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Abortion rights in USA

New Frontal Attack on Abortion

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The “leak” of the draft decision by Supreme Court Justice Samuel Alito to overturn Roe vs Wade, the 1973 Court Decision legalizing women’s right to abortion, signals that the Court’s reactionary wing will probably do so in its final decision.

The May 4 *New York Times* front page headline read “Draft Abortion Ruling Signals Seismic Political Shift.”

Previous Court decisions have upheld state regulations (with bipartisan support) that have chipped away at this right in the decades since 1973.

This Court has already upheld recent state laws overturning Roe in fact. It is such a law passed by the Mississippi state legislature that is now before the Court, which Alito’s draft decision addresses.

But most people, who do not follow the Court’s rulings in detail, were shocked by Alito’s draft decision that made clear that the Court wants to overturn Roe, striking down what has become a Constitutional right for half a century.

That the Republican Party shaped by Trump is now the reactionary spearhead of the drive against all the gains of “The Sixties” is indicated by the fact that all the Republican politicians in Congress with a few exceptions have expressed support for Alito’s draft.

The reaction was immediate, with mass demonstrations in major cities defending the right to abortion.

Without women having the right to control their own bodies, women cannot be equal to men.

This is a blow to the unfinished struggle for women’s complete liberation against this patriarchal society, which will probably only be achieved by a socialist revolution.

The origin of patriarchy coincided and was part of the rise of class divided society, “the world historical defeat of women”, wrote Frederick Engels.

Roe did not affirm a woman’s right to control her own body, but instead restricted its argument to a woman’s right to privacy. Since then the right to privacy has been seen as a Constitutional right, and been cited in the right for same sex couples to marry.

It also underlines the right to contraception.

Alito’s draft decision expressly denies any right to privacy.

Democracy Now reports:

Legal experts are warning the overturning of Roe could pave the way for the conservative justices to also end same-sex marriage and access to contraceptives.

Congressmember Pramila Jayapal [a 'progressive' Democrat] spoke at a protest in Seattle:

'There is a straight line from upending abortion rights to getting rid of access to contraception, to banning gay marriage. And our low-income communities, our Black and Brown communities, our LGBTQ communities will be the ones who pay the steepest price, because abortion won't go away, but safe and legal abortion will, endangering millions of people.'

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Republican legislatures in 13 states have already passed stand-by laws immediately outlawing abortion if Roe is overturned and it is likely that number will grow to 26 states.

As Jayapal said, there will still be abortions in those states, illegal and unsafe ones, like before the 1973 ruling. There will be deaths, jailing of women and doctors.

Well-off women will fly to states where abortion will still be legal to get them (or pay their private doctors big bucks), but lower income working women, especially Black and Brown, will not be able to take off work or afford to travel.

In any case, even if Roe is not directly overturned, the Court has made it clear that abortion will be de facto outlawed in these 26 states, and there will be a state-by-state hodgepodge of laws in the remaining 24.

Already the anti-abortion “right to life” movement is gearing up to fight to impose more restrictions on abortion in the remaining states.

(“Right to life” is a misnomer. No one denies that a fertilized egg or fetus is alive, and under the right conditions can develop into a living baby. But an acorn is not an oak tree sapling. An unfertilized egg or free sperm is also alive, and under the right conditions can develop into a human being. So can a clone of other cells.)

The anti-abortion forces are also setting their sights on Republicans taking back control of Congress beginning in this year’s November elections and the presidency in 2024, and outlaw abortion nationwide.

Democrats are seeking to divert the opposition to the attack on abortion rights into voting for them in 2022 and 2024.

But the only effective way to fight back is to continue mass actions and to make them more powerful. That’s how a very reluctant Supreme Court in 1973 was forced to adopt Roe — by the mass women’s liberation movement back then which was part of a larger mass radicalization in the streets.

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