

# United States: The Fight for Abortion Rights Makes Gains

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In 1973, the Supreme Court ruled in a case known as Roe vs Wade affirmed for the first time that a woman's right to abortion was constitutional.

What won this right was not legal arguments, but a mass women's liberation movement that developed in the context of the broader mass radicalization centered on Black civil rights and Black liberation, and opposition to the U.S. war in Vietnam.

The issues raised by these movements spilled over into other forms of national oppression in the U.S.. and in the colonies and neocolonies, issues that raised other forms of oppression, including of women and gays (that would expand into the whole LGBTQ+ movement).

The right to abortion was one of the central demands of the women's liberation movement, expressed in many forms of mass action, including large demonstrations. In New York a state law affirming the right to abortion was adopted under this pressure.

The ruling class feared that the new mass movement for abortion rights was growing (they were right), and capitulated.

As part of the reaction against the gains of "The Sixties" following the ebb of the radicalization, there began to be chipping away of Roe, at the federal level including the forbidding of U.S. funds to be spent on abortion, and in the states.

This process included the formation of a mass movement against abortion rights, backed by the Catholic Church, fundamentalist Protestant churches, and others bent on keeping women subordinate. Important sections of politicians of both capitalist parties were part of it.

This movement calls itself "right to life", a deliberate misnomer since no one denies that a fetus is alive, or that a fertilized eggs is, or that an unfertilized egg or sperm is. The fundamental question involved is a woman's right to control her own body.

Anti-abortion justices were appointed to the Supreme Court with support of both parties. When the Republicans under Trump captured both houses of Congress and the presidency, Trump nominated and the Senate ratified three more anti-abortion justices, forming a majority.

In June of 2022, the Supreme Court ruled six to three to overturn Roe vs. Wade, the Court's 1973 decision. The Constitution gives the court the power to rule any law unconstitutional, and there is no appeal of its decisions except to itself. It operates under the dictum "The law is what the Supreme Court says it is."

For 50 years, women had abortion rights. Three generations of women thought this right was theirs. Suddenly, six black robed reactionaries took it away.

The Court also threw the question back to the states.

Republicans in Kansas placed an amendment to the state's constitution in a referendum to outlaw abortion, which was to be voted on in August, 2022, soon after Roe was overturned. Abortion rights groups immediately mobilized. The amendment was defeated, keeping the right in the state constitution. This was in a Republican controlled state that Trump had won in 2020.

In other Republican controlled states anti-abortion laws were adopted.

Three months after the Kansas vote, in November, "mid term" elections were held (in the "middle" of Biden's presidency) throughout the country. All seats in the House are elected every two years, including 2022, and for one third of the Senate seats.

Abortion rights groups mobilized to collect large numbers of signatures to put amendments to constitutions up for vote in referendums in three states affirming the right to abortion, which passed in all three. These were Vermont, California and Michigan.

Abortion rights groups also mobilized to defeat referendums against abortion rights in two Republican controlled states, Montana and Kentucky.

In Montana, a convoluted proposed amendment would criminalize medical staff who did not make every effort to save the life of a fetus where there was an attempted abortion. It was defeated.

In Kentucky, an amendment to remove abortion rights from its constitution was also defeated.

This year was an off-year in U.S. elections, with no Congressional elections and not as many state elections. But the momentum on pro-abortion rights seen in last year's referendums continued with one held in the Republican-controlled state of Ohio where a ban on abortions after six weeks had been put in place by after Roe was overturned.

Abortion rights groups again mobilized to put an amendment on the ballot to overturn the ban, and put abortion rights into the state constitution.

Seeing the writing on the wall, Republicans put on the ballot in August a referendum raising the threshold for a referendum to pass from a simple majority to a 60 percent one. But abortion rights groups mobilized to defeat it.

So the pro-abortion rights amendment won by 57 percent in November.

With that victory, pro-abortion rights groups are mobilizing in other states where Republicans have passed passed abortion bans, including Arizona, Nevada, Pennsylvania and Florida to put pro-abortion rights on the ballot in 2024.

In Florida, a coalition of groups including Planned Parenthood and the American Civil Liberties Union, called Floridians Protecting Freedom, has collected a little more than half of the 900,000 signatures it needs for a ballot measure that aims to limit "Government interference with abortion" before a fetus's considered viable outside the womb, around 24 weeks after conception.

The initiative reads in part, "No law shall prohibit, penalize, delay or restrict abortion before viability or when necessary to protect the patient's health, as determined by the patient's health provider."

In Florida until last year abortion was legal up to 24 weeks. Republicans passed a ban after 15 weeks, but Governor Ron DeSantis has put in place a six-week ban, with its enactment pending

before the state Supreme Court.

The coalition has raised \$9 million for the costly effort as of September. One day after the Ohio victory, \$300,000 was raised.

Difficult hurdles remain. The coalition still must collect and have the state validate the remaining signatures by February. In addition, the ballot language must be approved by the right wing Florida Supreme Court. The state's Republican Attorney General has announced a challenge to the measure.

Polls indicate a big majority in favor of the ban, but as the Ohio case showed, the DeSantis government and the Court may act to preclude the measure from even appearing on the ballot.

There was another election this November that involved abortion rights. That was the election in Virginia for the state's legislatures. Republican Governor Glenn Youngkin campaigned hard for the Republican candidates, by arguing that the state's existing law allowing abortion up to 24 weeks should be replaced with a 15-week ban.

He in effect put the issue on the ballot, and the Democrats swept both houses, which was largely attributed to the abortion question.

The Democrats proclaimed this showed that their (and Biden's) prospects for the 2024 elections were looking up. But abortion is not the only issue mobilizing the Trump right wing. For example, Youngkin was elected by a landslide for governor in the November 2021 elections largely on the issues of racism and LGBTQ rights, claiming to stand for "parents rights" in banning books and classroom discussions of the U.S. history of structural oppression of Blacks from slavery to the present, and gender.

It is unlikely that the new "moderate" Democratic majority in the state's legislatures will repeal what Youngkin put in place on those issues — in fact it is virtually precluded. The present dynamic is that the Republicans are the spearhead of the ruling class' move to the right, and the Democrats follow along after, accepting what the Republicans have enacted.

It is possible that abortion rights could help Democrats, if they vigorously campaign for them and the Republicans make abortion the main issue, but both are unlikely as the Democrats move rightward and Republicans are trying to evade the issue.

Moreover, abortion is not the main issue confronting Americans. A big issue is the economy.

Democrats are losing ground big among Blacks, young people, antiwar people because of their actions or lack of them.

How all this will play out in the 2024 elections remains to be seen.

Concerning abortion rights, the history from the "sixties" up to the present is that it is the mass mobilization of women and their male supporters for these rights that has been and is the way forward. The referendums discussed are an aspect of this. Relying on the Democrats is not.

**Barry Sheppard**

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