Still Fighting for Abortion Rights

Beyond Roe v. Wade

MARLENE FRIED

"Will Roe v. Wade go down the drain?" asked Supreme Court Justice Harry Blackmun (author of Roe). He continued, "I think there is a very distinct possibility that it will. You can count the votes."

Feminists have been counting the votes as we have watched the Supreme Court move ever rightward under Reagan. We have watched the re-vitalization of the anti-abortion movement through Operation Rescue's clinic blockades. We have seen the slippage in the public opinion polls—a development no doubt enhanced by the current infatuation of the press and media with Operation Rescue. Of course, feminists have not simply been observing these developments. We have been resisting them. But we have been on the defensive, waging a fight that we did not choose within parameters set by our opposition. And we are acutely aware of the losses suffered.

On April 26th, the Supreme Court was scheduled to hear an abortion case from Missouri, in which the court could decide to overturn Roe v. Wade and obliterate all federal constitutional protections for abortion rights. While abortion rights have been challenged and consistently eroded since legalization in 1973, the current threats posed by this case are the most serious yet, aimed as they are both at access and at the constitutional protection for legal abortion. Women could become the first group to have a constitutional right taken away.

Our movement has continually faced the question of how to defend abortion rights. For years we have grappled with the question of how to take back the offensive in the abortion rights struggle. How to mobilize the "pro-choice" majority? As the battle escalates in the streets and in the courts, these questions are even more pressing.

We are in a crisis. Meeting it will require actions at the national, state and grassroots levels. The massive mobilization of more than a half-million people on April 9 in Washington must translate into ongoing grassroots activism. Meeting the challenge also requires a reconsideration of our strategies and goals.

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Staying in the Streets

While Operation Rescue may have co-opted some civil disobedience tactics of the civil rights', women's and anti-war movements, this does not mean they have a monopoly on the power of mass protest, or that our only recourse is to organize endless counter-demonstrations. While we must continue defending clinics with strong and creative efforts such as the actions that have thwarted Operation Rescue in cities like Boston, Los Angeles and Seattle, it is time for supporters of abortion rights to take to the streets in our own demonstrations nationally and locally.

The overt and direct nature of the attacks on the clinics posed by Operation Rescue has propelled many pro-choice supporters into activism. Large numbers of counter-demonstrators have become involved in opposing Operation Rescue and in clinic defense. We must, however, examine our tactics and politics here. The prominence of the police, while inevitable when the anti-abortion tactics are ones of civil disobedience, are for us quite problematic. We do want the clinics kept open. We do want the police to uphold our constitutional rights. These goals already involve us in some degree of cooperation with the police. Can we engage in this cooperation without taking political direction from them? Can we do so without supporting their brutality toward opponents of abortion? Can we do so without forgetting that most of our political lives have been devoted to challenging the status quo, which puts us in direct opposition to those whose job it is to preserve it? When abortion rights counter-demonstrators cheer the police, the ambiguity of our position becomes painfully clear. When clinics try to get injunctions against demonstrators to severely constrain their protest, and try to use the RICO law (see box, page 7) to impose huge fines on them, the degree of complicity with the status quo must be questioned. We want to stop the anti-abortionists, but using the very tactics that are so often used to stop us does not really bring satisfaction. Instead it makes us uneasy about the way the battle has been shaped. It is time for us to re-shape it.

Our movement must be visible and vocal at both the national and grassroots levels. I believe that the real significance of the April 9 March was the fact that it was the largest mobilization ever for abortion rights and indeed for women's rights. While visibility is crucial, we must try to frame the surge of support in our own terms. Reports of celebrities jockeying for position in the March undoubtedly added to the visibility, but the stars really cannot speak for our movement. Much was also made of the fact that several generations of women (and men, although not much was made of that) were represented at the march. The major newspapers all featured stories about mothers and daughters marching together. Here, too, we need to be clear about the message. The need and desire to control our bodies and our lives does indeed cross generations. "Menopausal women nostalgic for reproductive choice" was one of the most-quoted signs I saw in Washington. But the generational mix was also a testimony to an ongoing struggle for reproductive rights. The press featured the quotations from those who thought we had "won this one." Let us hear from those who understand the limitations of what we had won and the need to keep fighting not just to stay even, but to expand our rights.

The effort to present the march as mainstream inhibits the important task of creating a more diverse and, hence, more powerful movement. While there was age and geographic diversity, the march remained overwhelmingly white. At the same time, a large contingent of women of color organized through national organizations (including the Women of Color Partnership of the Religious Coalition for Abortion Rights, the National Black

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Women's Health Project, Women of Color Programs of the National Organization for Women and others) are becoming visible and creating an important pole within the abortion rights movement. The predominantly white leadership of the mainstream movement must engage in power and resource sharing.

Despite the fact that the immediate threat is in the Supreme Court, actions cannot be focused only on Washington. Grassroots activism remains the key to the struggle. If Roe is gutted or overturned, activists across the country need to be prepared to fight for legal, accessible abortions at the state level and to oppose restrictive legislation and state constitutional amendments curtailing abortion rights.

Restoring the Radicalism of the Abortion Rights Movement

It is also time to reconsider the politics of abortion rights. As the threats have intensified, the need to re-focus the abortion debate is emerging with a sense of urgency. We need to restore the radical pole to the abortion debate. In 1989 the call has been to "Defend Roe v. Wade." This is unfortunately very far away from pre-1973 demands for "Repeal of All Abortion Laws." We have forgotten that repeal was really an assertion that the government has no business at all in the abortion decision. Today, that idea seems revolutionary. We struggle today to have slogans that even mention restoring Medicaid funding for abortions. This contrasts sharply and unfavorably with the pre-1973 call for "Free Abortion on Demand." In 1989 we are asked to "Stand Up for Choice," and to "Protect Personal Privacy," "Keep Abortion Safe and Legal." In moderating our own demands, we have compromised a great deal. The entire debate has shifted to the right. And by the effort to sanitize our demands, we inadvertently support the anti-abortionists' strategy of removing women from the debate.

The anti-abortionists have succeeded in focusing the abortion debate on fetuses—fetuses as the lives at stake, fetuses existing on their own. In this construction of abortion and pregnancy, women have become invisible. The mainstream defense of abortion rights has centered on claims about the fundamental right of privacy and the sacredness of individual choice. The inadequacy of this framework is becoming increasingly apparent. In a fight of life v. choice, life is the obvious choice. We must resist this characterization. We are fighting for life—we are fighting literally for the lives of women. It is a fight over the value of women's lives and over who will control women's lives. The anti-abortion movement must be exposed as fighting for a world in which women die rather than carry unwanted pregnancies to term. It must be exposed as the movement fighting for a world in which white women of privilege can have safe abortions while poor women at risk often lose their lives in unsafe abortions. It must be exposed as a movement founded on the principle that women cannot be trusted to make important decisions, such as whether or not to become mothers.

Abortion is and always has been a fundamental women's issue. The right to safe, legal, funded abortions is essential if women are to have control over our health, our sexuality and our very lives. We have become intimidated about putting abortion in these terms. Our opposition, however,
Over one-half million women and a significant number of men turned out in Washington, DC on April 9 for a National Organization of Women organized demonstration for "Women's Lives and Women's Equality"—and specifically for abortion rights.

The crowd was mostly, but not entirely, white, and was made up of young and old, with a large number of high school- and college-aged women. People came from all over the country, and from many other countries as well. The march included a sizeable labor contingent, as well as contingents representing women of color, gays/lesbians, and religious groups. Favorite banners included: "Menopausal Women Nostalgic for Choice," "Boycott Domino's Pizza—Avoid the Noid," (Domino's Pizza helps fund the anti-abortion Operation Rescue), "Mormons for Choice," and "Mountaineers for Choice," (from our neighbors in Vermont), and "Another Boy for Women's Rights."

Among the many speakers to address the crowd were Jesse Jackson, Molly Yard (NOW president), Deen Leonard (Association of Flight Attendants), Whooppi Goldberg, Ellie Smeal (former NOW president) and Robin Tyler (gay activist and comedienne).

More protests were expected across the country and at the Supreme Court on April 26 when the Court begins to hear the Webster case.

All photos: Nancy Wechsler
Still Fighting

makes no bones about its intentions: "What's at stake is the kind of country we are going to deliver to our children and our grandchildren. It's the winner take all, for the soul of this country. The ACLU, NOW, PPLM are sordid, perverse organizations that are bent on destroying the family and that make a mockery of public decency." (Randy Terry, co-founder of Operation Rescue, quoted in the Boston Globe 4/16/89.).

Women's needs and experiences must be at the center of the abortion debate. Recognizing this, many groups are returning to the feminist tactic of the speakout, adding the voices and stories of women who have benefitted from legal abortions to those of women who suffered in the era before Roe v. Wade.

Another Beginning in the Struggle to Defend Abortion Rights

Resist Wants to Help

The April 9th March for Women's Lives was another beginning in the ongoing struggle for our right to our own bodies. We at Resist want to be able to support this important work. One way is to help grassroots abortion rights groups around the United States by funding their organizing and education projects.

We have funded many such groups who have come to us in the past. Now we want to take the initiative in reaching out to groups not yet known to us, and we can do that through you, as a Resist supporter, contributor or past grantee. If you are aware of groups in your area involved in effective (and perhaps insufficiently recognized) abortion rights organizing work, please tell them about Resist, or send us their names and addresses and we'll contact them.

The Supreme Court is now making decisions that affect us all deeply and no matter what the outcome, we know the fight will not be over. The conservative element in this country will continue its attack on abortion rights, and we will need your help in finding those groups engaged in the long-term struggle to defend and expand women's reproductive freedom.
Finally, even as we fight to preserve the legal right to abortion, our movement must fight to expand abortion rights. Safe and legal abortion must be made accessible to all women. This is not the case now. We can't defend abortion rights without stressing access, for if a woman can't afford an abortion, the legal right is meaningless.

We must resist those efforts to defend abortion rights that further limit the freedoms of those who are already disadvantaged by our society. We must ensure that no woman—including women of color, prisoners, HIV-positive women, women with disabilities—are forced or coerced into having abortions or being sterilized. We must look to those who seek to expand rights for all people as our allies in this struggle.

We cannot allow it to become turned back on women's lives, and productive choice for all women really care-for all that women need to provide decent lives for themselves and for men not to have children must be opposed. We must fight for social services, jobs, child care and health care—for all that women need to provide decent lives for themselves and for the children they choose to have. We must fight for gay and lesbian liberation and resist efforts to exploit fears about AIDS to fuel homophobia.

This new phase of the ongoing struggle for abortion rights is bringing together women who remember life before 1973 and refuse to see the clock turned back on women's lives, and younger women who have grown up with legal abortion as a cornerstone of their world view and refuse to relinquish this right. This alliance and the rejuvenation of the reproductive rights movement is exciting. We also have the potential to continue to build and diversify our movement. We must do so if we are to be able to preserve the rights we have and go beyond them to gain reproductive freedom for all women.

The Reproductive Rights Network is a feminist organization committed to grassroots activism around issues of reproductive freedom. For more information, write to: Boston R2N2, P.O. Box 686, Jamaica Plain, MA, 02130.

Marlene Gerber Fried is a long-time reproductive rights activist and member of the Boston Reproductive Rights Network (Boston R2N2). Thanks to Shelley Mains. This article draws heavily on her article “Abortion: A Woman's Right to Life,” Sojourner, March 1989.

It is not surprising but certainly frightening that the Supreme Court has agreed to hear an abortion case this spring (Webster v. Reproductive Health Services), which provides it with the opportunity to overturn Roe v. Wade. Just two days after Bush's election, the Justice Department asked the Court to reverse Roe. This is the test case the anti-abortion movement has been waiting for—the case that could obliterate all constitutional protections for abortion rights.

Equally dangerous but short of overturning Roe v. Wade, the Court could decide instead to continue to chip away at abortion rights by allowing the states to pass a wide range of restrictive laws. If this were to happen abortion would remain legal but inaccessible. Either of these decisions would have devastating consequences for the lives and health of women.

The Webster case involves an appeal of a decision which declared unconstitutional numerous provisions of a Missouri law regulating abortion. At issue are a wide range of restrictions on access to abortion, including: provisions requiring physicians to conduct tests to determine the size and gestational age of the fetus if the physician believes the woman is past the twentieth week of pregnancy; a ban on the use of public funds for counseling women about abortion unless the abortion is necessary to save her life; and a ban on the use of public facilities or employees to perform abortions, unless the life of the pregnant woman is at stake. There is also a preamble, which states that "the life of each human being begins at conception" and "unborn children have protectable interests in life, health and well-being.

By upholding the Missouri law (scheduled to be heard after this article goes to press), the court would be allowing states to impose extremely burdensome laws and regulations that would make abortion services more expensive, even less accessible, and for many, impossible to obtain. For example, a state could institute such strict requirements that many facilities performing abortions would be forced to close, severely limiting the kind and number of facilities that can provide abortion services. Women would then be faced with exorbitant fees for abortions. With the loss of federal Medicaid funding for abortions, safe, legal abortions are already out of the economic reach of many women. New restrictions would mean that many more women unable to pay would be forced to seek illegal abortions, carry unwanted pregnancies to term, or use food and rent money to pay for abortions.

The Webster case is not the only threat to the constitutional protections for legal abortion. There are three other cases before the court, each involving limiting access to abortion: a case dealing with parental notification, Ohio v. Akron Center for Reproductive Health; a case dealing with the licensing of abortion facilities, Turlock v. Ragsdale; a case dealing with spousal consent, Lewis v. Lewis. Any of these provide the court with the opportunities to reverse Roe or to further erode a woman's right to decide about pregnancy and abortion.

For the most socially and economically vulnerable women—poor and working class women (a disproportionate number of whom are women of color), teens or women living in rural areas, the reality would be no different than if abortion were completely illegal. There would be an increase in unsafe, illegal abortions with associated injuries and deaths; a surge in the numbers of "coerced" sterilizations for women who cannot afford abortions but find that the government will gladly pay for their sterilization; and more unwanted pregnancies carried to term causing economic disruption and personal anguish for women and their families.

—Marlene Gerber Fried
Grants
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National Chicano Human Rights Council, 2871 24th St., San Francisco, CA 94110.

The National Chicano Human Rights Council (NCHRC) is a new organization to advocate for Chicano and indigenous people's rights on an international level. The first national encuentro, or conference, which took place in 1986 in Flagstaff, was sponsored by the International Indian Treaty Council, which has backed the NCHRC ever since.

The goals of the NCHRC include the documentation of human rights violations through an international clearinghouse; development of coalitions with U.S. and international human rights organizations, reinforcing cultural bonds between Chicanos and other indigenous peoples; improving the understanding among Chicanos and American Indians of the Treaty of Guadalupe Hidalgo (signed by the U.S. and Mexico in 1848 guaranteeing to Mexican Americans life, personal liberty, land, water, culture, language, religion, sovereignty and self-determination), and use of the Treaty to seek redress of past and present violations; and increased involvement of Chicanos in international affairs.

The genesis for this project is the recognition on the part of the International Indian Treaty Council (IITC) that the Chicano people are an indigenous population who share common roots with the native peoples of the Americas.

BULLETIN
OF CONCERNED ASIAN SCHOLARS
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The NCHRC, in addition to organizing further encuentros on the Treaty, sent delegates to the the 45th Session of the UN Commission on Human Rights in Geneva, to present its current findings on violations of the Treaty in the U.S. Pertinent topics include the rights of migrant workers, and rights of all national, ethnic, religious and linguistic minorities, particularly in light of the "English-only" movement, pesticide and insecticide contamination, loss of land and water rights in New Mexico, Colorado, and other states, and brutality and loss of life at the hands of law enforcement officials.

Resist provided an emergency grant for expenses of the 1986 encuentro, and a recent grant to the NCHRC for office supplies and for a brochure on the organization.

Leery of RICO

The 1970 federal law known as RICO, for Racketeer Influenced and Corrupt Organizations statute, is being taken up by a number of pro-choice organizations and city governments (including Brookline, MA and Philadelphia, PA) as a legal means of stopping Operation Rescue from closing down abortion clinics and threatening staff and clients.

I do not question the urgency that leads some clinic workers, pro-choice activists and others to try "any means necessary" to secure women's rights to abortion services; nor do I question the terror inspired by Operation Rescue's confrontational tactics. Nevertheless, those of us who value the right to dissent should be extremely wary of the use of the RICO law against anti-abortion demonstrators.

The anti-racketeering law was designed to attack the Mafia and other organized criminal activity. It allows the pre-trial freezing of assets and dramatically heavier penalties for those convicted under the law. It was successfully used against Gennaro Angiulo in 1986, a former Sicilian Mafia boss in 1987, and it is now being used against the investment giant Drexel Burnham Lambert. According to RICO, anyone found to have committed two serious criminal acts or threats of such acts (from a list of 24 federal crimes and 8 felonies) within ten years has undertaken a "pattern of racketeering," and pre-trial protections under the "innocent until proven guilty" presumption, are suspended.

Since RICO was passed by Congress almost twenty years ago, precedents have continued to be set allowing RICO to be used in cases that do not involve organized crime. For example, a number of pornographic bookstores have had their inventory seized while under investigation on RICO charges. During the Reagan years RICO has been used, along with other anti-conspiracy laws, to hold political activists under pre-trial detention, and prosecute them with severe sentences. Cases include Mutulo Shakur and Marilyn Buck, charged with conspiracy in actions attributed to the Black Liberation Army, and now facing 60 and 50 years in prison.

RICO leaves the definitions of "conspiracy," "corrupt," "terrorist," and "pattern of racketeering" up for grabs. According to its author, G. Robert Blackey, the law was never meant to be limited to organized crime. Anyone who acts like a racketeer is a racketeer. One pattern is obvious to me—the expansion of RICO since 1970-making it a very short leap to the conclusion that the law could soon be used against anyone of a group that engages in any sort of confrontational tactics as a form of protest. Why shouldn't Boston, for example, use RICO to prosecute Pledge of Resistance protestors who keep inconveniently blocking the entrance to the federal building, preventing business as usual?

Defenders of the use of RICO against anti-abortion demonstrators argue that we should take advantage of the law, as long as it's there, to keep clinics open. But that's exactly the process by which the right to dissent is worn away. When the RICO law was first passed I remember gathering information about the dangers it presented both in terms of the stripping away of pre-trial presumption of innocence, and the arbitrary definitions of terms like criminal conspiracy and extortion. I have only seen my fears confirmed as RICO's net is widened.

I shouldn't we be organizing to protest repressive federal legislation rather than using it when it happens to serve our needs?

Tatiana Schreiber

Tatiana Schreiber is the editor of Resist newsletter.
June 1989 marks the twentieth anniversary of the Stonewall rebellion that sparked today’s lesbian and gay liberation movement. To honor the occasion, this month’s grant reports highlight gay and lesbian and human rights projects Resist has funded between January and March, 1989.

Lambda, Inc. P.O. Box 55913, Birmingham, AL 35255.

The Alabama Forum, the only local and statewide gay and lesbian community newspaper in Alabama, was first published by Lambda, Inc. in 1977. Since then, the organization has spawned diverse community projects including a speakers bureau, gay pride celebrations, and the Birmingham Gay Center—out of which grew the Gay Men’s Chorus, the New South Softball League, Gay AA, the Alabama Conference and Birmingham AIDS outreach. Now Lambda, Inc. operates the Lambda Resource Center, and still puts out The Alabama Forum.

Join the Resist Pledge Program

We’d like you to consider becoming a Resist Pledge. Pledges account for over 30% of our income. By becoming a pledge, you help guarantee Resist a fixed and dependable source of income on which we can build our grant making program. In return, we will send you a monthly pledge letter and reminder, along with your newsletter. We will keep you up-to-date on the groups we have funded, and the other work being done at Resist. So take the plunge and become a Resist pledge! We count on you, and the groups we fund count on us.

___ Yes, I would like to become a Resist pledge. I’d like to pledge $ _____

monthly, bi-monthly, quarterly, 2x a year, yearly).

___ Enclosed is my contribution of $ ______

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The group also provides referrals for homeless people and operates a food bank. The Resource Center houses an information collection and library with 800 volumes of gay and lesbian fiction and non-fiction. Among the groups now meeting at the Center are a Black men’s group, a Living With AIDS group for people with AIDS/ARC or who are HIV-positive, and a women’s group. Resist’s recent grant went to a membership outreach effort.

Gay and Lesbian Resource Center, 4211 Grand Ave., Des Moines, IA, 50312.

Established in 1985, the Gay and Lesbian Resource Center in Des Moines is trying to fill gaps in the educational, political and public needs of the area’s gay and lesbian community, particularly with respect to youth and parents of gay youth. In an attempt to combat internal as well as external racism and sexism in its organizing work, the Center has made a commitment to building a board that includes people of color, working class people, and equal numbers of women and men.

Resist’s recent grant went toward the creation of a support network for gay and lesbian youth. The project will include assistance in the establishment of two teen groups (for those under 18 and those 18-24) with the goal that the groups will be run by the members themselves. The Resource Center will also provide information to community agencies and individuals who work with teenagers, including teachers, school administrators, and counselors. This effort hopes to chip away at the rejection and corrosive attitudes that confront gay youth.

Vermont Committee for Irish Human Rights Box 311, Winooski, VT 05404

"In Ireland, contrary to popular belief, women do have voices, British troops do outnumber leprechauns, Catholics and Protestants do not debate the Protestant Reformation on street corners in Belfast with the British playing peacekeeper, and there isn’t a mad bomber lurking behind every hedgerow.” These and other myths are dispelled regularly in Borderline, a quarterly report of Irish and American news and opinion, published by the Vermont Committee for Irish Human Rights.

The Committee was founded in 1981 in response to the hunger strike by political prisoners in the north of Ireland which left ten men dead. Initially focusing on political prisoners in Ireland and England, the group soon broadened its work to include civil and human rights issues in both the north and the south of Ireland. The newsletter also includes cultural and general news and perspectives. The educational work of the committee involves analysis of political, economic, historic and social issues that effect not only Irish labor organizations, political activists and politicians, but the U.S. public through our foreign policy.

Solidarity work includes organizing grassroots and political pressure from the U.S. to effect change in Ireland. For example, the Committee is producing a pamphlet and organizing forums focused on passing the MacBride Principles through the Vermont legislature. The MacBride Principles are a set of nine fair employment guidelines for U.S. companies doing business in Northern Ireland. The goal of the principles is to force U.S. companies to adhere to fair employment policies (Catholics are 2½ times more likely to be unemployed than Protestants in Ireland), thus undermining the historic foundation of the Northern Ireland state, i.e. discrimination and domination.

Included in the public presentations the Committee organizes, are videos on women’s history and the Civil Rights Movement. The group also organizes celebrations of Irish art and culture, including a planned Irish art tour through Vermont. Though the group’s focus is on British occupied Northern Ireland, it also attempts to make links with human rights struggles elsewhere, including Chile and the Middle East. Resist’s grant went to distribution of the MacBride pamphlet and purchase of videotapes for organizing work.

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"We were young, we were reckless, we were headstrong, we were impatient, we were excessive, and goddammit, we were right!"