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The war on women—and us all

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The war on women's reproductive rights is being fought in the U.S. Congress, in state legislatures and in the courts, and played out in the media. This war seeks to restrict women's ability to control their reproductive lives — with each law more outrageous than the last — under the excuse that they are “protecting the unborn.”

The war on women's rights begins in the reproductive arena, over abortion and even contraception. But the goal of the right wing is to roll back equality for women across the board — both in practice and in law. This ranges from the current fight in the U.S. Senate to block the extension of the Violence Against Women Act, first passed in 1994, to griping about the broad mandate to ban sex discrimination outlined in Title IX of the 1972 Education Act.

Banning Abortion

A wave of new state laws include banning abortion beyond the 20th week (although more than 90% of all abortions are performed within the first 12 weeks) and requiring a waiting period — usually 24 hours — between counseling and the procedure (difficult and more costly for women who live in counties where there are no abortion providers). Some of the counseling provides women inaccurate information: Seven states point to a risk of developing breast cancer when no such link exists, and eight require listing possible negative consequences from having an abortion, but do not mention the problems of pregnancy.

Over the past two years a new wave of health-related laws affecting women have been introduced in various states — a total of 950 in 2010, with 89 passed, and last year 1,100 introduced and 135 enacted.

The legislation ranges from limiting comprehensive sex education classes in schools and cutting funding for contraceptives to blocking women's right to abortion — mandating procedures that are costly, unnecessary and humiliating, such as waiting periods, ultrasounds and even physical invasion of the woman's body. In the case of Texas, the ultrasound requirement for all women seeking abortions means, for a first trimester procedure, that a probe is inserted into a woman's vagina. No wonder feminists have labeled it the state rape law!

Predictions for 2012 are that at least ten states will introduce amendments to their constitutions that fetuses are persons from the moment of fertilization. These aren't likely to pass this year, but they ramp up the rhetoric. It's widely suspected that the Supreme Court majority may be looking for the opportunity to reverse *Roe v. Wade* entirely. Clearly Mississippi Governor Phil Bryant has drawn a line in the sand, stating he wants to see his state “abortion free.”

In April 2012, Arizona enacted three anti-abortion laws, including one that outlaws abortions beyond 18-20 weeks of pregnancy. While fewer than 5% of all pregnant women seek abortions at this stage, they usually do so because of a medical condition or previous lack of access.

Another Arizona law directs the state to create a website that outlines the supposed health risks of abortion, and featuring fetuses at various stages of development so that presumably women will be overwhelmed with guilt. School curricula are to promote that the most acceptable way of dealing with an unwanted pregnancy is for the woman to carry the pregnancy to term and arrange an adoption.

Thirty years ago there were approximately 3000 clinics providing abortion services; today there are fewer than 1800, and in a number of states, practically none. The farther a woman must travel for an abortion, the lower the rate. Travel is obviously an even greater obstacle for a less-advantaged woman.

Clinics where abortions are performed have been shut down by requirements that mandate hospital-like facilities and hallways irrelevant to their purpose. Legislation has been introduced in a number of states to cut women off from cervical cancer and HIV testing, birth control devices and annual exams — because their access to health care is through a Planned Parenthood clinic, and the legislators want to drive the organization into the ground.

In Texas, health clinics for poor women have been defunded and shut down as collateral damage of the right wing's war against Planned Parenthood, even though the clinics perform no abortions and aren't even connected with the organization.

Since the passage of the Hyde Amendment in 1976, poor women covered under Medicaid can only apply for abortion in case of rape, incest or medical condition. Only 17 states and the District of Columbia continue to fund their abortions. On the pretext that in a market-driven system poor women aren't "entitled" to coverage, the right then use the victory they won over the most vulnerable to extend their repressive legislation. Of the 70 million women living in the United States who are of reproductive age, more than half are in need of contraception; about 20 million need publicly funded services.

After making headway in restricting coverage for abortion under the federal health care bill, the radical right has moved their fight to the state level. Seven states now prohibit private health insurance providers from covering abortion and 15 prohibit insurance exchanges from doing so. Unless the federal government revisits this issue, more state legislatures will pass these restrictions and insurance companies will make their decision based on what they perceive as in their business interests.

Damaging Women's Health

The Patient Protection and Affordable Care Act of 2010 requires all new private health plans to cover contraceptive counseling and services without out-of-pocket cost, but existing plans are exempt as long as no significant negative changes such as cutting benefits are made. Currently 28 states require insurers that cover prescription drugs to cover contraceptive drugs and devices; 17 also require coverage of outpatient services.

The strategy of those opposed to reproductive justice is to separate the variety of health services women need over the course of their lives and focus on a narrow range. Then they portray women as selfish or naïve, needing to be properly counseled into making the right decision. Meanwhile they portray themselves as moral agents with the right to impose their vision.

Generally speaking the right focuses their anger on clinic providers and doctors and portray women as "victims." Yet there are state laws on the books ostensibly to protect fetuses, and a few women who have delivered babies while addicted to drugs or alcohol and unable to kick their habit have been charged with fetal abuse.

Most people recognize that this issue is a public health rather than criminal problem, and this legislation has languished. However in Indiana two years ago Bei Bil Shuai, a depressed and pregnant woman, attempted to kill herself. Rescued by friends, she did everything to ensure her baby survived, including undergoing Cesarean surgery, but her newborn died shortly afterward. She was arrested, charged and has been in jail for the past year, charged

under the state's murder statute (with the death penalty or a sentence of 45 years to life) as well as an attempted feticide statute (with a sentence of up to 20 years).

Each year in our country three million women will have an unintended pregnancy; almost half will have an abortion. Others will have problems during their pregnancies, and all who deliver a baby will need a range of services. But the climate of right-wing hatred of women's rights in an era of cutbacks will have a devastating effect on health clinics, well baby centers and child care centers first on the chopping block.

Rush Limbaugh has performed a great public service by putting the brutal assault on women right on Front Street, out of the dark alleys of state legislative chambers where the worst crimes are committed. Women and all supporters of basic rights continue to fight back against these "bedroom police."

In their attempt to divide and control women, the right wing has miscalculated. Every major step toward winning women's legal equality — from the right to vote to outlawing sex discrimination and limiting the government's control over women's reproductive lives — have been won and maintained through popular struggle.