

# **United States: Black women face higher death by denial of abortion access—sexism and racism are double blow**

Monday 9 May 2022, by [MIAH Malik](#) (Date first published: 9 May 2022).

**After the “leak” of a draft ruling by the U.S. Supreme Court to overturn a 50-year decision legalizing abortion rights for women, the response by women and supporters was quick. Spontaneous protests took place at the Court in Washington, D.C. and around the country.**

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Many of these were led by women of color, including African American women. These women will be disproportionately impacted by the elimination of women’s autonomy over their bodies. State governments’ restrictions of abortion rights have already made it difficult for Black women to access abortions.

Unless a single judge changes a vote, the result will remain 5 to 4 to overturn a decision backed by over 70 percent of the population. Only 24 percent of the public support a total ban on abortions with no exceptions for rape, incest, or the health of a woman.

While this draconian ruling—a political not Constitutional argued document—is outrageous, it was not a surprise to African American women rights scholars, academics, activists and ordinary working-class women. Sexism and racism are combined for African Americas.

## **Wakeup call on racism**

The May 5 *San Francisco Chronicle*, headlined its article, “Black women saw *Roe*’s end ‘a long time ago.” Reporter Justin Phillips wrote:

“In the now-confirmed 98-page draft opinion that could overturn *Roe v. Wade*, U.S. Supreme Court Justice Samuel Alito argues that the Constitution “makes no reference to abortion,” thus the *Roe* decision was “egregiously wrong” and has had “damaging consequences.”

“The latter can be said about the myths — rooted in right-wing propaganda about abortion and the Black population — Alito evoked in one of the draft’s footnotes.

“In small print on Page 30, Alito opines that ‘some’ *Roe* supporters have been ‘motivated by a desire

to suppress the size of the African American population,' and it's because of *Roe* that a 'highly disproportionate percentage of aborted fetuses are Black.'

" 'They've been planning this day for years,' Rep. Barbara Lee, D-Oakland, told me the day after the leaked Alito draft was reported by *Politico*. 'They've been electing people, appointing judges, everything as part of their master plan to erode democracy and set up a new system in this country that allows for them to be — and I hate to say the dictator — but that's the plan. It's nothing new.' "

Lee is African American. She told Congress about her own abortion when a teenager in El Paso, Texas before *Roe*. She went to Mexico and survived, which she explained, many other Black girls did not.

In a footnote in his draft, Alito suggests a false link between supporters of abortion access and those who may have wanted to "suppress the size of the African American population."

It is a talking point of the right. Why is it in a brief about Constitutional rights?

### **Raped by my father**

In a penetrating essay written as an Op Ed for *The New York Times* last November (11/30/2021) by Michele Goodwin, a professor of law at the University of California-Irvine and the author of "Policing the Womb: Invisible Women and the Criminalization of Motherhood," makes the issue of abortion real for those who rarely mention the life of the girl and woman:

"It was the early morning of my 10<sup>th</sup> birthday the first time that I was raped by my father. It would not be the last. The shock was so severe that I temporarily went blind before I began the fifth grade a few weeks later. By the time the school year began, my father had taken me to see a battery of doctors — a medical explanation would paper over the fact that the trauma caused by his sexual violence had caused my body to shut down.

"The physiological suffering that I endured included severe migraines, hair loss and even gray hair — at 10 years old. While other girls may have longed for puberty, I loathed the idea of it. My body became a vessel that was not mine. It had been taken from me. I lived in fear of the night, and the footsteps outside my bedroom door. later, while in therapy at 16, would I understand that my involuntary rocking when relating to these experiences was the manifestation of my stress and anxiety.

"My father's predations were hidden behind wealth, social status and his acting the part of a committed and attentive parent. I attended elite schools in New York City, studied ballet at a renowned academy and took private violin and tennis lessons. My father never missed a parent-teacher conference. However, that veneer of normalcy belied intimate family violence that began years before with his physical abuse of my mother. At times he was so violent that she was hospitalized.

"At age 12, I was pregnant by my father, and I had an abortion. Before we got to the doctor's office, I had no idea that I was pregnant. My father lied about my age and the circumstance of my pregnancy, informing the doctor that I was 15 and that I had been reckless with a boyfriend. My father shook his head, explaining to the doctor that he was doing all that he could as a single parent — my parents had divorced by this time — but that I was out of control. Both men seemed to convey contempt toward me. For many years, the shame of my father's lie lingered with me — the stereotype embedded in the narrative of the risky, hypersexualized Black girl....

“In the end, my way out was to leave the economic security of home at age 15. That, too, is a decision that I will never regret. But it was not easy. When I left, I had \$10 and no access to the savings account my father held for me. I enrolled myself in a public school on Staten Island. To support myself, I cleaned the house of a very kind couple. I lived in an unfinished attic and survived on a modest diet that mostly consisted of beans, rice, and cans of tuna. To win my freedom from my parents, I went to court, where I endured interrogation from ill-prepared and insensitive lawyers about being raped as a child.”

While her story of rape and “freedom” seems unusual, most young Black girls who are raped by relatives don’t survive or live successfully.

### New Jane Crow

On May 6 Goodwin was interviewed by Amy Goodman of Democracy Now:

“Amy, it’s important that we all understand that the new aspect of anti-abortion provisions includes an aspect that we would not have seen even five years ago. And that is that they make no exceptions for cases of rape or incest.

[This is an especially important change. Since the 1992 *Casey v. Planned Parenthood* decision allowed limits to abortion rights that weakened *Roe*. Numerous so-called right to life politicians at a state level restricted women’s health care by imposing unnecessary steps before a routine abortion procedure could occur. These restrictions—new Jane Crowism—penalize poor, predominantly Black and Brown women disproportionately.]

“Now, these laws, on their own, are really quite chilling and horrific when we understand, just as a baseline, the importance of reproductive liberty and freedom and when we understand that a woman or girl is 14 times more likely to die by carrying a pregnancy to term than by an abortion in the United States. So, that’s just a baseline anyway. But then, when we add onto it that these laws have this kind of punitive aspect, as well, such that if you have been raped or that you have somehow survived incest, that you, too, may no longer have an exception that would provide for the ability to terminate a pregnancy, then we really understand that these laws have nothing to do, and they never have had anything to do, with protecting, respecting the autonomy, the dignity, the privacy of women or girls. In fact, they’re just simply cruel types of laws that are power plays that fit into a history of controlling women’s bodies and a history, quite specifically, of controlling the bodies of Black and Brown women. I mean, it’s been all women who have been subjected to the cruelties of such laws, but they have a particularly pernicious effect when we actually understand the historical implications, too.

“As to rape and incest, I thought it was really important to legitimize that conversation and move us away from the taboo where we’re not supposed to talk about those things and where, clearly, the Supreme Court is not talking about that at all, as it was not raised in oral arguments. And in the leaked draft opinion that was circulated this week, Justice Alito does not even bother to actually mention rape or incest in any part of the nearly 100-page draft opinion.”

In an interview posted May 3 on *wordinblack.com*, Janette Robinson Flint, the executive director of Black Women for Wellness, explains what an end to abortion access means for women of color and why people must resist:

“With the overturn of *Roe v. Wade*, what it does is put women across the middle of the country at risk. They won’t be able to access abortion, and if they have to travel to another state, there is a cost of abortion. And it is unfortunate because every woman, every Black woman, deserves control,

autonomy, and self-determination over her own life. It's a basic human right. You get to say if you want to be pregnant or not. ...

“Because racism is so baked in, when they — they being, in this case, the Supreme Court of the United States — decides nobody has this right to abortion anymore, that they can overturn *Roe v. Wade*, what does that say about the folks who have been least able to access the system? What doors will that close for us? And particularly, when we look at places like Texas, Alabama, Mississippi, Louisiana — states where they have lots of Black people but very little healthcare, this means even less healthcare. “

### **Canaries in the coal mine**

Michele Goodwin explains further in her discussion with Democracy Now:

“Yes. Well, what we'll see is just like in Jim Crow times [legal segregation] or antebellum [slavery] times. There are places where women can be free and girls can be free and may not have to worry. And even there, I would put some caution around it, because in California just a couple years ago, in the valley, there was a prosecutor who attempted to prosecute — in fact, was prosecuting — a woman for murder in the case of her stillbirth.

“But, yes, what we will begin to see is that there will be states where people will not be free, where they will in fact be policed. And that kind of policing will also be connected to sex profiling, just like racial profiling — right? — this hyper-intensive look at what are girls and women doing with their bodies. There will be a turn to and pressure on nurses, on doctors, on medical staff to breach millennia-old practices of confidentiality between themselves and their patients. And they will breach that and will share that information, just as we saw in that case, with law enforcement. And then the next step will be arrest.

“And this is not just simply anecdotal. As I record in my book, in the state of Alabama, already there have been hundreds of women who have come under the inspection of the state, charged, and arrested under fetal endangerment — or child endangerment, in that case — laws, laws that would extend child, the definition of a child, to a fetus. And in Alabama, as I've mentioned, Black women, the canaries in the coal mine there, the majority of those women happen to be white. But they all are poor, or the vast majority of them are poor or working-class women, who have already come under the attention of the state in this prurient kind of way.

“So, what we have to understand is just what we've seen at the Supreme Court level, this attack that's finally reached its pinnacle up to the Supreme Court to dismantle *Roe v. Wade*, this work has had tentacles. And it's been working to criminalize women and also to impose civil punishments associated with pregnancy.”

### **Mass Action strategy**

Relying on the capitalist state's institutions—the courts, Congress, and presidency—for defense of women's right to bodily autonomy will not happen.

It took mass mobilizations during the second wave of feminism in the 1960s that brought fundamental change.

The 1973 *Roe* decision was based on the right privacy in the 14th Amendment of the United States Constitution adopted in 1868. It took a revolution, the Civil War, to win the “liberty” clause that was

not recognized in the original Constitution.

Alito's perverse argument (some references are to the thirteenth century) means all personal rights for interracial marriage, gay rights can be called unconstitutional. Native Americans were excluded as citizens (seen as savages by the settlers) until 1924.

If half the population is denied their basic human rights, it means white male domination and supremacy will be strengthened.

The stake for Black women and the working class in the fight for abortion rights is existential to become equal and full citizens. Black women have been engaged long before Roe and will play a decisive role in the resistance.

**Malik Miah**

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**P.S.**

- A shortened version of this article was published by Green Left Weekly (Australia).