

With Women's Rights on the Line, Groups Demand Supreme Court #StoptheSham

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Image: Women protest outside the U.S. Supreme Court on Wednesday against “sham” abortion laws that have threatened their health and autonomy. (Photo: NARAL Pro-choice NC/Twitter)

*The U.S. Supreme Court, with one vacant seat, heard oral arguments on Wednesday in what is widely believed to be the most consequential reproductive rights case since *Roe v. Wade*, one which observers warn could dramatically alter abortion access for women across the country.*

“The Supreme Court, and this nation, is at a crossroads,” Ilyse Hogue, president of NARAL Pro-Choice America, [declared](#) Wednesday ahead of the court hearing. The case, [Whole Woman's Health v. Hellerstedt](#), questions whether a Texas law that set stringent requirements for abortion clinics, with the intention of forcing the shutdown of women's health providers, is actually legal. Observers say that a high court ruling on the law could set a binding precedent as similar Targeted Regulation of Abortion Providers, or TRAP, laws have been [implemented](#) by Republican governments in a number of states.

“Either we will empower women and families by protecting and expanding reproductive freedom, including the right to an abortion, or we will all but eliminate access to abortion in many states across this country,” Hogue continued. “With access to abortion gone, women also lose the ability to determine our families, our lives, and our destinies.”

The *Wall Street Journal* provided [live updates](#) on the court hearing Wednesday.

The law, HB2, has already [forced the closure](#) of more than 40 abortion providers in Texas, and is [poised](#) to leave the nation's second-largest state with 10 or fewer clinics. It stipulates that clinics meet the standards of ambulatory surgical centers, where outpatient operations are performed, and requires that doctors performing abortions hold admitting privileges at a hospital within 30 miles of a clinic.

“These sham regulations are designed to do one thing, and one thing only: shut down clinics. And when clinics close, women suffer,” [said](#) Nancy Northup, president and CEO of the Center for Reproductive Rights.

“At its heart,” Northup continued, “this case is about a woman's right to make her own decisions about her health and family and the politicians who are using underhanded schemes to take that right away.”

Following the morning's arguments, Amy Hagstrom Miller, CEO of Whole Woman's Health,

the lead plaintiff in this case, sent an emailed statement warning against the implications of the case—for women across Texas and the nation.

“We’re fighting a harsh, cruel law that does nothing to promote women’s health,” Hagstrom Miller said.

“Today we stood up for the woman from Lubbock who will drive over 250 miles one way to end her pregnancy. We stood up for the mom from Laredo who will look through her cabinets, hoping to find something that will end her own pregnancy because she can’t afford the travel, the child care or the multiple days off work that have become part of getting an abortion in Texas.”

However, she added that the case

“isn’t about one clinic or even one state. It is about every single one of us. Because we all should expect equality, dignity, and justice in making our own health decisions. At Whole Woman’s Health we know we’re on the right side of history—and we’re hopeful that the court will be as well.”

The Supreme Court is expected to issue its ruling in the case by the end of June.

In the wake of Justice Antonin Scalia’s death, with one vacant seat and thus an ideologically split court, all eyes are focused on Justice Anthony Kennedy as the deciding voice in this case. A deadlocked vote will leave the Texas law in place. However, if Kennedy does not side with the conservative bloc, the decision “will determine the future of abortion regulation,” [wrote](#) *New York Times*’ Supreme Court expert Linda Greenhouse.

Greenhouse explains:

The emphasis on women’s health is a reflection of the evolution of the anti-abortion movement during the years since the court, in its 1973 *Roe v. Wade* decision, declared a constitutional right to abortion. The movement’s original emphasis on the fetus failed to achieve the goal of overturning *Roe* either by constitutional amendment or by changing the direction of the court. Groups including Americans United for Life, a strategic and highly effective policy generator for the movement, began to urge sympathetic politicians to invoke women’s welfare as the reason for imposing new restrictions on abortion.

Hellerstedt marks the first occasion for the U.S. Supreme Court to examine the legality of TRAP laws.

Indeed, according to reporting, much of the discussion during Wednesday’s hearing revolved around whether the spate of clinic closures in Texas is directly tied to the introduction of HB2, which the plaintiffs argue has placed an “undue burden” on abortion.

During the hearing, U.S. Solicitor General Donald Verrilli, who is supporting the challengers on behalf of the Obama administration, said that the ultimate question in this case is whether the right to abortion established in prior Supreme Court cases still “contains any real substance,” *WSJ* reports. If it does, Verrilli reasoned, “then the Texas law cannot stand.”

Meanwhile, outside the Supreme Court, women of all ages protested for their right to a safe and healthy abortion with a rally to denounce “sham” laws, like HB2. And for passersby, an interactive, [multimedia exhibit](#) was erected this week on the National Mall by the women’s advocacy group UltraViolet showcasing how women “really experience abortion care throughout the country” to show “what’s at stake” with *Hellerstedt*.

Protest pictures and updates are being shared on Twitter under the hashtag #StoptheSham.

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