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Abortion rights in USA

Beyond Roe v. Wade: Struggling for Abortion Access

- IV Online magazine - 2022 - IV568 - May 2022 -

Publication date: Friday 27 May 2022

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On May 2nd, a leaked memo confirmed what reproductive rights organizers have been sounding the alarm about for years: the overturn of Roe v. Wade. The memo contains a draft opinion by Justice Samuel V. Alito, claiming that Roe and the “right to privacy” it hinges on has no constitutional viability; that abortion rights have never been guaranteed in America; that certain social changes, such as the increased acceptance of childbirth out of wedlock, increased electoral participation by women, and the prevalence of “safe haven” laws, obviate the need for abortion.

Alito's draft also claims that overturning Roe sets no precedent for attacks on contraception or marriage equality. Abortion is still legal at the federal level—but if Roe is overturned, “trigger” bans will automatically go into affect in 24 states.

The Long Predicted Overturn

The dismantling of abortion rights is of a piece with the moment. The growing wave of class consciousness and labor organizing, the devastation of the COVID-19 pandemic, and the galvanized movement to defund and abolish policing, could only be met in one of two ways: greater concessions to the working class, or greater surveillance and incarceration to dampen struggle.

It is indeed necessary to contextualize abortion rights as part of a greater political struggle. Roe v. Wade was itself not a benevolent decision handed down by the courts to grant reproductive rights. Abortion rights were won by a militant wave of feminist organizing that demanded these rights as part of a greater left-wing demand for liberation. The Cold War-era government, fearing this militancy, folded abortion rights into an affirmation of the capitalist state's primacy in guaranteeing bodily autonomy and the rights of the individual.

It is a perilous mistake to pin the hopes of reproductive rights on a trick of legislative or judicial maneuvering – though of course, a federal guarantee of free abortion on demand wouldn't hurt. But such a guarantee could not happen in a capitalist, patriarchal state that deems anyone with a uterus as an incubator for future workers, and which offloads the costs of birthing and raising those workers onto families.

The draft opinion frets about the “domestic supply of infants,” confirming what socialist feminists have been pointing out for some time- that the war on reproductive rights is not only about ideology or culture wars (though obviously, ideology forms a significant part of it). It is also about raising the birthrate and the pool of workers, as people are increasingly refusing to have children in a country that makes doing so incredibly dangerous and difficult if not impossible. Capitalism requires a large, easily exploitable workforce. Without any concessions to make the work of birthing and raising children safe or dignified, the state calls on its most trusted weapon – the police – to coerce people into continuing to produce.

Black, Brown, and Indigenous people face the highest mortality rates during childbirth in this country, and they disproportionately perform the work of social reproduction under the most dangerous conditions. Bans on abortion will disproportionately harm these populations. Most of the people targeted, surveilled, and incarcerated by the criminalization of abortion will also be Black and Brown people, Indigenous people, and undocumented people. The mainstream pro-choice movement will not make the connections between police abolition and abortion rights, but for

socialists the interconnectedness of these movements is important to recognize.

It is the police who brought charges against 26-year-old Liselle Herrera for inducing her own abortion, as well as against Purvi Patel and Bei Bei Shuai, and others. And it is the police who will be enforcing abortion bans around the country, jailing healthcare providers and anyone who “aids and abets” in obtaining an abortion—in some cases, potentially abortion patients themselves.

The Democratic Party, the Police, and The Need for Abolitionist Politics

As should have been clear to anyone paying attention, and is glaringly evident now, the Democratic party machine will not win this fight for us. The Democratic leadership is in fact backing anti-abortion Texas representative Henry Cuellar against his opponent Jessica Cisneros, while simultaneously insisting that it will defend abortion rights by electing more Democrats in the midterm elections.

A different approach is necessary. On May 3rd, organizers and demonstrators converged on downtown Manhattan’s Foley Square in the thousands, energized by rage and horror at Alito’s leaked memo. The attendees represented members from across the abortion-supporting political spectrum, from “I’m With Her” liberals to members of small revolutionary organizations.

Yet even during the planning stages of this demonstration, it became very clear that most of the organizers were opportunistically seizing this moment to win votes for Democratic candidates, and treating grassroots organizations unaffiliated with pro-choice politicians as interlopers. The irony is palpable when one considers that it is primarily organizations independent of the Democratic Party which have been building abortion funds to help people access abortions, networking to distribute abortion pills, and defending clinics. The Democratic party, on the other hand, has been useless in defending abortion rights, and their mealy-mouthed, milquetoast support for “a woman’s right to choose” has brought us to this backwards position.

While radical mobilization is afoot, it has to contend in a landscape dominated by this Democratic machine, which aims to limit anger and channel struggle into electoral means. We’ve seen that at the national level as the Democrats sought to tamp down protests at Supreme Court Justices’ houses. In New York, the Foley Square demonstration was carried out with a police permit – the streets around the demonstration were thick with cops. Speakers included representatives from Attorney General Letitia James’ office as well as Mayor Eric Adams, which is particularly ironic, given that Adams has not increased city support for the New York Abortion Access Fund, a key provider for abortion seekers arriving from out of state.

Under Adams’ tenure as mayor, the NYPD has conducted over 700 sweeps of homeless encampments, mostly carried out by the “anti-terrorism” Strategic Response Group (SRG), well known for brutalizing protestors. Rents across the city are increasing as much as 40 to 50%, resulting in even greater homelessness. It is ludicrous to position Adams as a defender of the oppressed’s rights. The heavy police presence, as one speaker from NYC For Abortion Rights pointed out, does not guarantee attendees’ safety – it actually endangers many of them. At the end of the speakout, a loose coalition of comrades from Left Voice, DSA, NYC For Abortion Rights, and others spontaneously marched to Washington Square Park, leading hundreds of attendees from the rally. The organizers, however, would not participate or sanction this march, because it did not have a permit.

This event is a microcosm of the national struggle for abortion rights – a movement that is ready for militant action, and a Democratic body that not only insists on leading this movement, but coopting its most promising strategies by

insisting that cooperating with the police and the courts is the best way to defend bodily autonomy. Meanwhile, clinic defenders and other abortion rights activists across the country are operating in defiance of the police. NYC For Abortion Rights has carried out demonstrations against right-wing anti-choice groups and clinic defenses without police permits for several years. When we say, “we are having abortions forever”, we are calling for a confrontational resistance to whatever the courts decide and however the police will enforce it. And this confrontational resistance is both absolutely necessary and absolutely impossible when limiting struggle to actions permitted by the police.

Turning to the police to protect abortion patients is misguided to say the least. It is the threat of imprisonment that keeps abortion seekers isolated, afraid, and unaware of the resources that do exist to help people safely self-manage abortions as well as travel to obtain them. If we are afraid of clinic closures and a return to dangerous back-alley abortions which will kill pregnant people, we need to remember that it is the police who make self-managed abortions so dangerous. Self-managed abortions can absolutely be done safely, especially with the advent of the abortion pill. Self-managed abortions are safer than, for instance, home births. Though of course we cannot blithely accept the closure of clinics as a foregone conclusion, they must not only be defended, but expanded to meet unmet demand. Surgical abortion in clinics remains an essential demand, and one that ought to be a center piece for struggle ahead.

However, the criminalization of “aiding and abetting abortion” will ensure that safe self-managed abortions become dangerous and traumatic, that information and resources to perform them safely will remain inaccessible, and that abortion seekers will have no one to turn to and no one to help them, except for the most brazen and unscrupulous of opportunists.

The Struggle Ahead

In the wake of the leaked memo, police brutalized protestors in LA. We can expect this to continue as long as direct actions to protect abortion rights continues to gain momentum into what must become a hot summer. And as the right-wing Supreme Court continues to expand the powers of the police to surveil populations, abortion patients and pregnant people will be in even greater danger.

There are already tech companies invested in selling data about pregnant people to law enforcement, using period tracking apps and geolocation. Policing is perhaps the most valuable tool the state has in dismantling bodily autonomy, and in conjunction with new technologies of surveillance and a general turn to the right, those seeking abortion are directly in the cross-hairs.

The far right is aware of the connections between mobilization and the legal and penal powers of the state. They have been riling up their base against the morning-after pill, hormonal birth control, and the copper IUD as abortifacients. Alito’s draft, whatever he may claim, clearly leaves room to dismantle access to contraception too. Around the world the police, particularly in the US, are allies of the far-right. They are the ones who escort the New York Archdiocese’s march to harass abortion patients. And while uniformed cops do not participate in clinic harassment campaigns, we do have reason to believe the police work with clinic invaders behind the scenes. The draft ruling can be seen as part of the far right’s ever-tightening of the connections between their own militant mobilization, the state’s legal apparatus, and the penal powers bridging the two.

New York City for Abortion Rights (NYCFAR) was formed five years ago to be part of an important left response to this coordinated strategy on the right. It was formed to counter-protest the Archdiocese of New York’s monthly march to harass patients at the Planned Parenthood on Bleecker Street. Clinic defenders gather and picket outside St. Patrick’s Basilica on Mulberry Street, which hosts the clinic harassers. NYCFAR members form a blockade on the street to delay these antis’ (anti abortion demonstrators) arrival to the clinic. As other anti-abortion groups set their

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sights on New York, NYCFAR expanded their strategy to counter those groups as well (more on that here). This past summer, as the threat to Roe became more apparent, the Archdiocese expanded their campaign to every borough in New York. NYCFAR was successful at shutting their efforts down in Brooklyn after a campaign of militant clinic defense and raising community awareness, particularly in tying the Archdiocese's actions to the then-recent passage of SB8 in Texas.

Of course, the police are always a sizable presence at these demonstrations – neither to help escort patients safely into the clinic, nor to enforce the Freedom to Access Clinic Entrances act by keeping antis away from the clinic door, but to defend this far-right procession as they march to the clinic. NYCFAR activists have often witnessed the cops and the antis talking and joking amicably. This past summer, after several pieces were published in the National Review about NYCFAR's clinic defenses, SRG arrived at a clinic defense in Brooklyn and arrested two NYCFAR members in the middle of the street for "blocking pedestrian traffic." None of the antis were arrested.

On May 7th, following the Roe leak, NYCFAR and abortion supporters in New York City had a tremendous and unprecedented victory at our clinic defense, which had been announced before the leak. Normally, there are at most twenty of us. This time, there were at least a hundred people outside St. Patrick's ready to defend abortion rights, in the early morning, in the rain. Picketers chanted, "Thank God For Abortion," "Not the Church, Not the State, the People Must Decide Their Fate," "Abortion is Healthcare, Healthcare is a Right." Ninety minutes later, we learned that, for the first time in five years, the antis had decided not to march – because the police wouldn't escort them. This was entirely due to our numbers and militancy. It also directly spells out the tactics necessary to defend abortion.

Not just in New York City, but around the U.S., we have a daunting struggle ahead of us. This situation is barbaric and appalling beyond words. But if we are to prevail, we must not fall to despair or nihilism, and we certainly do not need to reinvent the wheel. We can look to successful campaigns which have not only defended, but won reproductive rights.

Before Roe, there was the Jane Collective, an underground network of abortion providers that conducted safe abortions, and transported people as needed to perform them. Abortion funds exist today to do this. We must publicly proclaim that we will keep having abortions, and that we will keep "aiding and abetting" abortions, no matter what the Supreme Court decides. Feminist movements across the globe have won abortion rights through mass social protest and direct action.

We can and should take inspiration from their struggles. In Ireland, in Argentina, in Poland, and Chile, the abortion struggle has been fought on the streets, through direct action and unapologetic claiming of abortion as an inalienable right – not by electing politicians who will defend "the right to choose." It is this militant action that we will need in the United States if we want to win.

If, however, you cannot participate in militant struggle, one of the most important and simple things to do is donate to abortion funds such as: [National Network of ABortion Funds](#), [ineedana.com](#). Unlike a donation to Planned Parenthood, a donation to these organizations goes directly to helping someone access abortion; for instance, if they need to travel out of state. You can also support an organization like [PlanC](#), which provides abortion pills to people who can't travel to a clinic as well as resources about self-managed abortion. You can even buy abortion pills here: [AidAccess](#) before you're pregnant.

18 May 2022

Source [Spectre](#).

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