

CHOICE/LESS: On Kennedy, Roe, and Season 4

Jenn Stanley: Hey, listeners. I'm Jenn Stanley, host and producer of Rewire.News' CHOICE/LESS podcast, which I know has not posted a new episode in a few months. But I'm finishing up season four now, and it should be available in early fall. Our show often looks at what it means to access abortion care when the procedure is technically legal, but state lawmakers regulate clinics out of existence.

We have Justice Anthony Kennedy to thank for keeping Roe v. Wade the law of the land—while allowing states to chip away at abortion rights. Justice Kennedy was the swing vote, and his retirement this week paves the way for a possible overturn of Roe v. Wade. Now, that wouldn't make abortion illegal throughout the country; there's actually no federal ban on abortion ... yet, anyway.

Roe v. Wade simply asserts that it's a constitutional right and states can't take it away, but there are four states that have laws on the books that make abortion illegal in the event that Roe is overturned. Anyone living in Mississippi, Louisiana, North Dakota or South Dakota will have to leave the state for an abortion. The surrounding states are, for the most part, also hostile to abortion rights, which means that self-managed abortion could be the only option many people have to end their pregnancies.

In a state that's looking to punish people for performing or having abortions might start investigating miscarriages, too. I mean, my mind is spinning down a dark rabbit hole of all the possibilities if Roe is overturned, and I'm sure many of yours have been too this week. If you listen to the show because you support abortion rights, or because you've had an abortion, this is a lot of bad news to take in.

So, here's a little good news. Eight states have laws on the books that protect abortion rights in the event that Roe is overturned. I bet a lot of you have already read countless think-pieces on what Kennedy's retirement means for the future of the Supreme Court, and the future of civil rights in this country. When I interviewed mother of the movement Loretta Ross for this show, she said even faced with a Trump/Pence administration, she still had hope.

She said: "It's really hard to take away rights from people who've already enjoyed them." People are already organizing in the event that Roe is overturned. I've heard from activists this week who say the focus needs to be on state laws and abortion funds, which can help finance costly out-of-state abortions. But I also know from my reporting that a lot of people have no idea what their state laws are regarding abortion, until something happens where they have to navigate them.

This has been overwhelmingly the case on the season that I'm finishing up now on teens and abortion. 38 states legally require teens to involve a parent in their

abortion decisions. Some require consent, some just notification. While at first glance laws like these can make a lot of sense to people – I mean, what parent wouldn't want to know when something major is happening in their kid's life – but what about homeless teens? What about teens in foster care, or in abusive homes?

Minors are vulnerable to anti-choice laws, and yet when covering abortion, the mainstream media rarely talks about them. It's uncomfortable to talk about teens and abortion, but I think it's timely to. They don't get to vote so it's on us to elect the officials who are creating the world that kids are going to become adults in. There are young people on the front lines of the reproductive justice movement. We're going to be hearing from a few of them next season.

In the meantime, go back and listen to past seasons to better understand how anti-abortion legislation can have serious consequences for anyone who can become pregnant. Think you're immune to these laws because you're pro-life, and you're ready and excited to have children? Go back and listen to Mindy Swank's story in season two. If you think, "I always use a reliable form of contraception. This doesn't apply to me," listen to our mini-series, *The Backstory*, and learn how that method was developed. Who suffered in the name of science?

For those of you who've shared your story with this show, my heart is with all of you as we contemplate a future without Roe. You aren't speaking into the void. Listeners tell me all the time about how your stories help them feel less alone in their own experiences, or how it made them think about abortion differently.

No one should ever feel obligated to speak publicly, or at all, about their experiences with abortion. But for those of you who can and do, you're making a difference - sowing seeds of empathy that are growing even in the most hostile environments. The issues that we cover on this show shouldn't be used as political bargaining chips. These are personal issues. These are basic human rights, and we're all in this together.

New episodes of CHOICE/LESS will available in September.