

ANALYSIS

United States and abortion rights: The new anti-choice onslaught under Trump

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The passage of a law in Ohio is proof that if we want to stop the Trump administration from rolling back abortion rights, we have to get organized, writes Nicole Colson.

AFTER ELECTING a man to the White House who bragged about committing sexual harassment and assault, Republicans are now attempting to seize on Trump's post-election momentum to wage an assault on the right of women to control their own bodies in the most fundamental ways.

Ohio Gov. John Kasich led the way in December, signing a ban on abortions after 20 weeks' gestation of the fetus, with no exceptions for victims of rape or incest, and an extremely narrow exception for the health of the woman.

Under the ban, doctors who perform abortions after 20 weeks can be sentenced to prison. The law also makes the bogus claim that fetuses feel pain at 20 weeks gestation.

Incredibly, the 20-week ban was considered a "softer" option to another bill that Kasich vetoed, which would have forbid abortions after six weeks, after a fetal heartbeat is detected. That ban passed the Ohio legislature by a large margin, but Kasich vetoed the legislation on the grounds that it was "clearly contrary to the Supreme Court of the United States' current rulings on abortion," he said.

Of course, that hasn't ever stopped the anti-abortion right in the past.

Many women are unaware that they are even pregnant at the six-week point—and others who do know are hampered from gaining timely access to abortion services because of prohibitive cost, lack of abortion providers, or restrictions like Ohio's mandatory "counseling" and waiting periods.

RESTRICTIONS THAT make abortion effectively impossible are an explicit strategy of the anti-choice right, which has pushed hundreds of such measures at the state level since the 1973 *Roe v. Wade* Supreme Court decision legalizing women's right to choose.

The attacks actually escalated during the Democratic Obama administration: As of July, according to the *New York Times* [1], a total of 334 new state abortion restrictions had been enacted in 32 states over the previous five years. Ohio is the 18th state to adopt a 20-week abortion ban—though two of those bans, in Arizona and Idaho, didn't survive court challenges.

As lawyer and author Jill Filipovic noted in *Time magazine* [2], Kasich's signing of the 20-week ban in Ohio isn't a moderate "compromise," as some in the media have tried to portray it. Instead, anti-choice activists see it as a stepping-stone to overturning *Roe*.

In this case, the 20-week limit is designed to push the boundaries of the definition of fetal viability—the key criteria that the Supreme Court has allowed states to use to deny women an abortion. Fewer than 1 percent of abortions happen after 20 weeks, and no fetus delivered at 20 weeks or earlier has ever survived.

Filipovic notes that the strategy of anti-choice politicians like Kasich is to smear abortion procedures that happen in later stages of pregnancy:

“as both common and morally indefensible...A full ban on abortion is the goal of every pro-life organization in the country. But they start by encroaching on women’s rights and abortion access in ways that most Americans find acceptable...The real goal of this law is obvious: it’s not to make women healthier or safer; it’s to push the question to the Supreme Court.”

And more such restrictions designed to push the question are on the way. In Texas, where the Supreme Court struck down an anti-choice law in June that had shut down all but eight of the state’s clinics, state Rep. Jonathan Stickland has vowed “an absolute onslaught of pro-life legislation” in 2017 [3].

Stickland isn’t alone. Anti-choice groups and Republican legislators are now salivating over the possibilities under a Trump presidency—in particular, the likelihood of multiple Supreme Court appointments—as an opportunity to strike down Roe once and for all.

BEFORE KASICH vetoed the measure, Ohio Rep. Christina Hagan, who championed the six-week ban, seemed surprised by its passage in the legislature, telling the **New York Times** [4] that “President-elect Trump has drastically shifted the dynamics. I honestly could not have foreseen this victory a week or a month ago.”

For women seeking abortions, the impact will be devastating. In a troubling sign, in Tennessee—where only four of the state’s 95 counties have an abortion provider)—a woman named Anna Yocca was recently charged with three felonies—aggravated assault with a weapon, attempted procurement of a miscarriage, and attempted criminal abortion—after using a coat hanger in an attempt to self-induce an abortion at 24 weeks’ gestation [5].

The crimes she is charged with were designed in theory to protect women from unscrupulous back-alley abortion providers. That they are being used against a woman attempting to end her own pregnancy signals a frightening new form of attack on women’s right to choose abortion.

And Yocca’s case comes after the prosecution of Purvi Patel for “feticide” for allegedly attempting to self-induce an abortion in Indiana—her lawyers dispute this. Indiana, of course, is the home state of Vice President-elect Mike Pence. Patel was sentenced to 20 years and spent months in prison before an appeals court finally reversed her conviction in 2016.

Such cases prove that Donald Trump’s talk during the campaign about criminal penalties for women seeking abortions is *already* a frightening reality in some instances—and likely to escalate under his administration.

“This is the strongest the pro-life movement has been since 1973,” Marjorie Dannenfelser, president of the Susan B. Anthony List, an anti-abortion group, crowed to the *New York Times* last month.

Dannenfelser added that during the campaign, Trump committed in writing to “putting anti-abortion justices on the Supreme Court; passing a national 20-week ban like Ohio’s; eliminating federal money for Planned Parenthood as long as its clinics perform abortions; and making permanent the Hyde Amendment, passed annually by Congress to ban taxpayer-funded abortions.”

Nancy R. Starner, director of development and communications for Preterm, told the New York Times that the day after legislators passed the six-week ban in Ohio, “Our phones have been ringing off the hook, primarily with the simple question: Is abortion still legal in Ohio?”

That’s the agenda for Trump and the right, making it a crime for women to exercise control over their own bodies—unless we push back.

A new movement that unapologetically defends abortion rights, without compromise, will need to be built from the bottom up to stand against further restrictions and win back some of the territory that women have lost since the 1970s.

But it can be built. As the *New York Times* noted [6], “Since the abortion bills passed the Legislature...thousands of protesters have marched, sent letters or made calls opposing them. Some protesters hung messages attached to wire hangers on the Ohio statehouse fence, reminders of an earlier era of unsafe abortion. One of the messages read, ‘We won’t go back.’”

That’s the kind of resistance we can build on to push back the right as we head into the start of the Trump years.

Nicole Colson

P.S.

* <https://socialistworker.org/2017/01/04/the-anti-choice-onslaught-under-trump>

Footnotes

[1] <http://www.nytimes.com/2016/12/09/opinion/whittling-away-abortion-access.html>

[2] <http://time.com/4608454/john-kasich-ohio-abortion-ban/>

[3] <http://www.nytimes.com/2016/12/11/us/abortion-foes-donald-trump-restrictions-politics.html>

[4] Idem.

[5] http://www.slate.com/blogs/xx_factor/2016/11/17/tennessee_woman_charged_with_three_felonies_for_coat_hanger_abortion.html

[6] <http://www.nytimes.com/2016/12/13/opinion/rolling-back-abortion-rights-after-donald-trumps-election.html>