



ACLU
Washington



July 1, 2020

***June Medical v. Russo - A
Temporary Reprieve,
But Roberts is No Friend to
Reproductive Freedom***

June Medical v. Russo – Seeing double?

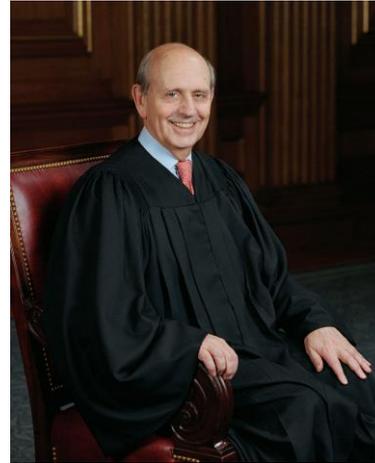
At issue: a Louisiana law that was virtually identical to the Texas law the Supreme Court struck down in 2016 in *Whole Women’s Health v. Hellerstedt*.

- Both laws required physicians who provide abortion care to have admitting privileges at a hospital within 30 miles of a clinic.
- **The evidence is clear, and the overwhelming consensus within the medical community is that these laws serve no purpose other than to obstruct access to abortion care.** In fact, both Texas and Louisiana made clear that obstruction was their objective.



June Medical v. Russo: Plurality Opinion

- We already decided this issue;
- The District Court got the facts right;
- The District Court applied the correct standard – i.e. whether the law is a substantial obstacle for a *large fraction* of pregnant people – *not all*.
- The Court has long recognized that abortion providers have standing to advocate for their patients in Court.



Concurring Opinion by Chief Justice Roberts – Do Not Be Fooled

Joins majority because precedent requires it.

The State did not ask him to overturn *Casey v. Planned Parenthood* (but he might if it did).

Remember, though, medical necessity is not the only justification for abortion restrictions. States can also pass laws to ensure that pregnant people “know that there are philosophic and social arguments of great weight . . . in favor of continuing the pregnancy to full term.”

Why? Because the state has an interest in “the potentiality of human life.”

But where this so-called interest comes from?

IN FACT, THE CRIMINALIZATION OF CONTRACEPTION AND ABORTION IN THE 19th CENTURY WAS ROOTED NOT IN RESPECT FOR POTENTIAL LIFE, BUT WHITE SUPREMACY.



Justice Thomas Dissenting – It's Time to Get Rid of *Roe*

Shows his hand in the very first paragraph – “this suit was brought by abortionists and abortion clinics.”

Plaintiffs lack standing and the Court lacks jurisdiction.

Even if the Plaintiffs had standing: “**The Constitution does not constrain the State’s ability to regulate or even prohibit abortion.** The Court created the right to abortion based on an amorphous unwritten right to privacy, which it grounded in the “legal fiction” of substantive due process.”

Louisiana’s law is a constitutionally valid exercise of the State’s traditional police powers.

Roe v. Wade and its progeny should be **overruled**.



Justice Alito Dissenting – Seems like a Stretch

Another standing argument

“Unless *Casey* is reexamined – and Louisiana has not asked us to do that – the test it adopted should remain the governing standard.”

“[T]here is ample evidence that admitting privileges help protect the health of women.” (*FALSE*)

The two cases (*June Medical and Whole Woman’s Health*) are not the same – in fact they are “very different.” (????)

The “good faith” argument.

These aren’t the droids you’re looking for



Justice Gorsuch Dissenting & Justice Kavanaugh Dissenting

Justice Gorsuch:

Yet another standing argument

Facial challenges: A law must be unconstitutional in all its applications to fall.

Silver-lining: We may be able to reconsider this decision soon!

Rejects the balancing test and calls out Justice Roberts

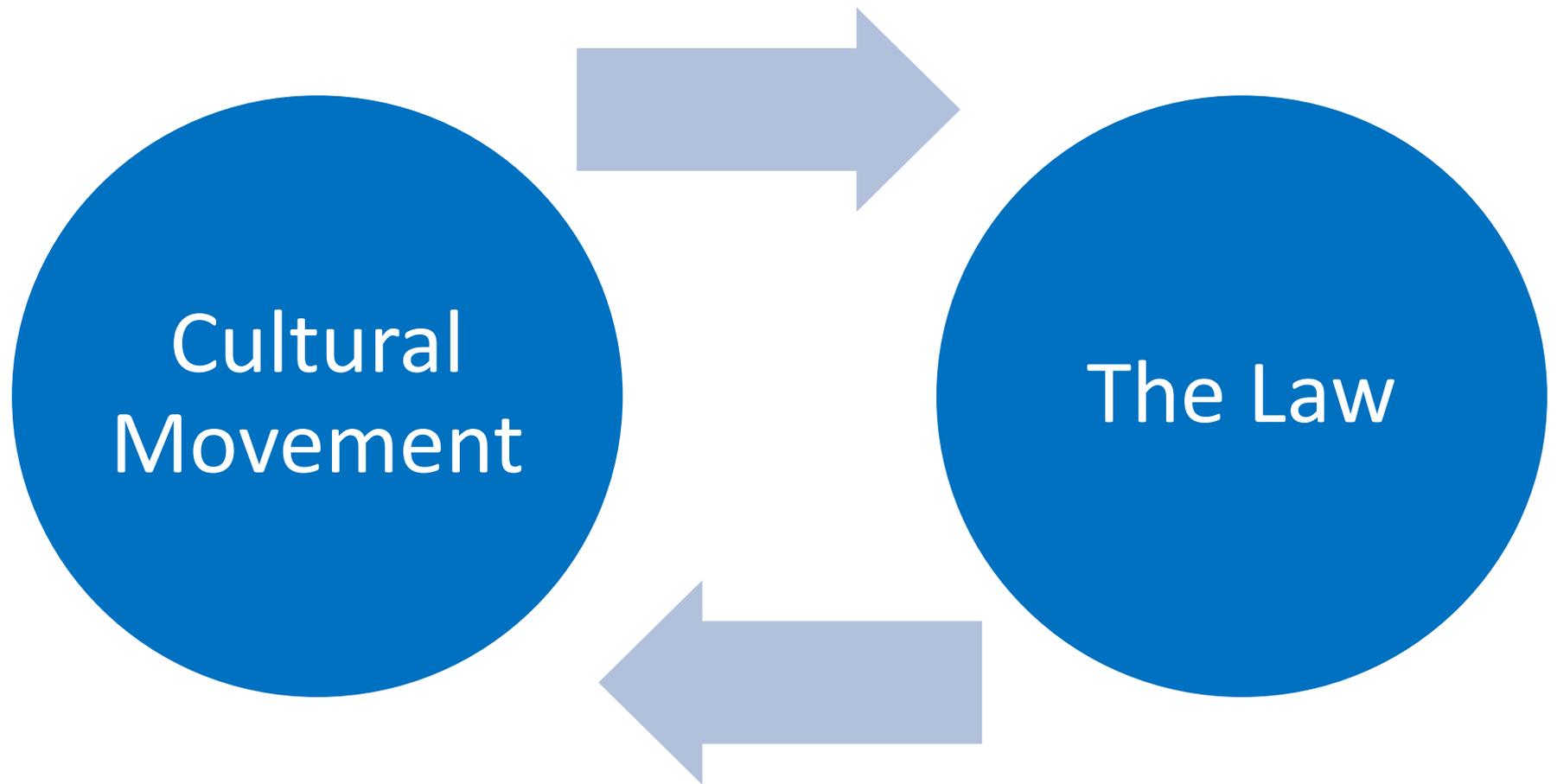
Justice Kavanaugh:

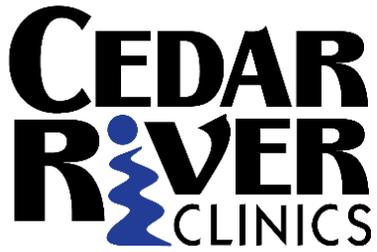
“Today five Members of the Court reject the Whole Woman’s Health cost-benefit standard.”

So where does this leave us?



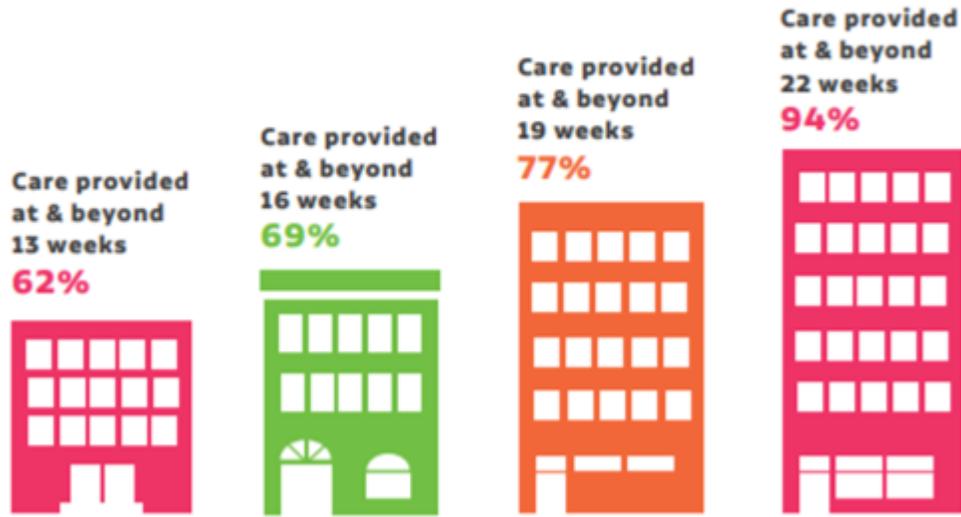
Movement Building: Let's Make it Happen





RENTON
SEATTLE
TACOMA

Percentage of 2nd Trimester Abortion By Independent Providers in US

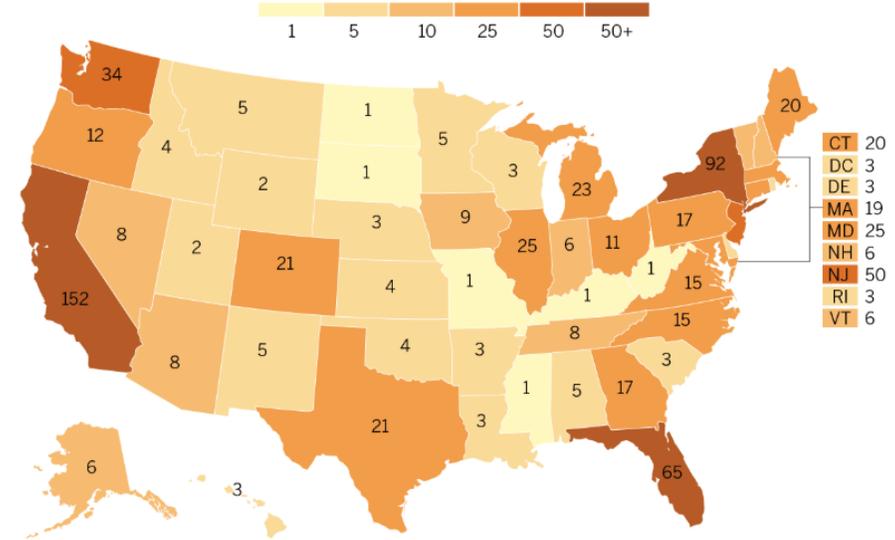


92% of our clinic members indicated a need for financial support to continue providing care during the pandemic

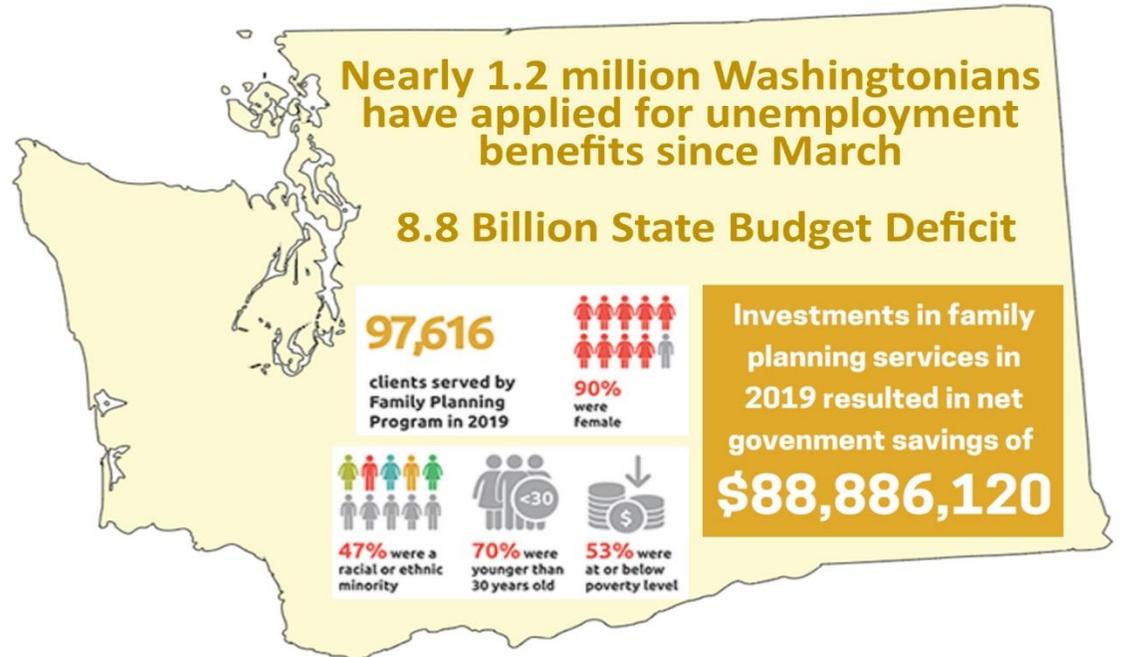
50% of our clinic members have seen an increase in patient travel to access needed care



Abortion facilities per state



Source: ANSIRH. Number of abortion providers is as of spring 2017.



About NWAAF

One of around 70
member funds of the
national network for
abortion funds



Mission

To fund abortion and
break down barriers
to abortion access
for people in the
Northwest.



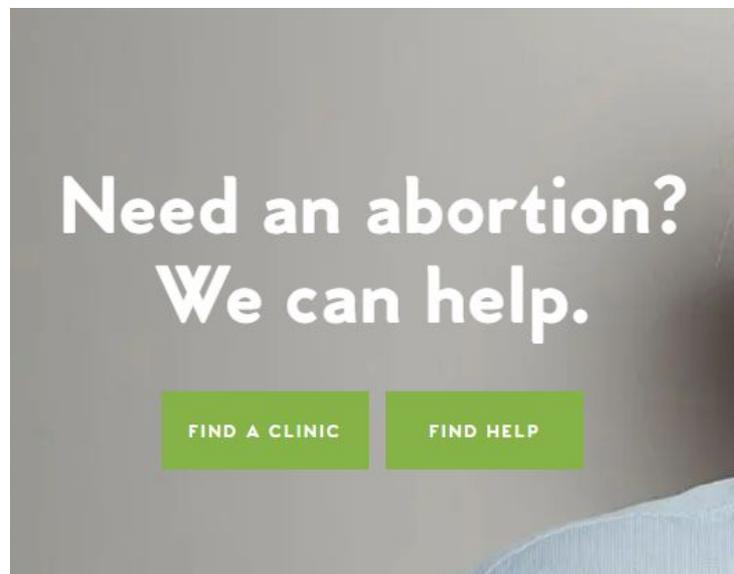
NORTHWEST
ABORTION
ACCESS FUND

Values

Trust and respect
Autonomy
Intersectionality
Reproductive justice
Racial justice
Economic justice
Culture shift

NWAAF Services

- Abortion funding
 - Average grant size: \$350
- Logistical support: air travel, Lyfts, home stays, etc.
- Resources and referrals
- Support to other funds
- Abortion funds provide direct support to overcome financial barriers



June Statistics

Direct Funding:

- grants: 88
- average grant: \$2
- total: \$25,274

Travel: 17 cases, \$3714 in funding

About 17% of intakes from WA

LIMITED TIME ONLY!

GRAB YOUR NWAAF MERCH
BEFORE JULY 11TH!



[BIT.LY/NWAAFSHOP](https://bit.ly/nwaafshop)



Hope to Action

**Actions you can take to Protect &
Expand Abortion Access in your
Community!**

Donate to Local Organizations

- **Cedar River Clinics**

- Social Justice Organization - combines direct services with advocacy, activism and community education

- **NorthWest Abortion Access Fund**

- The Northwest Abortion Access Fund is an abortion fund serving Washington, Oregon, Idaho, and Alaska.

Donate to Local Organizations

- **SURGE Reproductive Justice**
 - Works to end the reproductive oppression of all people -- centering Black women, women of color, and queer and trans people of color

Take Action in Washington State!

- **Protect and Increase Funding for Family Planning & Medicaid Coverage**
 - Contact your state legislators and Governor & demand they protect and increase family planning funding and Medicaid

- **Advocate for Progressive Revenue**
 - Sign petition to ask your legislators to pass progressive revenue
 - Invest in community services, like reproductive health care

Take Action in Washington State!

- **Approve R-90**
 - Vote to 'Approve R-90' on the upcoming ballot
 - Share Facebook page with 5-10 friends

- **Defund the Police and Invest in Black communities & community services**
 - Sign petition to defund police departments across the state
 - Invest in Black communities & in community programs like education, healthcare, transportation etc.

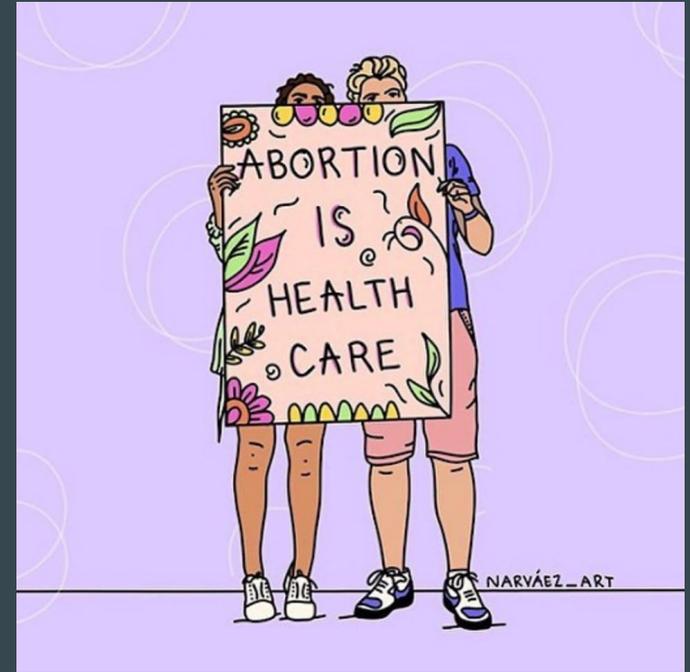
Take Action in Washington State!

- **Use your local Abortion Clinics for your Medical Care Needs**
 - Use these clinics for your various medical needs
 - A simple and easy way to support these clinics financially

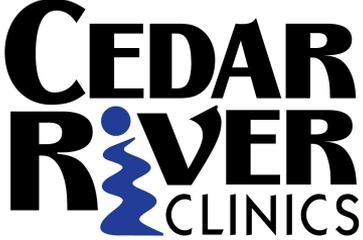
- **Register to vote and/or check your voter registration**

Build the Movement

- Get involved with the organizations here tonight



Build the Movement!



CEDAR RIVER CLINICS
RENTON
SEATTLE
TACOMA



**NORTHWEST
ABORTION
ACCESS FUND**

NORTH SEATTLE
TROUBLEMAKERS
NARAL



**Planned
Parenthood®**
Greater Washington and North Idaho



SURGE



**Planned
Parenthood®**
Act. No matter what.
Planned Parenthood Votes Northwest and Hawai'i



Legal Voice™
Women's rights. Nothing less.



NARAL
PRO-CHOICE WASHINGTON

ACLU
Washington