and outspoken about her work, but she takes different routes to work every day to avoid falling into a routine that might make her a target for pro-life zealots. (Abortion doctor George Tiller was at his regular Sunday church service when he was shot and killed by a pro-life activist in 2009.) “Even if I’m at Target looking at clothes, I never let my guard down,” she

says. It might seem like paranoia to be so vigilant, but in the late 1990s, Kromenaker testified at the trial of a man accused of trying to start a fire at a clinic where she worked before Red River.

In 2011, Kromenaker testified again, this time at a committee hearing in the North Dakota state senate, which was considering a bill passed by the house that sought to ban medication-induced abortions, among other provisions. Despite Kromenaker's testimony and the efforts of pro-choice activists in North Dakota, the bill passed the state senate 42 to 5 and was signed into law on April 18, 2011. (Red River is suing to overturn the law, which a judge has blocked from going into effect.)

In November, feminists celebrated the defeat of U.S. Senate candidates Todd Akin of Missouri, who said a woman's body can resist a pregnancy in the case of "legitimate rape," and Richard Mourdock of Indiana, who said pregnancies conceived in rape are "intended" by God. Even before Election Day, Cecile Richards, president of Planned Parenthood, said, "This past year and a half has been a remarkable period of unifying women and men and a whole new generation of folks who understand that none of these rights or access can be taken for granted."

Yet the candidate who beat Mourdock, Democrat Joe Donnelly, is also pro-life and believes abortion should be illegal except in cases of rape or incest or to protect the life of the mother. Voters in Indiana also elected conservative Republican Representative Mike Pence as the new governor. Pence has been introducing legislation since 2007 to eliminate federal funding for women's-health clinics that provide abortions, including a GOP House effort to defund Planned Parenthood in 2011. And in North Dakota, which has a Republican governor and legislature, Kromenaker is girding for new legislation she expects to be introduced that would grant fetuses "personhood" status and directly challenge the constitutional basis for Roe v. Wade.

The modern era of state restrictions on abortion began in 1992 with the Supreme Court's decision in Planned Parenthood v. Casey. The court upheld Roe v. Wade but said states have a right to regulate abortion as long as they don't write laws that impose an "undue burden" on women. Pro-life politicians enacting laws to limit abortion are now testing the limits of the Casey ruling. Their ultimate goal is to land another abortion case before a sympathetic Supreme Court in an attempt to overturn Roe. Along the way, in what Charmaine Yoest, president of the antiabortion group Americans United for Life, describes as a strategy to "work around Roe," pro-life activists hope to severely – or completely – curtail access to abortion at the state level.

In Mississippi, pro-life activists pushed for passage of a 2012 law requiring that doctors who perform abortions have admitting privileges at local hospitals. None of the out-of-state physicians who perform abortions at the state's sole abortion clinic have these privileges. The clinic remains open while a federal judge examines the constitutionality of the law and whether it presents an undue burden to women seeking abortions. Governor Phil Bryant, who signed the law, said it was part of an effort to "end abortion in Mississippi."

The Volunteer Women's Medical Clinic in Knoxville, Tenn., was open for 38 years before it closed in August 2012, citing the state's Life Defense Act, passed earlier in the year, which also requires doctors to have hospital admitting privileges. A doctor who worked at the facility obtained hospital privileges but died suddenly of a stroke, and clinic director Deb Walsh said she couldn't afford to keep her doors open while she tried to replace him.

In Virginia, the state board of health adopted a rule last year requiring abortion clinics to comply with architectural zoning regulations for hospitals. Like the Mississippi law and one just enacted in Michigan requiring abortion clinics to be licensed, the Virginia rule seems designed to make clinics

safer, but there is little evidence that women's health had previously been in danger. Loretta Ross, who co-founded Sister Song, an Atlanta-based reproductive-rights group focused on the needs of women of color, is among those in the pro-choice movement who marvel at the pro-life strategic vision even though she opposes its goals. "The entire women's-health movement was predicated on the lack of women's safety and gender consciousness in health care settings," says Ross. "It is a classic example of our opponents learning from us and taking our script."

In fact, those most affected by new zoning laws are independent clinics like Red River, whose tight margins make it financially burdensome for them to adapt to new requirements. Planned Parenthood is the largest abortion provider in the U.S., but independent clinics collectively deliver the majority of abortions in America. And as abortion services have become concentrated in specialized clinics — as opposed to hospitals, which accounted for the vast majority of abortion facilities in 1973 — clinics have become easier targets. Pro-life groups celebrate every clinic closure.

The other strength of the state-based clinic laws, which often are based on text written by pro-life activists and lawyers and distributed to lawmakers, is that they are hard to campaign against. The zoning regulation in Virginia, for example, would require abortion clinics to widen all hallways to 5 feet. "Is that the kind of thing that will rally voters?" asks Cristina Page, author of the book How the Pro-Choice Movement Saved America. "'We're not going to expand these hallways to be 5 feet wide!' is not a compelling message. The villain is now in the fine print."

When the Red River clinic opened in downtown Fargo 15 years ago, the surrounding area was a sea of blight and empty storefronts. In the years since, the area has undergone a dramatic revitalization that recently earned it a spot on a list of great neighborhoods in America. Two doors down from

the clinic, customers of a deli check out using iPads. Across the street, a boutique hotel and restaurant serves upscale cocktails and locally sourced food.

The beige brick building that houses the clinic looks like a vestige of a more hostile era. A glass-block wall shields those inside from view. The lock on the interior door is operated by a switch inside, and patients are buzzed in only if they have appointments. Twenty to 25 abortions are performed every week at Red River, and the procedures are usually all scheduled on a single day. On these days, a staffer inside watches a set of closed-circuit televisions monitoring the entrance and the handful of protesters from a local Catholic church who show up and mill around out front with graphic signs showing aborted fetuses.

The atmosphere outside is tense, but inside, on the second floor, the waiting room is filled with sunlight. Lush houseplants are perched everywhere, and signs and posters decorate the walls: YOU ARE BEAUTIFUL. WE TRUST WOMEN. WELL-BEHAVED WOMEN RARELY MAKE HISTORY.

Kromenaker, who has run Red River since it opened, was born in a small town in northern Minnesota. Her family later settled in a suburb of Minneapolis, and Kromenaker graduated from Minnesota State University at Moorhead, just a few miles from Fargo. She and her husband, a California native, have stayed put in part so she can continue her work. “We’re committed to this clinic,” she says.

In Fargo, Kromenaker is battling the state legislature and the local pro-life community. But in Washington, establishment pro-choice activists are dealing with another set of threats that are mostly self-inflicted. What pro-choice activists call “the movement” is in many ways more fragmented than it’s ever been, thanks to a widening generational divide. The problem is rooted in leadership, which is concentrated in a small but powerful army of women who were in their 20s and 30s when Roe

was decided and who now oversee a number of establishment feminist organizations, including NARAL Pro-Choice America, run by Nancy Keenan, 60; the National Organization for Women, headed by Terry O'Neill, 60; and Feminist Majority, run by co-founder Eleanor Smeal, 73.

Some of these leaders and their similarly aged deputies have been reluctant to pass the torch, according to a growing number of younger abortion-rights activists who say their predecessors are hindering the movement from updating its strategy to appeal to new audiences. This tension had been brewing for years, but in 2010, Keenan told *Newsweek* that she worried that the pro-choice cause might be vulnerable because young people weren't motivated enough to get involved. The complaint struck young activists like Steph Herold, 25, as an effort to place blame on others for mistakes the establishment pro-choice movement has made along the way. "They are the generation that gave us legalized abortions, but they also screwed up," says Herold, pointing to the pro-choice establishment's failure to stop the 1976 Hyde Amendment, a law that prohibits federal funding of abortions and disproportionately affects poor women. At a conference last May, Herold heard a women's-clinic owner who has worked in the abortion field for some 40 years echo Keenan's complaint—that young people aren't involved enough in the pro-choice movement. Herold was furious. She stood up and, trembling, walked to a microphone. "We're counseling your patients and stuffing your envelopes," Herold told the clinic owner. "You should be talking to us and not just about us."

The power struggle isn't based on differences over the right to access abortion. Young activists fighting for reproductive rights have the same hard-line view of abortion access as their predecessors: they say it should be unrestricted by state governments and that the decision to terminate a pregnancy should be left solely to women and their doctors. But the infighting could splinter the movement if the younger

generation abandons those feminist institutions that have traditionally been the headquarters for voter-mobilization campaigns, fundraising and lobbying, the lifeblood of any political movement. Erin Matson, 32, became a vice president of NOW in 2009 but recently resigned. “When you want to build a jet pack, sometimes that means you have to leave the bicycle factory,” she says.

Matson says she is considering starting a new organization to specifically target young people. “A number of young women are just saying, ‘To hell with it, I’m just going to lead,'” she says. “It’s easier for young women to exercise leadership right now than before we had this technology.” The technology Matson refers to is the Internet. Last February, when the Susan G. Komen breast-cancer foundation eliminated its long-standing grant funding for Planned Parenthood, a backlash quickly ensued on Twitter. Under tremendous pressure, Komen reinstated the funding. After the episode, says Herold, “No one can say anymore that young people don’t care about this issue.”

In addition to being nimbler at Web-based activism, young feminists have another advantage when appealing to millennial voters, who will make up some 40% of the electorate by 2020: relatability. “We need more leaders in this movement who are of reproductive age,” says author Page, 42. Sandra Fluke, the law student Republicans barred from testifying before a congressional committee last year, was a valuable asset to the pro-choice cause in part because of her relative youth. She spoke publicly about the personal reproductive rights and birth control choices of her peers. Keenan, who has become aware that her own age might impede her effectiveness, announced last May that she would step down in 2013. She said she hoped a younger person could replace her. “They’re chomping at the bit to have their opportunity,” she says.

Young abortion-rights activists have a strategy to modernize the cause, which includes expanding it. They often don’t even

mention the term pro-choice, which they say is limiting and outdated. Instead these young leaders have embraced a cause known as reproductive justice – a broader, more diffuse agenda that addresses abortion access but also contraception, child care, gay rights, health insurance and economic opportunity. “It’s a more holistic frame,” says Matson. “And you see younger people connecting with that.”

The term reproductive justice was coined in the 1990s by black feminists who wanted to broaden the appeal of reproductive rights and speak to the needs of African-American women, whose abortion rate is 3½ times that of white women. “The pro-choice movement would focus on ‘Let’s open more clinics.’ The anti-choice movement would say, ‘Let’s stop women from going into them,'” says Ross, 59, of Sister Song. “Those of us in the reproductive-justice movement would say, ‘Let’s ask why there is such a high rate of unintended pregnancies in our community. What are the factors driving that?'”

Addressing issues like economic disparity marks a major shift from the pro-choice messages of the 1970s that made choice the optimal virtue and an end in itself. But the shift, says Ross, is the natural maturation of the pro-choice movement and worth the extra effort. The abortion rate in impoverished black communities has remained disproportionately high despite efforts by Planned Parenthood and others to provide access to family-planning services. “What this proves,” says Ross, “is that if people are not convinced that they have realistic economic and educational opportunities, you could put a clinic in a girl’s bedroom and she would still think early motherhood is a better choice.”

Eye contact can be hard to come by at Red River. Many patients walk the halls with their heads down and their arms crossed. In journals scattered throughout the clinic in which women are invited to express their feelings, patients write about nonsupportive husbands and boyfriends and ask God for forgiveness. They write about how they can’t afford to support

another child and how they are so glad Red River exists. Amid the low hum of ringing phones, the sound of a staffer reading a state-mandated script to women wafts through the clinic's upper floor: "North Dakota law defines abortion as terminating the life of a whole, separate, unique living human being."

When her name is called, a surgical-abortion patient descends a set of stairs and steps into a room where a technician performs an ultrasound. Afterward she enters an exam room and is met by the physician on duty. On this Wednesday it's Dr. Kathryn Eggleston, who informs the woman that she's reviewed her chart and asks, "Are you confident in your decision to have an abortion today?" If the woman says yes, the abortion begins; the whirring of the vacuum aspirator used to extract the fetus can be heard in the hallway. Within 15 minutes, Eggleston emerges from the room and enters another where the removed contents are examined and photographed for the medical record.

In the recovery room, where patients rest in overstuffed leather recliners, Kromenaker chats with a 20-something woman who declined Eggleston's offer to go on birth control. "Do you have a boyfriend?" Kromenaker asks. No. Kromenaker runs through a few ancillary health benefits of birth control anyway, hands the woman some condoms and pats her shoulder.

A 24-year-old patient who drove 80 miles alone to reach the clinic says she and her boyfriend decided together not to continue her pregnancy, which was six weeks along. "Neither of us is anywhere near baby time right now. We argue over who will take the dog out some days, so I don't think the diaper changing would go much better." Another young woman at the clinic that day is less sure. When Eggleston asks if she is confident, the patient says no. Eggleston questions her further, and once it's clear that the woman is conflicted, she gives her prenatal vitamins and sends her home. The woman returns a week later. This time she does not change her mind.

About three-quarters of the patients at Red River are under 30. More than half have at least one child; about one-third have had a previous abortion; fewer than 4% are minors. These statistics roughly mirror national data. In all, more than 50 million legal abortions have occurred in the U.S. since Roe v. Wade. According to the Guttmacher Institute, a reproductive-rights group whose statistics are cited by both pro-life and pro-choice activists, nearly 1 in 3 American women will have an abortion by age 45. Some 90% of abortions occur in the first trimester of pregnancy.

The abortion war, like many other political fights, is largely waged on the margins of reality. Review the policies that have stoked widespread national debate and it's easy to assume that late-term abortions and those performed on underage girls or women impregnated by rape or incest constitute the bulk of terminated pregnancies. In truth, these are mere slivers of the abortion story in America. And on the whole, there is little public disagreement on the merits of abortion in such cases. Most Americans support access to abortion in cases of rape or incest or when the mother's life is threatened, along with a raft of common state abortion restrictions. Gallup data shows that 79 percent of pro-choice Americans believe abortion should be illegal in the third trimester of pregnancy and that 60 percent support 24-hour waiting periods and parental consent for minors.

Establishment abortion-rights organizations oppose nearly all abortion-specific regulations. Pro-life activists view their opponents' hard line as an opportunity to use public support to push for laws that have the indirect effect of making the process of terminating a pregnancy more time-consuming and expensive. "As we work on this common-ground package of legislation, we are more where the American people are," says Yoest of Americans United for Life.

Activists like Yoest are playing a long game that kicked off when the antiabortion movement wholly adopted the label pro-

life in the 1970s. Then, in the 1980s and ’90s, as pro-life protesters were dragged to court over their activism at abortion clinics — blockading entrances, “counseling” patients seeking abortions and occasionally resorting to violence against doctors and staff—they slowly built a formidable legal apparatus that serves their cause today, says Joshua Wilson, an assistant professor of political science at John Jay College whose book The Street Politics of Abortion will be published this year. Of pro-life activists he says, “If they can get laws on the books, great, because they have the legal resources to defend them when they’re challenged. It’s an integrated strategy that’s very impressive.”

The antiabortion cause has been aided by scientific advances that have complicated American attitudes about abortion. Prenatal ultrasound, which has allowed the general public to see fetuses inside the womb and understand that they have a human shape beginning around eight weeks into pregnancy, became widespread in the 1980s, and some babies born as early as 24 weeks can now survive. Cultural norms about unwed pregnancy have shifted as well in the decades since Roe v. Wade. “In general, the pro-choice movement leaves people with the feeling that we don’t see these things as complex because the answer is almost always, Well, it’s a woman’s decision,” says Kissling, formerly of Catholics for Choice. “And that’s true, but we don’t have kitchen-table conversations at the national-advocacy level.”

Kissling opposes the specific state laws pushed by pro-life activists but says the pro-choice movement’s effort to “normalize abortion” is counterproductive. “When people hear us say abortion is just another medical procedure, they react with shock,” she says. “Abortion is not like having your tooth pulled or having your appendix out. It involves the termination of an early form of human life. That deserves some gravitas.”

While a return to the pre-roe days of back-alley abortions

seems inconceivable – even in the face of so many new state laws restricting access to abortion—there is concern among pro-choice advocates that in places like North Dakota, where the nearest abortion clinic could be hundreds of miles away, women might be driven to take unnecessary risks. Those in the abortion-provider community say they worry that women in rural areas might try to purchase pregnancy-terminating medication on the Internet without a doctor's supervision. Amplifying this fear is the fact that the generation of doctors who stepped up to perform legal abortions after Roe have retired or died without a robust new class of physicians to take their place. Efforts are under way at many obstetrics-gynecology and family-practice residency programs to offer abortion training to more doctors, but the specter of protests and unwanted attention remains. "It's a vicious cycle," says Eggleston of Red River. "If more of us were doing it, there would be less stigma."

The smaller number of doctors willing to perform abortions has likely contributed to a fairly steady drop in the overall abortion rate, from about 30 per 1,000 women ages 15 to 44 in 1981 to about 20 per 1,000 in 2008, according to Guttmacher. Widespread access to birth control, which the pro-choice movement strongly supports; changing attitudes about family and fetuses; and state regulations are also cited as reasons. In theory, a lower rate of abortion might be something for both sides of the abortion debate to share credit for and even celebrate. But it also illustrates the ultimate challenge for pro-choice advocates. Their most pressing goal, 40 years after Roe, is to widen access to a procedure most Americans believe should be restricted—and no one wants to ever need.