A draft Supreme Court majority opinion leaked on May 3 in a POLITICO article about overturning Roe v. Wade sent shock waves across the country. On June 24, the court reversed the landmark decision that legalized abortion in all 50 states.

“It is time to heed the Constitution and return the issue of abortion to the people’s elected representatives,” the Supreme Court stated in the opinion of the court.

The decision has furthered a deep fracture in the trust many Americans have in the country’s institutions. Media outlets have called it the “unthinkable,” the “once-unfathomable,” with the New York Times editorial board writing: “Even if we knew it was coming, the shock reverberates.”

The tide against abortion rights has risen significantly, regardless of if people didn’t expect the court’s decision. The “what if?” was always on the table.

Since the Roe v. Wade ruling in January 1973, support for abortion gradually increased in the U.S. but stabilized in the 2010s as more Americans came out against the procedure, according to a May 14, 2010 Gallup poll article. Several states had already enacted anti-abortion laws long before the overturn, with the position championed by the evangelical right, even though they were not always the majority voice on the issue, according to a June 20, 2019 NPR article.

In this special issue of the Spartan Daily, we examine the history, status and potential future of abortion in the U.S., with a focus on California reproductive rights. We aim to help our readers navigate the reality of a post-Roe society and the ripple effects it will have throughout the country.
After the June 24 U.S. Supreme Court Roe v. Wade reversal, state government officials across the country have responded to the ruling with statutes and codes. The high court reexamined the landmark 1973 abortion decision in the Mississippi-based Dobbs v. Jackson Women’s Health Organization case, in which five of the nine Supreme Court justices voted the right to abortion wasn’t constitutionally protected.

In turn, the 1973 decision was overruled, returning the power of abortion regulation to the states, according to the Supreme Court Dobbs v. Jackson decision. Though announced recently, the court’s draft majority opinion written by Justice Samuel Alito was leaked in a May 2 POLITICO article.

In addition to Roe, Alito pointed out the Planned Parenthood of Southeastern Pennsylvania v. Casey case, in which the Supreme Court limited state abortion restrictions imposing an “undue burden” on those seeking abortion procedures, according to the Supreme Court Oyez archive.

An undue burden is a policy or restriction that poses an insurmountable block to a patient seeking an abortion of an unviable fetus—a fetus that will not continue to develop or survive upon birth independently—according to the Cornell Legal Information Institute undue burden webpage. Such blocks include a wife having to inform her husband of a planned abortion, according to the same webpage.

Mississippi’s subsequent ban on abortion begins at conception with exceptions including danger to the mother’s life or if the fetus has a fatal abnormality, according to a July 5 PBS NewsHour article. Abortion was banned in the state because of an abortion-restricting “trigger” law implemented in 2007 that would go into effect if Roe v. Wade was overturned, according to a July 5 POLITICO article.

There were 13 U.S. states including Mississippi that had trigger laws in place prior to the Dobbs v. Jackson ruling, according to a June 6 Guttmacher Institute article. The Guttmacher institute is a sexual and reproductive health and rights policy and research organization, according to its website.

The states that had trigger laws in place include: Wyoming, Texas, Tennessee, South Dakota, North Dakota, Oklahoma, Missouri, Mississippi, Louisiana, Kentucky, Idaho and Arkansas.

Many of those states have since banned abortion at conception as of July 11, including Texas, South Dakota, Oklahoma, Arkansas, Louisiana, Missouri and Mississippi, according to a state abortion law-tracking map by The Guardian.

Kentucky and Utah had trigger laws in place but judges in the states blocked the bans from going into effect, according to the same The Guardian map. Abortion was limited to 18 weeks in Utah under a separate ban and Kentucky voters will decide in November if abortion is banned in the state’s constitution, according to the same map.

An estimated 26.5 million people of childbearing age live in states where abortion is protected, according to the infographic. However, abortion can only be federally protected if Roe is codified by Congress, according to the CNN article.

Follow Christina on Twitter @christina_casi
Reproductive Health Advocacy

It’s reassuring to a lot of the young students that are in school who really want to prioritize their education, who, you know, may want or need an abortion in the future. They now know that they do have a safe place within their community that they can turn to."

Alice Turner, SJSU research and policy graduate student, said as Senate Bill 24 is overturned. "Little did we know how important this bill would be and how this law would be based on the Supreme Court's decision," Leyva said in an article.

Molle said women will have an increase in student health needs to offer medication services.

"I get my birth control from the Student Wellness Center, and I can call it if I need something. I don’t think providing medication services will be an issue," Moore said. "If there is going to be a decrease in people coming to California, all of the clinics are going to have to, you know, add additional demand and kind of struggle with capacity," said Callahan Cohen, a reproductive rights expert at the UCLA Center on Reproductive Health, Law and Policy, in the Wednesday CalMatters article. "While it’s not necessarily going to help all the people coming from out of state, it’s just generally going to increase the number of abortion providers.

"I’m one of those people that needs a medical abortion in the future. They now know that they do have a safe place within their community that they can turn to," said Alice Turner, SJSU research and policy graduate student. "It’s reassuring to a lot of the young students that are in school who really want to prioritize their education, who, you know, may want or need an abortion in the future. They now know that they do have a safe place within their community that they can turn to."

San Jose State, as well as all other California State University (CSU) and University of California (UC) campuses, will provide medication abortions beginning on Jan. 1.

This new pathway to abortion access occurred this summer, when Senate Bill 24 or The College Student Right to Access Act was passed in 2019 and requires all University of California and California State campuses to begin providing medication abortions at their health centers no later than Jan. 1.

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The law determined that abortion was only legal if the mother had physical or mental health of the mother.

Howard said those on the religious right, or politically conservative started to shift their attentions from segregation to anti-abortion initiatives in the 1980s.

If you don’t go back and look at the history, what you won’t learn is that women have always ended pregnancies and that it’s almost always been safe . . . the only time it’s unsafe is when it’s illegal. But, I am going to say it can’t be illegal because that’s when women pay the price with their lives. And if you don’t look at the history, you would never know that you would just think the question is what do you think about abortion?

“Women have always ended pregnancies and it’s almost always been safe. . . . the only time it’s unsafe is when it’s illegal,” Crane said. “But, I am going to say it can’t be illegal because that’s when women pay the price with their lives. And if you don’t look at the history, you would never know that you would just think the question is what do you think about abortion?”

Donna Crane, SJSU political science lecturer

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Abortion portrayals sway viewers

By Bojana Cvijic
EXECUTIVE EDITOR

The movie “Dirty Dancing” is known for its iconic shot of Patrick Swayze’s character, Johnny Castle, holding Frances ‘Baby’ Houseman, played by Jennifer Grey, in the air as “(I’ve Had) The Time Of My Life” plays triumphantly.

But one scene of a character suffering from a botched back-alley abortion has also been remembered. Though the movie is set in 1967 in the New York Catskills Mountains and follows a blooming romance between Johnny and Baby, the movie is noted for its dark portrayal of Johnny’s dance partner, Penny Johnson, being unable to afford an illicit abortion and almost dying from one she received.

“Dirty Dancing” is technically an abortion film.

On June 24, the U.S. Supreme Court overturned Roe v. Wade and Planned Parenthood v. Casey in Dublin v. Jackson Women’s Health Organization effectively ending the right to an abortion after almost 54 years, according to a June 24 New York Times article.

“The guy had a dirty knife and a folding table!” one of the characters says to Baby, who frantically runs to get her father, a physician who gives Penny Johnson the medical attention she needed.

The scene is now a stark reminder for what may become the reality for many Americans. Studies from Advancing New Standards in Reproductive Health, show that in the last 50 years, film and television “immaculately overrepresents abortion as dangerous.”

One example is the “Law and Order” episode “Dignity,” in which the detectives look for a man who killed a late-term abortion provider, Dr. Benning, during church service.

The character was based on George Tiller, a real-life doctor who was assassinated on May 31, 2009, for providing late-term abortions at his Kansas clinic, according to a May 31, 2019 Rolling Stone article.

The episode was released the same year he was killed and shows the dichotomy between staunch pro-life activists and pro-choice characters who are unaware of their abortion support.

That all changes when the fictional Assistant District Attorney Connie Baltress finds out that Benning botched a late-term abortion causing the baby to be born dead. The scene is now a stark reminder for what may become the reality for many Americans.

“The way abortion is portrayed matters. Abortion is a simple procedure that takes only minutes, and implying that general anesthesia is required could create unnecessary anxiety for those seeking abortion care,” Helen Welnhofer, a family nurse practitioner, wrote in the same article.

A person’s right to choose abortion was recognized as a constitutional right when Roe v. Wade was decided the same year he was killed and shows the dichotomy between staunch pro-life activists and pro-choice characters who are unaware of their abortion support.

On Netflix’s “Sex Education,” the character Maeve, played by Emma Mackey, gets an abortion. The depiction of the procedure was lauded as “accurate” and “refreshing,” according to a Jan. 15, 2019 Teen Vogue article.

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Throughout the episode, I couldn’t understand how this would ever play out in the real world. Were they trying to instill that late-term abortion providers would murder a live baby?

We don’t have to look to the cautionary tale of Penny almost dying in “Dirty Dancing,” nor do we have to look back to the Janes almost going to prison for accessing abortion care.

The documentary showcased “bad-clinic” wards of hospitals that were wounded by back-alley or “septic clinic” wards of hospitals.

“Abortions after 21 weeks were over 11,000 women in the mid-80s. As the word spread, it became quite clear that not only was there a need [for abortions], but there was an incredible void,” said Tia Leslin, the co-director of the documentary, in a June 26 Indiewire article.

The documentary showcased “bad-clinic” wards of hospitals that were wounded by back-alley or self-inflicted abortions.

We needed to understand the stakes of this drama and why those women were willing to risk so much at such a young age,” said Leslin in the same article.

Abortions is once again being criminalized across the U.S., with 23 states enacting abortion restrictions after Roe v. Wade overturned, according to a June 24 NBC news article.

We don’t have to look to the cautionary tale of Penny almost dying in “Dirty Dancing,” nor do we have to look back to the Janes almost going to prison for accessing abortion care.

The past has now become the present reality.
Cycle-checking companions or tracking devices?

By Royvi Hernandez

S
ome San Jose State community members expressed concern about data collection by commonly used period-tracking apps and the future of technology in a post-Roe era.

After the Supreme Court decision to overturn Roe v. Wade on June 24, many women across the U.S. have questioned the privacy risks of apps and location technology that could be used against them in potential criminal cases regarding abortion, according to June 24 NBC News article.

Biology junior Vanessa Guido said after the overturn decision, she deleted the Flo app from her phone but has yet to delete her profile.

“I think I have the location settings on [my phone] but I have so many apps I don’t keep track,” Guido said in an email. “I’m not exactly careful because so much of my data has probably been out already.”

Flo is a menstrual health app that helps users track the stages of their reproductive cycle and provides experts and tools to help them improve their health, according to its website.

Guido said moving forward, she’ll track the old-fashioned way and chart her menstrual cycle on paper.

“I’m not tech savvy. I try my best to not use smartphones and technology with the internet, it seems impossible to have privacy,” Guido said for the sake of her privacy, she’ll be more attentive to her environment.

“I’m worried about my privacy and I believe it’s wrong for the concept of data brokers to exist,” she said.

Data brokers aggregate information from a variety of sources, process it to discern or analyze and license it to other organizations, according to Gartner Glossary.

Gartner is a company that provides guidance and tools for organizations, according to its website.

Law enforcement could crack down on a large number of people at once by using a cloud-platform.

Guido said in an email: “You can track a consumer’s location through GPS, Bluetooth and beacons.”

Banea said geotagging is focused on delivering targeted advertising to desktop users based on their location and becomes in transmitting targeted messages and information to nearby mobile devices.

The difference is that geotagging confines the virtual perimeter built around a specific geographic location to deliver targeted messaging, he said.

“The best way is to go analog and use the old way to follow period times to be safe or if you can use an app that’s based in Europe where privacy is more centered with laws like General Data Protection Regulation are applied, for example, [the] free Clue app,” Burns said. Like Guido, sociology junior Chinna Burns uses the India-based Flo app to track her menstrual cycle.

She said she can’t “stay on the lookout” but with the evolution of technology barring both positive and negative outcomes. She will continue “to stay on the lookout.”

“This whole situation is not so much a matter of safer but a matter of more privacy. I have to look closely at the data permissions and see what I think about the app,” Burns said in an email.

She said the app will stay on her phone as it helps her keep track and schedule around her menstrual cycle and ensure her health is “OK.”

“It also helps me educate myself about my body and health and how I can protect myself,” Burns said. “It’s always a plus for me.”

Following the Supreme Court ruling, the Flo company announced in a tweet it will launch a new “cryptographic mode” that removes personal identity from an individual’s data account so that “no one” can identify them.

“Roe v. Wade’s overturn is a big deal,” influencing all aspects of American society.

“This will push the narrative of privacy to the front and center of attention of tech companies with access to such data. Privacy will now be paramount and not just a feature, it’s a matter of saving lives.”

Ahmed Banafa

SJSU engineering professor

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