

Welcome

9th Orange County Women's Health Summit
Advancing Women's Health & Equity
in the Post-Roe Era



A PRIMER ON ABORTION RIGHTS AND *DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION*

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***Roe v. Wade* (1973)**

- **1st trimester: the state cannot regulate abortion any differently than it regulates other medical procedures**
- **2nd trimester: the state can only regulate abortion to protect the pregnant person's health**
- **3rd trimester: the state can ban abortion except in cases where continuing the pregnancy threatens the pregnant person's life or health**



THE HYDE AMENDMENT

"Yesterday, remarks were made that it is unfortunate to burden an appropriations bill with complex issues, such as busing, abortion, and the like. I certainly agree that it is very unfortunate. The problem is that there is no other vehicle that reaches this floor in which these complex issues can be involved. Constitutional amendments which prohibit abortions stay languishing in subcommittee, much less committee, and so the only vehicle where the Members may work their will, unfortunately, is an appropriation bill. I regret that. **I certainly would like to prevent, if I could legally, anybody having an abortion, a rich woman, a middle-class woman, or a poor woman. Unfortunately, the only vehicle available is the HEW Medicaid bill.**"

Planned Parenthood v. Casey (1992)

- “A woman’s right to terminate her pregnancy before viability is the most central principle of *Roe*. It is a rule of law and a component of liberty we cannot renounce.”
- Replaced the trimester framework with the “undue burden standard”

DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION (2022)

- Overturned *Roe v. Wade*
- "Until the latter part of the 20th century, such a right was entirely unknown in American law. Indeed, when the Fourteenth Amendment was adopted, three quarters of the States made abortion a crime at all stages of pregnancy."
- In dissent, Justice Breyer argues: "[P]eople" did not ratify the Fourteenth Amendment. Men did. So it is perhaps not so surprising that the ratifiers were not perfectly attuned to the importance of reproductive rights for women's liberty, or for their capacity to participate as equal members of our Nation. Indeed, the ratifiers—both in 1868 and when the original Constitution was approved in 1788—did not understand women as full members of the community embraced by the phrase "We the People."

DOBBS PUTS OTHER CONSTITUTIONAL RIGHTS IN JEOPARDY

- *Griswold v. Connecticut* (1965): Constitution protects right to access contraception
- *Lawrence v. Texas* (2003): Constitution protects right to consensual sex with adult of the same sex
- *Obergefell v. Hodges* (2015): Constitution guarantees right to same-sex marriage

Buck v. Bell

(1927)

“It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. Three generations of imbeciles are enough.”



Three Prongs of Reproductive Justice:

The right *not* to have a child.

The right *to* have a child.

The right to parent one's child with dignity.

Reproductive Justice Issues:

Criminalization of
reproduction

Correlation of
environmental degradation
with infertility

Discourse around young
parenthood and the
treatment of young
parents

Access to assisted
reproductive technologies
by poor people and people
of color

Incarcerated people's loss
of reproductive rights and
healthcare

Rapid termination of
parental rights of people
deemed unfit by the state

Access to nonmedicalized
birthing options

Coerced
obstetrics/obstetrical
violence

The family regulation
system

Problematization of the
reproduction of the poor

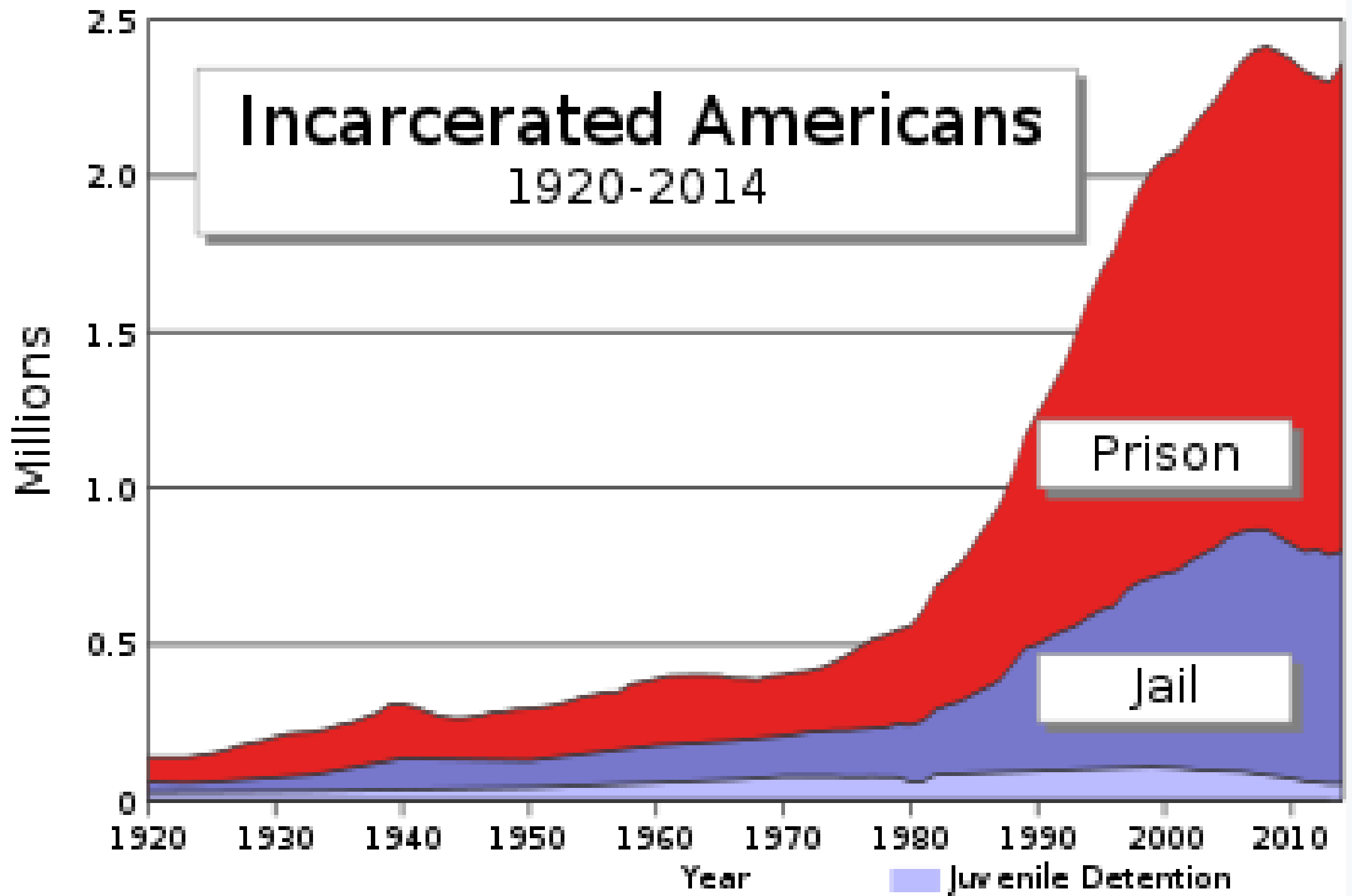
Abortion Rights from a Reproductive Justice Perspective

- Black people make up a disproportionate number of those receiving abortions in the U.S.
- Black people disproportionately bear the burdens of poverty in the U.S.
- Black people are more likely to encounter barriers to obtaining safe and effective contraception.
- Black women experience higher rates of intimate partner violence, sexual assault, and reproductive coercion.
- Black people experience higher rates of maternal mortality and severe maternal morbidity.

People will attempt to circumvent abortion restrictions

- They will travel to states and countries where abortion is still legal.
- Travel is difficult, and sometimes, impossible for:
 - *poor people*
 - *people with disabilities*
 - *survivors of domestic violence*
 - *young people*
 - *undocumented people*



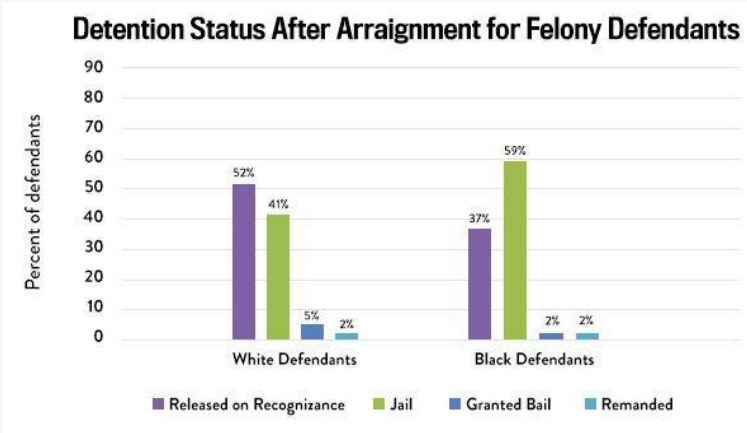




Chelsea Becker

**Charged with homicide in
California after experiencing
a stillbirth**

RACIAL DISPARITIES EXIST THROUGHOUT THE CRIMINAL LEGAL SYSTEM



Usage rates

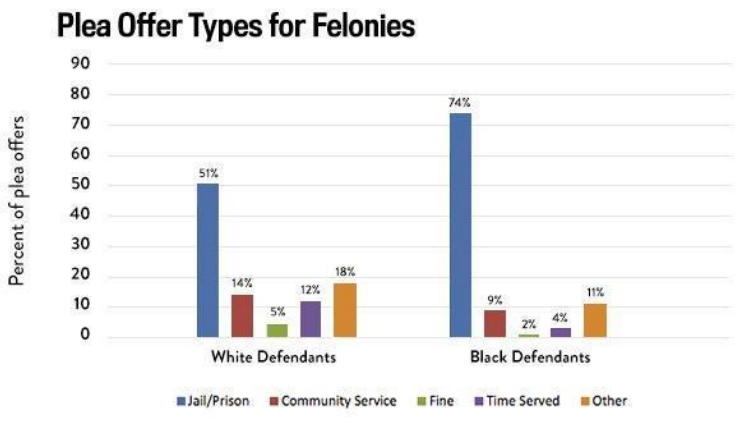
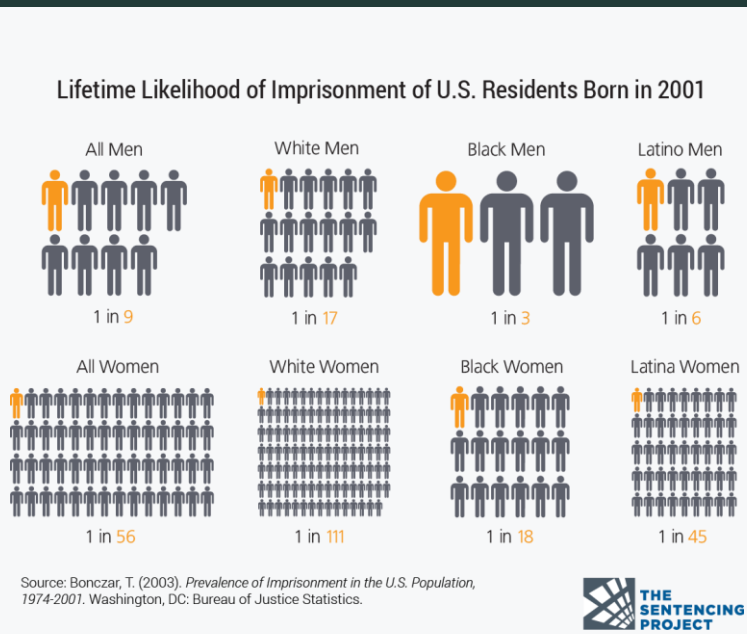


Blacks used marijuana at 1.3 times the rate of whites.

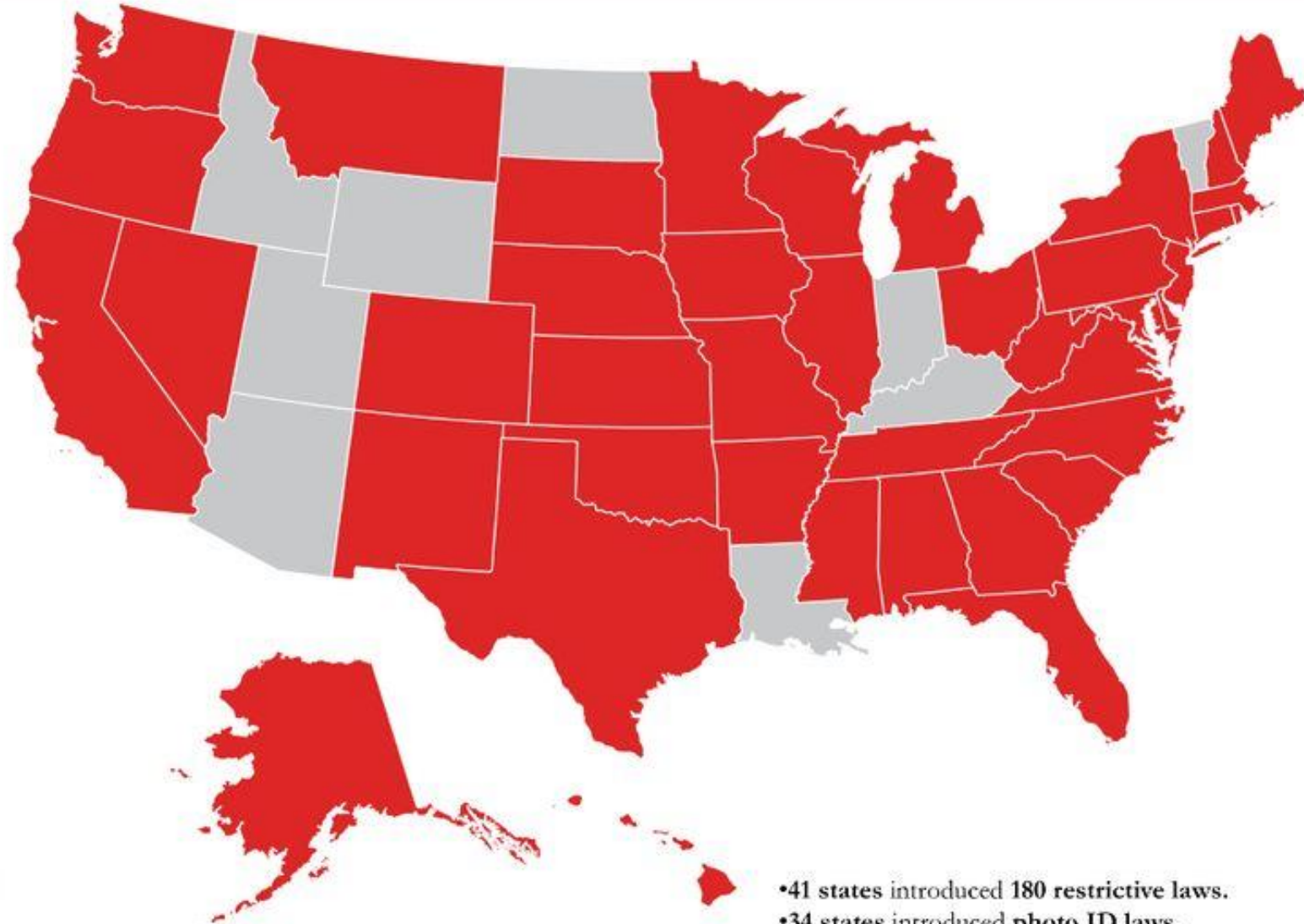
Arrest rates



Blacks were arrested for marijuana possession at 3.7 times the rate of whites.



States with restrictive voting legislation introduced since 2011



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FOR JUSTICE

- 41 states introduced 180 restrictive laws.
- 34 states introduced photo ID laws.
- 17 states introduced proof of citizenship requirements.
- 16 states introduced bills to limit registration.
- 9 states introduced bills to reduce early voting periods.

Cost of Voting Index

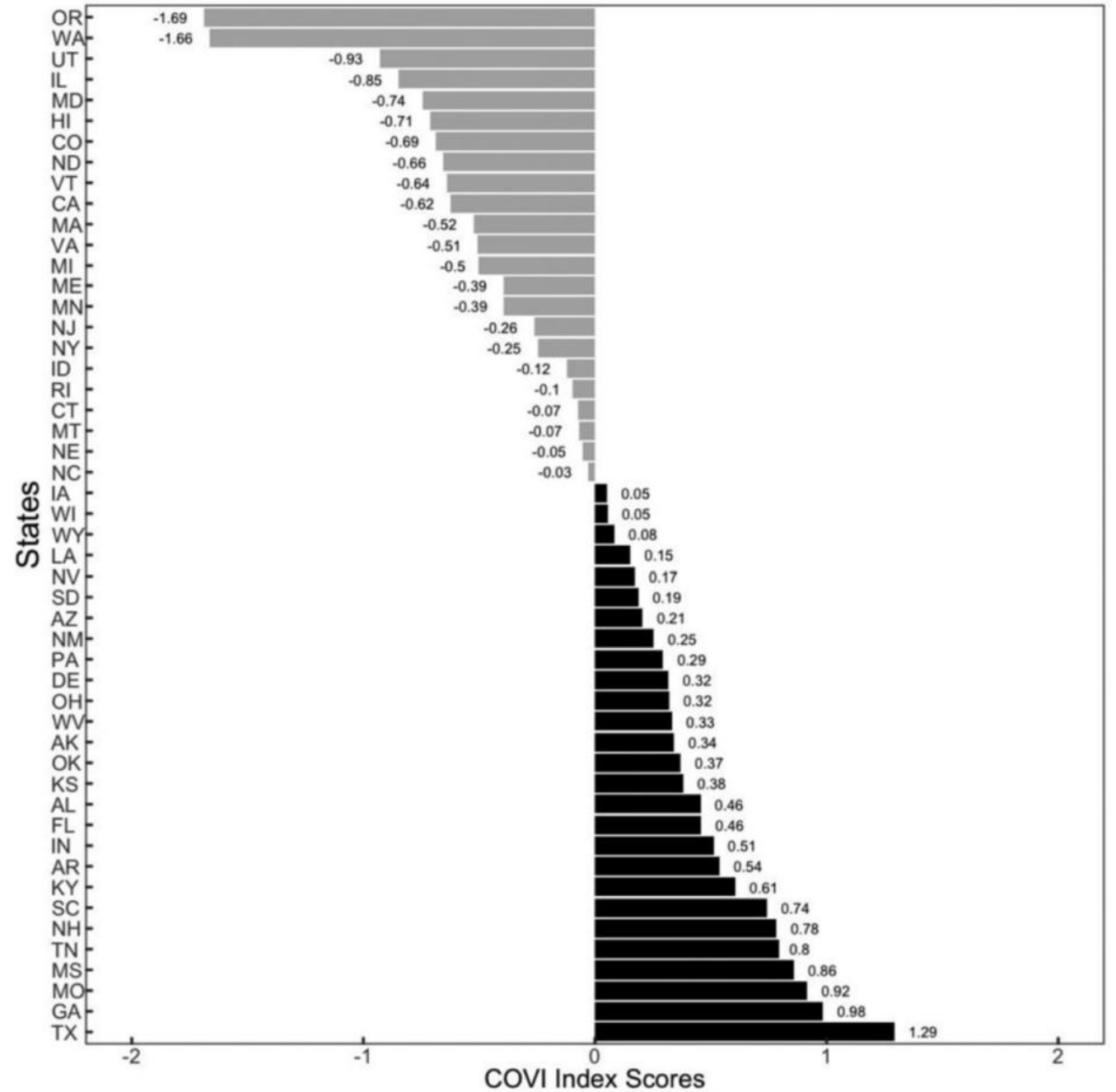


FIG. 1. Cost of Voting Index values for all 50 states in 2020. *Note:* Index values that extend beyond two decimal points are available from the authors.

