

THE Nation.

DIGITAL Magazine



Eric Alterman The Games Journalists Play

It's no exaggeration to say that John Heilman and Mark Halperin's *Game Change* proved to be one of those brief, earthshaking events in the "village" that are its story until they're—almost immediately—replaced by another one. (In this case, its replacement was a genuine earthquake in Haiti and a metaphorical one in Massachusetts.) Because of the authors' unparalleled access to the 2008 presidential race's major players, and their willingness to offer blanket anonymity to those willing to spill, they succeeded in constructing a rather rare commodity: a book that sings as it sings; a story that suffers not at all from the reader's full knowledge of how it all turns out.

Phenomena such as *Game Change's* publication are often more interesting for what they show about the community that prizes them than for the actual information they contain. Its most revealing passages, as I Hendrik Herzberg noted in *The New Yorker*, "are based on what may be fairly called gossip."

It is packed with score-settling, back-stabbing, virtuosically impressive feats of mind-reading by its authors. As Charles Pierce pointed out in his "Slacker Friday" appearance on my "Altercation" blog, what there isn't is any discussion of why healthcare, Afghanistan or Al Qaeda. But surely this is an accurate reflection of the meaning of "news" to the MSM Powers. That Be-White, New York's Heilman is one of the more independent-minded mainstream reporters, Halperin, of *Time* and formerly of ABC, occupies a place in the forging of insider conventional wisdom with a focus no less intense on appearances and shiny surfaces.

Just before the book was published, as its spin machine was falling into place, *The Atlantic's* Marc Ambinder offered this assessment: "Political scientists aren't going to like this book, because it portrays politics as it is actually lived by the candidates, their staff and the press, which is to say—a messy, sweaty, ugly, arduous competition between flawed human beings—a universe away from numbers and probabilities and theories."

Challenged privately, Ambinder retreated and apologized for this crack, going so far as to promise to attend the next convention of the Midwest Political Science Association as penance. Even so, he was surely giving voice to what most political journalists and practitioners believe. (*The New York Times Magazine's* Matt Bai made a similarly sweeping anti-academic statement in a review published in the journal *Democracy* last year.)

A second, unintentional revelation of *Game Change's* is the actual degree to which political journalists and their colleagues cooperate to create campaign narratives. It's a story that is so commonly understood, and so often repeated, that it's almost comical to wonder how they fact-checked that one...

Edwards and the not-so-saintly-after-all Elizabeth Edwards, it is that everything we were sold during the campaign about this couple was a lie. It doesn't really matter much in terms of whether he would have made a good president, but given how much ink is spilled on the "character" issues of candidates and their spouses, it's significant that virtually everything written about the Edwardses when it mattered belied reality. Can this really be news to everyone who covered the 2004 and 2008 campaigns?

The authors also devote considerable space to a column early in the campaign in which Hollywood mogul David Geffen made nasty comments about Bill and Hillary Clinton to Maurice Dowd before co-hosting an Obama fundraiser. Like Dowd, the *Game Change* authors go gaga over Geffen's "world-class" ("Rumsfeld-bergs, de Koonings, Pollocks, Gorkys, a Jasper Johns target, a Jasper Johns flag" in the book; "a Jasper Johns flag and a matchbox pair of de Koonings" in her column). They describe how Geffen and Dowd, "a mischievous dyad," conspired to produce a bombshell attack on the Clintons' character: Dowd interviewed Geffen for fifteen minutes. She then "let" and wrote her column, then called Geffen and read it to him." The next night, after the fundraiser, Dowd came to dinner with the Obamas and a few Hollywood types, and Geffen read the column to Barack Obama, who presumably was amused.

The Clinton campaign took the bait. Mark Penn, who comes off only slightly better in this book than did Hammit, suggested leaving whatever still-under-seal presidential records might reflect unfavorably on Geffen. Campaign spokesman Howard Wolfson demanded that Obama return Geffen's money not clear to me why I should be apologizing for someone else's remarks." The incident became a boon to Obama, making the Clinton campaign look panicked and incompetent. (Hillary gave Geffen a copy of her campaign chief, Pat Sols Doyle. If there is one worthwhile lesson to be learned from this book, it is not to make big decisions when somebody's just woken you up.)

More significant, the episode demonstrates just how little a role the rules of professional journalism play in allegedly top-flight political reporting. Real reporters do not read their columns to their subjects in advance. And Penn and Wolfson knew damn well that Obama had no control over what Geffen said or did, but demand, because the phony foot-fight story line was so much fun to pursue. Finally, at the end of the story, Heilman and Halperin inform us, in the voice of God, that "Soon after, when Geffen visited New York, people in cars on Madison Avenue beeped their horns and gave the thumbs-up as he walked down the street."

The Nation.



Villagers and human rights officials accuse the United States military of torturing suspects in hidden detention centers.

On a quiet, wintry night last year in the eastern Afghan town of Khost, a young government employee named Ismatullah simply vanished. He had just been seen in the town's bazaar with a group of friends. Family members scoured Khost's dusty streets for days. Village elders contacted Taliban commanders in the area who were wont to kidnap government workers, but they had never heard of the young man. Even the governor got involved, ordering his police to round up nettlesome criminal gangs that sometimes preyed on young hazzarpopers for ransom.

But the hunt turned up nothing. Spring and summer came and went with no sign of Ismatullah. Then one day, long after the police and village elders had abandoned their search, a courier delivered a neat handwritten note on Red Cross stationery to the family. In it, Ismatullah informed them that he was in Bagram, an American prison more than 200 miles away. US forces had picked him up while he was on his way home from the bazaar, the terse letter stated, and he didn't know when he would be freed.

In the past few years Paktun villagers in Afghanistan's rugged heartland have begun to lose faith in the American project. Many of them can point to the precise moment of their transformation, and it usually took place in the dead of night, when most of the country was fast asleep. In its attempt to stamp out the growing Taliban insurgency and Al Qaeda, the US military has been arresting suspects and sending them to one of a number of secret detention areas on military bases, often on the slightest suspicion and without the knowledge of their families. These

night raids have become phantoms than coalition little known or understood turning Afghans greeted as liberators in

One Dark Night in V
November 19, 2008, a leafy neighborhood in the front of the front spokesman for Al Qaeda in the Hamidullah, of the door of the managed to c him. Then Al- too, was sho out to the r in the rose silent barr The fr their wer the flee Finally Rahm Rahm

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THE Nation.

DECEMBER 16/23, 2019

SPECIAL ISSUE

THE NEW POLITICS OF ABORTION

THE SUPREME COURT WON'T PROTECT ABORTION ACCESS ANYMORE.
BUT THOUSANDS OF ACTIVISTS WILL.

AMY LITTLEFIELD
ILYSE HOGUE
ZOË CARPENTER
CYNTHIA GREENLEE

DANI McCLAIN
MOIRA DONEGAN
JOAN WALSH
KATHA POLLITT





Letters

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Diversity comes in all flavors! We've got Peppermint, Caramelized, or Divine Dark Chocolate.

Nutty Steph's wants to raise \$100,000 for Planned Parenthood of Northern New England with 100,000 vulvas, naturally made with the best chocolate available to humankind. You support reproductive healthcare and sexuality education with every one you buy. Complete with an educational collectors card inside, these beautiful confections are great for the office, for your friends, at baby showers, for women, men, girls, and all people.

Help Nutty Steph's reach its goal of selling 100,000 delicious vulvas for \$100,000 to Planned Parenthood of Northern New England.



RabbleRouser.net

Off Base

Come on, folks—you can do much better than this. I'm referring to the article "Moneyball Bites Back," by Kelly Candaele and Peter Dreier [October 21]. I made it to the section that reveals that the players (the oppressed) were averaging a salary of \$4.5 million in 2018, after which I struggled to keep reading about their "plight." I had to pinch myself again and again to remind myself that I was reading not *Forbes* but *The Nation*, the historical vanguard of the nonelite underclasses.

There is a shocking, widening income gap in this country fueled by the corporate sector, and the sporting industry is no exception. Come on, *Nation*! I am thoroughly disappointed.

ROBERT GARAVEL
BROOKFIELD, CONN.

Kelly Candaele and Peter Dreier Reply

We agree with Mr. Garavel that "the sporting industry is no exception" when it comes to corporate owners using all of their power to skew the economics of professional sports—in this case, baseball—to their advantage. Our article did not argue that baseball players were "oppressed"; we did not use that word. But we did want to help readers of *The Nation* become more sophisticated observers of the game.

Many fans—perhaps Mr. Garavel is one of them—become confused or angry when professional athletes go on strike to defend their interests, and those fans respond with a knee-jerk "plague o' both your houses" attitude. We wanted to show why, in the context of baseball, these work stoppages or lockouts have taken place and why another one might be forthcoming. The baseball industry is no different from any other when it comes to who gets what. Either the money goes into

the pockets of the owners or it goes to the players on the field whom the fans pay to see. The average ballplayer spends only four years in the major leagues, and the median annual salary is \$1.5 million, as we pointed out. While it might be hard for "regular" people to sympathize with them, the attitude of Mr. Garavel is exactly the one that team owners would like the fans to have.

Professional baseball is a game, but it is also a business. The players deserve every penny they can make over the course of their short careers, and fans should support them when the owners attempt to keep their salaries artificially low.

KELLY CANDAELE
LOS ANGELES
PETER DREIER
LOS ANGELES

"Can't" vs. "Won't"

I need to comment on Calvin Trillin's "Deadline Poet" in the November 11/18 issue. I disagree with his use of the word "can't" in the final sentence. The sentence—"He can't distinguish right from wrong"—implies an inability, something larger than the person, rendering him unable, as if he were a mere victim of circumstances.

Donald Trump is not a victim of circumstances, someone simply unable to decide. He possesses the same ability to use his free will as most humans, whereas "will" means an exercise of consciousness. So the last sentence should read, "He *won't* distinguish right from wrong."

SANDRA KRUIZE
TUKWILA, WASH.

Correction

In Seyla Benhabib's "High Liberalism" [November 11/18], John Rawls is described as having attended a parochial school in Baltimore. In fact, the school he attended was in Connecticut.

letters@thenation.com

4 **By the Numbers:** Access to abortion; 8 **Comix Nation:** Peter Kuper

3 **A New Politics of Abortion**
Emily Douglas

4 **The Hong Kong Bill Isn't Radical Enough**
Tobita Chow and Jake Werner

5 **The Score**
Bryce Covert

COLUMNS

6 **Subject to Debate**
Personhood Is Punishment
Katha Pollitt

8 **Deadline Poet**
Where Billionaires Stand on the Presidency
Calvin Trillin

A New Politics of Abortion

America is a country that telegraphs profoundly conflicting ideas of what life as a woman should be. There are five female candidates for president. Women are fully integrated into the paid labor force: Almost half of workers are women. Seventy percent of mothers with children work outside the home;

the vast majority working full-time. Across income groups, but especially among low-income families, the wages women earn increasingly represent half—or more—of what their families live on. America depends on women's labor, paid and unpaid, and expects women to dream big, just as men do.

And yet in 2019 alone, state after state has passed laws that, if enforced, would completely undermine the United States' notion of itself as a country that embraces gender equality. These laws ban abortion, and now they're banning it as early as six weeks, before many women even know they're pregnant. Alabama has banned abortion altogether, with only the narrowest exceptions. So far all these laws have been blocked by federal judges, but they will work their way up to the Supreme Court, where an anti-choice majority now holds sway. Building on decades of attacks on access to legal abortion—which, after *Roe v. Wade* legalized abortion nationwide in 1973, became an organizing principle of the newly politicized evangelical right—these efforts have already made it impossible for many providers to practice, for clinics to stay open, and for women to afford to pay for the procedure, even in states that haven't imposed outright bans. Conservatives continue to fight tirelessly to shame those who seek abortions and to block access to contraception, medically accurate sexuality education, and sexually transmitted infection testing and treatment. In that sense, on the right, there is no new politics of abortion. Instead, Republicans have simply run out of ways to fire up their base without banning abortion completely, and we're getting close to the endgame.

But that's not the whole story. As Joan Walsh writes in this issue, when she reported on the Virginia legislative races this fall, she discovered that Democrats found ways to win while championing abortion rights and despite the Republicans'

bald-faced lies. They won because they were unafraid—they didn't avoid the issue—and because of local on-the-ground organizing that had their backs. That organizing isn't only in Virginia, and it isn't only about elections. A mass, mobilized movement for abortion access has taken root across the country, inspiring a new willingness among Democrats in office to stand up for abortion rights. As Amy Littlefield notes in this issue, in 2018 more measures—80 in total—were enacted to expand

reproductive health access than to restrict it. That number has been steadily increasing since 2012. This year, more abortion protections were passed than ever before. These include measures that substantially expand access to abortion, as in Maine and Illinois, where it's now covered by Medicaid, and in New York, which finally decriminalized abortion and expanded access to it throughout pregnancy. These measures are of crucial importance not just for what they do but also for what they symbolize: The movement demanding them is breaking through.

In this issue we take a measure of this split reality: the mortal threat to *Roe* unfolding in states like Alabama, Georgia, and Ohio, and the furious backlash on the left, which has given rise to hundreds of local and regional efforts to support those who need abortion care and has thrust the demand for abortion access to the center of progressive politics.

Women and men organize their lives around the belief that they are able to make choices—choices as varied and unique as those making them—about the profound and, often, life-altering matters of whether and when to be pregnant and whether and when to have children. The world we live in is firmly pro-choice. More Americans than ever are realizing this—and voting accordingly.

EMILY DOUGLAS FOR *THE NATION*



Features

The Fight for Reproductive Freedom

With *Roe v. Wade* in conservatives' crosshairs, abortion rights activists, prosecutors, and politicians are gathering force in the courts, states, and streets.

10 **The Movement for Abortion Access Is Here** Amy Littlefield • 14 **How to Undo Trump's Damage** Ilyse Hogue • 16 **The Bill Pusher** Zoë Carpenter • 21 **Meet the Prosecutors Resisting New Abortion Bans** Cynthia Greenlee • 24 **When the Clinics Close** Dani McClain • 28 **The New Culture of Abortion** Moira Donegan • 30 **Stand and Fight** Joan Walsh

Books & the Arts

35 **The Unfinished Revolution**
Michael Kazin

40 **From *Diary*** (poem)
Marisa Crawford

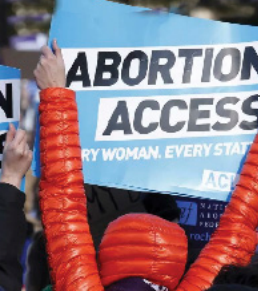
41 **The Rest of Us**
Namwali Serpell

44 **Holy Terrain**
Julysa Lopez

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The Hong Kong Bill Isn't Radical Enough

Its China-versus-the-West framing only helps elites.

For nearly six months, protesters in Hong Kong have struggled for democratic rights and against the increasing influence of the Chinese government. In response, the US Congress passed the Hong Kong Human Rights and Democracy Act (HKHRDA) by unanimous consent. The act, championed by Republican Senators Marco Rubio and Ted Cruz, commits the United States to supporting the protests. It also requires sanctions and other diplomatic actions if Hong Kong—which has its own legal system—is judged to be insufficiently autonomous. (Trump has threatened to veto the bill, claiming it would affect trade talks with China, but it received enough votes in Congress to override that.)

At first glance, the HKHRDA seems laudable. Hong Kong is a haven for free expression and assembly in an increasingly authoritarian China, as well as a crucial hub linking progressive activists on the mainland to organizers in the rest of the world. And most Hong Kongers want to keep it that way: In district council contests on November 24, the territory's voters elected an overwhelming majority of pro-democracy candidates. The HKHRDA seeks to raise the costs for Beijing if it stamps out those freedoms.

Yet a closer look reveals the bill as the latest expression of a binary that pits China against the West. Political elites on both sides have embraced this narrative, in part for its usefulness in undermining the domestic demands for radical change that each faces. A truly progressive alternative would transform the structure of the conflict, but this bill threatens to further entrench a nationalist framing.

The China-versus-the-West narrative casts the two sides as diametrically opposed. In the Western version, China is defined by its hostility to political freedom, while the West stands for democracy and human rights. The Chinese version presents a mirror image: China is defending the principle of national self-determination and the right to economic development against the West's incessant plots to preserve global inequality. And in both, Hong Kong's democrats are aligned with the West, rendering them either heroes or traitors. Neither version is entirely false, and both are fundamentally hostile to progressive change.

On the US side, members of the political establishment have seized on anti-China politics with the hope of co-opting the rising demands for change to aid efforts that will reinforce US global hegemony. As *The Washington Post's* David Ignatius put it, "Americans may be mistrustful of elites, but they also want to believe in something larger than themselves.... [The China challenge] can unite the country and summon disaffected Americans to a test on which their future livelihoods depend, quite literally."

This anti-China narrative pushes us toward a Cold War mentality, prioritizing geopolitical struggles over efforts to fight economic inequality, structural racism, and climate change—and dooming the international cooperation needed to address those problems. The national security establishment sees great-power competition with China as the top reason to expand the already bloated military budget. Many Democratic leaders are now hoping to outbid the GOP on anti-China measures, moving onto terrain that is tilted in favor of the GOP's white nationalist base.

The narrative of China versus the West is also central to the Chinese government's efforts to isolate democracy advocates in Hong Kong from protesters on the mainland. As the Communist Party organ the *People's Daily* insists, "US anti-China forces and those forces in Hong Kong... are colluding as the principal promoters of the continuing riots." The fear of unrest on the mainland is ever present for China's leaders, and the government regularly directs accusations of foreign influence against all forms of activism, seeking to isolate and discredit political dissidents, labor activists, feminists, and religious minorities.

Mainland Chinese share many of the grievances that drive the Hong Kong protesters (and their American counterparts): inequality, a lack of stable jobs, unaffordable housing, corruption, and unaccountable elites. The inability to recognize this common ground undermines the cause of democracy in Hong Kong. Alone, Hong Kongers may not be able to force Beijing to answer their demands, and increased pressure from the United States is likely to merely harden Chinese leaders' attitudes. More than anything else, it is solidarity between Hong Kongers and mainlanders that would radically shift the balance of power.

We share the goal of supporting the Hong Kong protesters. But the HKHRDA not only threatens progress in Hong Kong by fortifying divisions between protesters and mainlanders. It also includes measures aimed at turning Hong Kong into a tool of US foreign policy, such as compelling it to help enforce US sanctions against Iran. It is no coincidence that Rubio, the bill's main sponsor, is one of the most outspoken opponents of China's economic development. And ironically, figures like Rubio and the leaders of the Chinese Communist Party have a lot in common: Both hope to turn the demands for internal reform into animosity against foreigners, preserving domestic inequalities and creating support for aggressive foreign policy.

The challenge for progressives is to construct an alternative that escapes the binary and redraws the lines of political confrontation. There are abundant grounds for solidarity among the people of mainland China, Hong Kong, and the United States in the form of shared aspirations for a more equal, sustainable society. Our enemies are not other countries; they are the unaccountable elites and nationalist ideologues of all countries.

TOBITA CHOW AND JAKE WERNER

Tobita Chow is the director of Justice Is Global, a special project of People's Action. Jake Werner is a historian of modern China who teaches at the University of Chicago.

Mainland Chinese share many of the grievances that drive the Hong Kong protesters.

COMMENT

BY THE NUMBERS

8

States that have passed laws to make abortion illegal after six weeks of pregnancy

1

Number of states that have passed laws to make abortion illegal upon conception, with no exceptions for rape or incest

452

Number of clinics that provided abortions in the United States in 1996

272

Clinics that provided abortions in 2014, the last year for which data is available

6

Number of states with only one abortion clinic

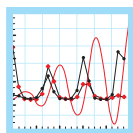
20%

Percentage of women who would need to travel more than 40 miles to reach the nearest clinic that provides abortions

3

Number of states that passed laws in 2019 affirming the right to an abortion

—Alice Markham-Cantor



THE SCORE/BRYCE COVERT + MIKE KONCZAL

Striking Facts

American workers are fed up. So fed up that they're taking one of the most radical steps available to them: refusing to work. This year kicked off with public school teachers in California going on strike to demand higher pay, more support services, and smaller class sizes. In October, Chicago's teachers followed suit, staging their longest strike in decades. Then teachers in Little Rock, Arkansas, struck for just the second time in the city's history. In between the teachers' strikes, 46,000 General Motors workers walked off the job for 40 days, the longest strike by autoworkers in half a century, to call for higher pay, better benefits, investment in American plants, and a path to full-time status for temporary workers—all

conducted the first national strike over sexual harassment in the country's history.

Until the 1980s, American workers regularly staged hundreds of major strikes each year to try and compel employers to treat and pay them better. But in the decades since, that tradition was all but snuffed out, particularly fading during the Great Recession, when people feared losing their jobs. The nadir was in 2009, with just five strikes involving a mere 12,500 people.

If last year and this year have shown anything, it's that American workers have decided they can't afford to be afraid anymore. On the surface, they seem to be doing well. The economy has been expanding for a decade now, with healthy job growth and falling unemployment. Work appears to be plentiful.

So why would Americans put down their chalk, wrenches, and spatulas or close their laptops to take to the picket lines? For one thing, wages have barely budged, increasing just 3 percent this year—far less than would be expected

with so many people back at work. More than 40 percent of workers are stuck in low-wage jobs, making less than \$18,000 a year at the median. No wonder, then, that four in 10 Americans would struggle to cover an unexpected expense of \$400 and 17 percent can't pay all their current bills.

The healthy employment numbers also mask the insecurity many feel. Nearly a fifth of workers have schedules that vary based on their employers' demands, not their own needs. While the number of uninsured Americans has dropped in recent years, even those with insurance aren't always saved from financial hardship, given that last year nearly a quarter of all adults went without medical care because they couldn't pay for it. Over 30 percent of private-sector workers don't have access to retirement benefits through their jobs. If they need time off, they're unlikely to get paid for it: About 40 percent don't have paid sick leave, about 25 percent don't have paid vacations, and a mere 12 percent have paid family leave.

During the last recession, many employers argued that they had to cut back on jobs, pay, and benefits to make it through dire financial

times. Lots of workers felt they had no choice but to swallow those edicts, keep their heads down, and hope for the best.

But a decade of healthy economic growth hasn't loosened the purse strings. Workers keep fueling the economic expansion without reaping the rewards. Refusing to work is the sharpest tool they have to carve out a fair share of the economic pie. They've finally been pushed to wield it.

BRYCE COVERT

More workers went on strike last year—485,200—than at any time since 1986.

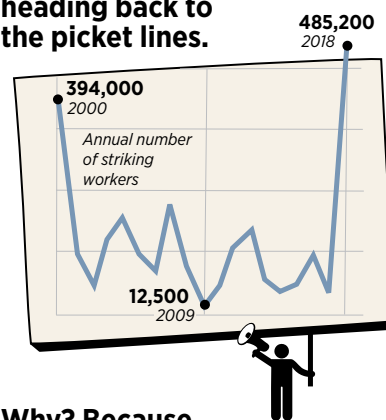
meant to reverse the belt-tightening implemented during the Great Recession. A number of other workers, from nurses to Uber drivers to grocery store employees, have also walked off the job to make demands of their bosses.

We won't have the official numbers for how many Americans went on strike this year until 2020. But workers have clearly continued last year's trend of insisting that they deserve a share of the spoils from the longest US economic expansion on record.

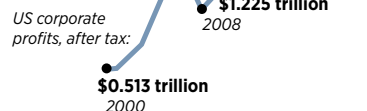
More workers went on strike last year—485,200 of them—than at any time since 1986, the year *The Oprah Winfrey Show* debuted and Microsoft went public. There were 20 major strikes in 2018, the most since before the recession. Teachers walked off the job in Arizona, Colorado, Kentucky, Oklahoma, and West Virginia to demand better pay and better resources for their students. Fifty thousand hospitality workers voted to strike in Las Vegas, and hotel workers walked picket lines in Chicago. Fast food workers continued their fight for a \$15 minimum hourly wage and the right to unionize and had a new demand: that their employers address the sexual harassment they experience at work. McDonald's workers

The Return of the Strike

Fed-up workers are heading back to the picket lines.



Why? Because the economic recovery...



...has not benefited workers.



44% of Americans ages 18–64 are low-wage workers with a median income of less than \$18,000 a year.

32% have no retirement benefits.

Sources: Bureau of Labor Statistics; Federal Reserve Bank of St. Louis; Metropolitan Policy Program-Brookings, "Low-Wage Workforce," November 2019.

2019 infographic: Tracy Matsue Loeffelholz

SIGNAL: NOISE

Faking Enemies

In *A Warning*, the new book by an anonymous senior official in the Trump administration, the author writes that as the number of undocumented men, women, and children entering the United States via the Mexican border increased, President Trump proposed declaring them enemy combatants and sending them to Guantánamo Bay.

On one level, this is just more gibbering from a man who routinely proposes nonsensical—and clearly illegal—strategies. But on another level, it's hugely important. It signals that

Trump is willing to turn his vast propaganda tools toward convincing his base that immigrants are enemy combatants, as bad and fearsome as the terrorists who attacked the World Trade Center, and that they should be treated the way we treat terrorism suspects, many of whom were waterboarded at black sites or continue to be held in indefinite detention at Guantánamo.

As Trump's legal woes mount and the impeachment inquiry further shreds his credibility, we have to assume that he and his Fox News cheerleaders will push ever harsher policies on immigration and other issues dear to his base. How better to distract than to throw more red meat to those already primed to view nonwhite immigrants as invaders?

Read the semiweekly column "Signal:Noise" at thenation.com/signal-noise.

—Sasha Abramsky



Katha Pollitt



Personhood Is Punishment

When we value fetal life over living people, women are the ones who pay.

We often talk about abortion as if it's a thing unto itself. If we connect it to anything, it's usually to sex education, contraception, and other contested ways of preventing unwanted births.

What gets much less attention is the removal of everyday rights from willingly pregnant women. For opponents of abortion, who grant personhood to fertilized eggs, embryos, and fetuses, it's not a stretch to go from saying "You have to have that baby" to "You have to produce a healthy baby, therefore your wishes, needs, and constitutional rights are of no account." Moreover, if anything goes wrong, they're going to assume it's your fault alone.

Consider forced surgery. You might have thought the issue was settled in women's favor in 1987, when a court ordered Angela Carder, a terminally ill cancer patient at George Washington University Hospital in Washington, DC, to undergo a C-section intended to give her 26-and-a-half-week-old fetus a better chance at survival. The doctors performed the surgery despite the likelihood that it would shorten Carder's life; both she and her baby died. In the wake of that horrific event, an appeals court vacated the original order, with more than 100 organizations weighing in for Carder, including the American Medical Association and the American College of Obstetricians and Gynecologists. (On the other side were attorneys for Americans United for Life and the United States Catholic Conference.)

Flash-forward to 2011, when Rinat Dray, who previously had two cesareans that left her debilitated and in pain for months, decided to try for a vaginal birth at Staten Island University Hospital in New York. Her doctor made the decision, without even a court order, to cut the baby out against her will, slicing into her bladder in the process.

Dray has been suing the hospital for years, so far without success. Despite New York State's new pro-choice Reproductive Health Act, the Kings County Supreme Court held in October that the state has "an interest in the protection of viable fetal life after the first 24 weeks of pregnancy" that overrides a mother's objection to medical treatment, "at least where the intervention itself presented no serious risk to the mother's well being."

This is New York, not Alabama.

As Lynn Paltrow, the director of National Advocates for Pregnant Women, told me by phone, "The Dray case makes clear that all you need is a doctor who asserts that the fetus is at risk, and suddenly you don't have any rights." Around the country, other pregnant women have been threatened with C-sections or had to undergo them against their will.

This is in spite of the fact that the cesarean rate in the United States is 32 percent—far higher than the World Health Organization's recommended rate of 10 to 15 percent. It's also in spite of court rulings that under no circumstances can one person be forced to have a medical procedure, such as a bone marrow transplant, to benefit another. What this amounts to is that pregnant women have fewer rights than other people and the fetuses they carry have more.

The criminalization of women's behavior during pregnancy is another gift from the anti-abortion movement. According to Al Jazeera, more than 1,200 women have been arrested or detained for their conduct during pregnancy since *Roe v. Wade* was decided in 1973. *Personhood*, a new documentary by Jo Arding, delves into the case of Wisconsin's Tamara Loertscher, who told a doctor in 2014 that before she knew she was pregnant, she used meth several times a week to self-medicate for depression since she had no health insurance. Loertscher swiftly found herself in a hospital against her will and then in jail. The state even provided her fetus, at that point 14 weeks old, with a lawyer but refused Loertscher's own requests for legal representation.

Released after 18 days, she now had a record as a child abuser, which made her virtually unemployable in her profession as a nursing aide—even though her son was born in perfect health. And Loertscher was one of the lucky ones; other women have been jailed, charged with murder for having stillbirths, or had their babies taken away.



Pregnant women have fewer rights than other people, and the fetuses they carry have more.

2019 Lannan

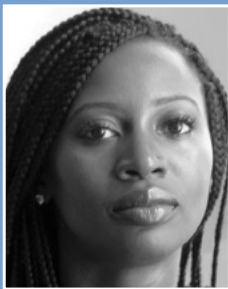
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Lannan IS A FOUNDATION DEDICATED to cultural freedom, diversity, and creativity through projects that support exceptional artists, writers, and inspired Native American, social justice, and environmental activists. The Foundation recognizes the profound and often unquantifiable value of the creative process and is willing to take risks and make substantial investments in ambitious and experimental thinking. Understanding that globalization threatens all cultures and ecosystems, the Foundation is particularly interested in projects that encourage freedom of inquiry, imagination, and expression.

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Photos: Evie Shockley © Stéphane Robolin; Wayétu Moore © Ashleigh Staton; Caitriona Lally © Eoin Rafferty; Nick Estes © Don Usner

It's not a stretch to go from saying "You have to have that baby" to "You have to produce a healthy baby."

Cases like this attract only sporadic attention, partly because the pro-choice movement has been (understandably) focused on abortion rights. But it's also because they tend to involve women who are poor or working class, black or brown, users of drugs or alcohol, smokers, members of minority religions, or other women who can't or won't follow the intensive prenatal health regimen of educated professional-class women, who won't allow a drop of wine to pass their lips once the pregnancy test comes up positive.

In 1991 the Supreme Court ruled that employers could not bar women from jobs deemed dangerous to fetuses, such as factory work involving certain chemicals. How long will that ruling stand if other legal behaviors while pregnant—drinking, smoking, housecleaning, lifting your other children—wind up being criminalized as well? There's a clear path that leads

from the arrest in Alabama of Marshaé Jones, whose fetus died after Jones was shot in a fight, to arresting pregnant women for their own abuse at the hands of their partners, and the United States is on it.

Meanwhile, we live comfortably with skyrocketing miscarriage rates among detained immigrants and with the occasional birth by a detained woman alone in her cell—Diana Sanchez in Denver, for example.

Perhaps it's unnecessary to add that our society does little to help pregnant women have healthy babies, all while purporting to value them. If you're homeless and giving birth, tough luck. If you have an addiction, chances are there won't be room in a rehab program. If you live in a rural area, there may not even be a maternity ward nearby. Increasingly, fetal personhood is maternal punishment—and the pro-choice movement shouldn't forget it. ■

PETER KUPER

COMIX
NATION



"When we're done you'll be asked to complete a brief online survey."

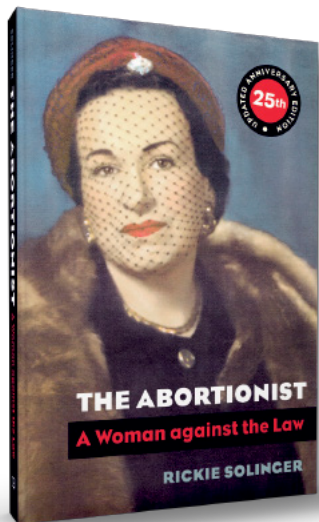
WHERE BILLIONAIRES STAND ON THE PRESIDENCY

Calvin Trillin
Deadline Poet

First Schultz thought he might, then Steyer jumped in. Now Bloomberg's announced. (Though his chances are thin, He hopes with his dough he won't need early states.) No word yet from Bezos or Buffett or Gates.

ESSENTIAL BOOKS

FOR TODAY'S MOST CRITICAL ISSUES



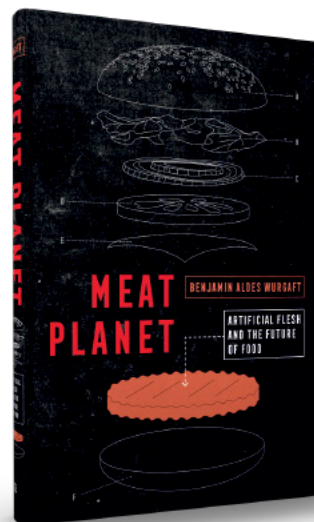
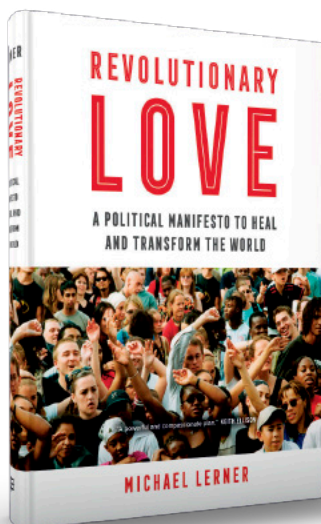
“Opens our minds and hearts to a fully human way of living and governing.”

—Gloria Steinem, feminist, activist, and author of *My Life on the Road*

“A vivid account.”

—*New York Times Book Review*

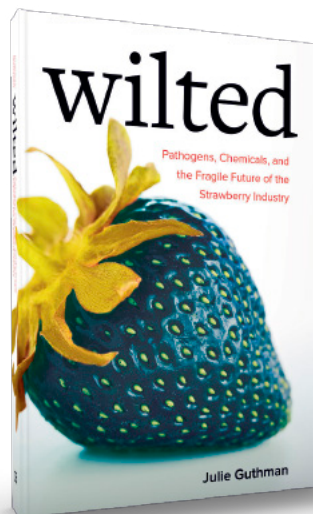
This twenty-fifth anniversary edition explains why abortion has been—and remains—a political flashpoint in the United States.



CHOSEN AS ONE OF PUBLISHERS WEEKLY'S BIG INDIE BOOKS OF FALL 2019

“A balm for those weary of the lab meat bluster.”

—*New Food Economy*

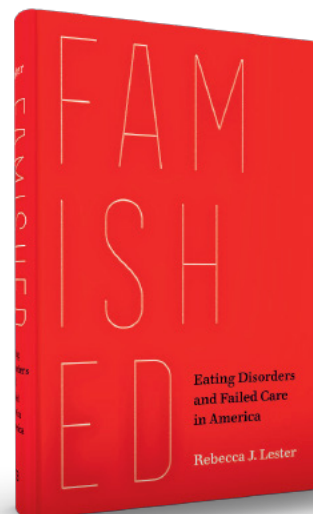


“Jennifer Gaddis’s swift prose and sharp mind keep you turning the pages. . . . A brilliant history and incisive analysis.”

—Raj Patel, author of *Stuffed and Starved*

“Guthman explains why industrial strawberries are both victim and perpetrator of the Anthropocene. I’ll never look at the fruit the same again!”

—Michael Carolan, author of *The Food Sharing Revolution*



“Beautifully written, sharply observant, and deeply researched. A voice of both reason and compassion.”

—Marya Hornbacher, author of *Wasted: A Memoir of Anorexia and Bulimia*



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THE Movement FOR Abortion Access Is Here

AMY LITTLEFIELD

How abortion funds showed America
that *Roe* is not enough.



NILOFAR GANJAIJE OFTEN HAS TO ASK PEOPLE WHAT BELONGINGS THEY CAN SELL TO HELP PAY FOR THEIR ABORTIONS. HER ORGANIZATION, the Northwest Abortion Access Fund (NWAAF), helps people in Washington, Oregon, Idaho, and Alaska who are struggling to afford the hundreds or, later in pregnancy, thousands of dollars that an abortion costs. Each week, the fund sets aside a portion of its budget to help those with upcoming appointments. And each week, generally by Wednesday, the money is gone. So volunteers like Ganjaie walk callers through a set of calculations: Are there friends or relatives they can ask for money? Expenses they can delay? Callers have sold their clothing or children's toys. She offers patients the option of delaying their appointments, but even then, the fund can't guarantee help. "Those are just the most heartbreaking conversations, to walk people through options that include staying pregnant longer than they want to be," she said.

So when her counterparts in New York City made history in June by pushing it to become the first city in the United States to directly fund abortions, Ganjaie was thrilled. The city allocated \$250,000 to the New York Abortion Access Fund (NYAAF), doubling its capacity to fund abortions. She knew an amount like that would be a game changer for her own fund, which has granted roughly \$300,000 this year. Before she could tell her fellow board members the news, they were already messaging on Signal. "Let's do this," one wrote.

A few weeks later, Ganjaie attended an event at a women's coworking space where her congresswoman, Pramila Jayapal (D-WA), spoke to the crowd about her abortion. When Jayapal took questions, Ganjaie raised an issue that has been the third rail of abortion politics for decades: How could activists secure public funding for abortions? Jayapal, part of a newly elected wave of progressive women of color in Congress, was fresh off a failed attempt to repeal the Hyde Amendment, a ban on most federal funding for abortion that Congress has renewed every year since 1976. A group of progressive women, including Jayapal and Representative Ayanna Pressley (D-MA), had attached an amendment repealing Hyde to a budget bill, but fellow Democrats in the House Rules Committee had scuttled it. Sensing defeat, Jayapal had conceded to *Roll Call* that Hyde was still a "politically difficult issue." But she seemed to think Ganjaie might have better luck locally, encouraging her to take the issue to the Seattle City Council.

Ganjaie and her colleagues plan to do just that—and they're not alone. In September abortion fund activists in Austin, Texas, pushed the city to give \$150,000 to help residents with the travel, housing, and child care costs associated with abortion. The California abortion fund Access Women's Health Justice told *The Nation* that it's contemplating similar initiatives in Los Angeles and San Francisco. At the federal level, the All Above All campaign has inspired members of Congress and a number of the 2020 Democratic presidential candidates to challenge the once-sacred Hyde Amendment.

Ganjaie, 26, gravitated toward abortion funding after working at Planned Parenthood, where she advocated for legislation to protect abortion rights. Volunteering at the NWAAF, she felt closer to its mission of reproductive justice, a framework developed by black women that supports the human right to all pregnancy options, including abortion and parenting, and recognizes how inequality and racism shape access to health care—even in a state like Washington, with relatively progressive laws. "Passing laws that improve access to abortion is great, but if you're working three minimum-wage jobs and don't have access to reliable transportation, then it's still not accessible to you," Ganjaie said.

Abortion funds have long operated in that gap. In 2016, the year Donald Trump was elected, the National Network of Abortion Funds (NNAF) launched an effort to build the funds into what it called an "organizing powerhouse." Now, as states make headlines by passing increasingly extreme laws to restrict or ban abortion, these groups have channeled the growing public awareness of their work into ambitious efforts to expand access. Bolstered by a surge in funding, they have found within the wider abortion rights movement a "greater recognition of the power and possibility of abortion funds to lead," NNAF's executive director, Yamani Hernandez, told *The Nation*. Megan Jeyifo, the executive director of the Chicago Abortion Fund, said there has been a dawning realization among the wider pro-choice public that *Roe v. Wade* didn't guarantee access for

everyone. "It is time for people to listen to funds, because funds have been doing this work for decades," she said. "We've been ready for this moment. We're ready to lead."

ABORTION FUNDS HAVE BEEN QUIETLY MAKING abortion accessible despite the nearly 1,300 legal restrictions enacted on the procedure since 1973. Each week, fund volunteers and staff drive people to appointments, host out-of-state patients on their couches, buy bus tickets, provide emotional support, help patients enroll in Medicaid in the minority of states where it covers abortion, and contribute to paying for the procedure. While abortion remains legal, a vast obstacle course of waiting periods, ultrasound requirements, targeted regulations, and bans on second-trimester procedures has rendered it nearly inaccessible in many states. Unable to ban abortion outright, anti-choice lawmakers have relied instead on the power of logistical hurdles to choke off access, patient by patient.

These efforts have taken their toll. Last year the roughly 70 groups that make up NNAF received 150,000 requests and, on average, could help in only one-fifth of the cases, Hernandez said. Those who received help generally had to raise as much as they could on their own and then scrape together the rest from multiple cash-strapped funds. "It usually takes more than one abortion fund to cover one abortion," she added. The shortfall comes despite a dramatic increase in fundraising; NNAF's annual bowlathon fundraiser went from raising \$940,000 in 2016, before the election, to over \$2.4 million in 2019. The network gave away \$6.2 million in the 2018 fiscal year—an increase of about \$2 million from the year before but a fraction of what it would take to fund every caller. "And that's in a world with *Roe*," Hernandez said.

In May, donations to abortion funds surged after Alabama passed a total ban and other states passed near-total bans, almost all of which have been blocked by courts. In May and June alone, NNAF raised nearly \$2 million from individuals—more than twice what it normally receives in a year. In Alabama, the Yellowhammer Fund alone raised \$3 million. "It really backfired on [anti-choice lawmakers]," said Amanda Reyes, the fund's executive director. "They

"It's a perfect time to push bold, progressive legislation, to be able to really fight for what we want rather than just fight against what we don't."

—Nilofar Ganjaie,
Northwest Abortion
Access Fund

Amy Littlefield is a freelance journalist who focuses on reproductive health care and the intersection of religion and medicine.

The New Politics of Abortion

have actually given us the ability to undo some of the damage to abortion access, because now we have the funding to get around their laws.”

Ganjaie and her colleagues started referring to this as the moment “when abortion funds went mainstream.” In addition to a modest uptick in donations, the Northwest Abortion Access Fund saw an increase in callers who were learning about abortion funds from the news. Meanwhile, the funds are preparing for the possibility that the Supreme Court, with Brett Kavanaugh on the bench, might allow further restrictions. Its first opportunity will come this term when it considers a Louisiana law intended to close clinics by requiring providers to have hospital admitting privileges. Advocates warn that the law would shutter two of the state’s three remaining clinics and could prompt a wave of closures across other states. Galvanized by this threat, activists have gone on the offensive with successful campaigns to expand state and municipal funding for abortion. “It’s a perfect time to push bold, progressive legislation,” Ganjaie said, “to be able to really fight for what we want rather than just fight against what we don’t.”

PUBLIC FUNDING HAS LONG BEEN A PRIORITY FOR the abortion funds, even when it was sidelined at various times by the wider pro-choice movement. Although funds have existed in some form since before *Roe v. Wade*, the Hyde Amendment spurred activists to form more of these groups, according to Marlene Gerber Fried, a scholar, longtime activist, and cofounder of NNAF. In 1978, Faye Wattleton became the first woman since Margaret Sanger to lead Planned Parenthood and its first black president. At a news conference, she named Medicaid funding of abortion as one of her top priorities, sparking a firestorm among the group’s affiliates. “The concerns were that we were going to lose our federal funding if somebody didn’t get me under control,” Wattleton told *The Nation*. “My view was: We’re an organization of principles, and we had to stand by and exercise those principles.”

In 1993, with Hyde still in force and Bill Clinton in the White House, momentum was growing for a national health care law. That year, about 20 groups formed NNAF to amplify the call to include public funding for abortion. “It was an intervention in abortion politics,” said Fried. “We were so involved in the tremendous gap between legality and accessibility.” From its beginning, NNAF has been a driving force behind efforts to repeal Hyde. The group joined a successful campaign, led by black activists, to restore the amendment’s exceptions for rape and incest

In 2017, 35 percent of people who received support from New York’s abortion fund traveled from out of state; last year that number rose to 39 percent.

A big win: In August the Austin City Council considered a measure, ultimately successful, to fund abortion-related expenses.

in 1993. The following year, 12 black women, including Toni Bond, gathered in Chicago and coined the term “reproductive justice” to describe a set of concerns that overlapped with abortion funds’ but were focused on the health care needs of black women. “We realized that abortion was not the only issue that was confronting black women,” she told *The Nation*. “We also knew that...abortion may have been legal, but it was out of reach for most low-income women, owing to the Hyde Amendment.”

The activism against Hyde ramped up again in 2010, after Barack Obama signed a landmark health care law that excluded public funding for abortion. All Above All, led by a coalition that included NNAF, was launched in 2013 to draw attention to how Hyde and related bans have all but blocked abortion access for Native Americans, federal employees, prisoners, detained immigrants, and Medicaid recipients in most states. Two years later, Representative Barbara Lee (D-CA) introduced the Each Woman Act to end Hyde. In 2016 the Democratic Party’s platform called for the amendment’s repeal for the first time. This year, the leading Democratic presidential candidates, including Bernie Sanders and Elizabeth Warren, have done likewise, and Joe Biden was forced to reverse his long-standing support for Hyde after intense criticism. The Each Woman Act has collected 171 House cosponsors, although it has yet to be voted on in the House or Senate.

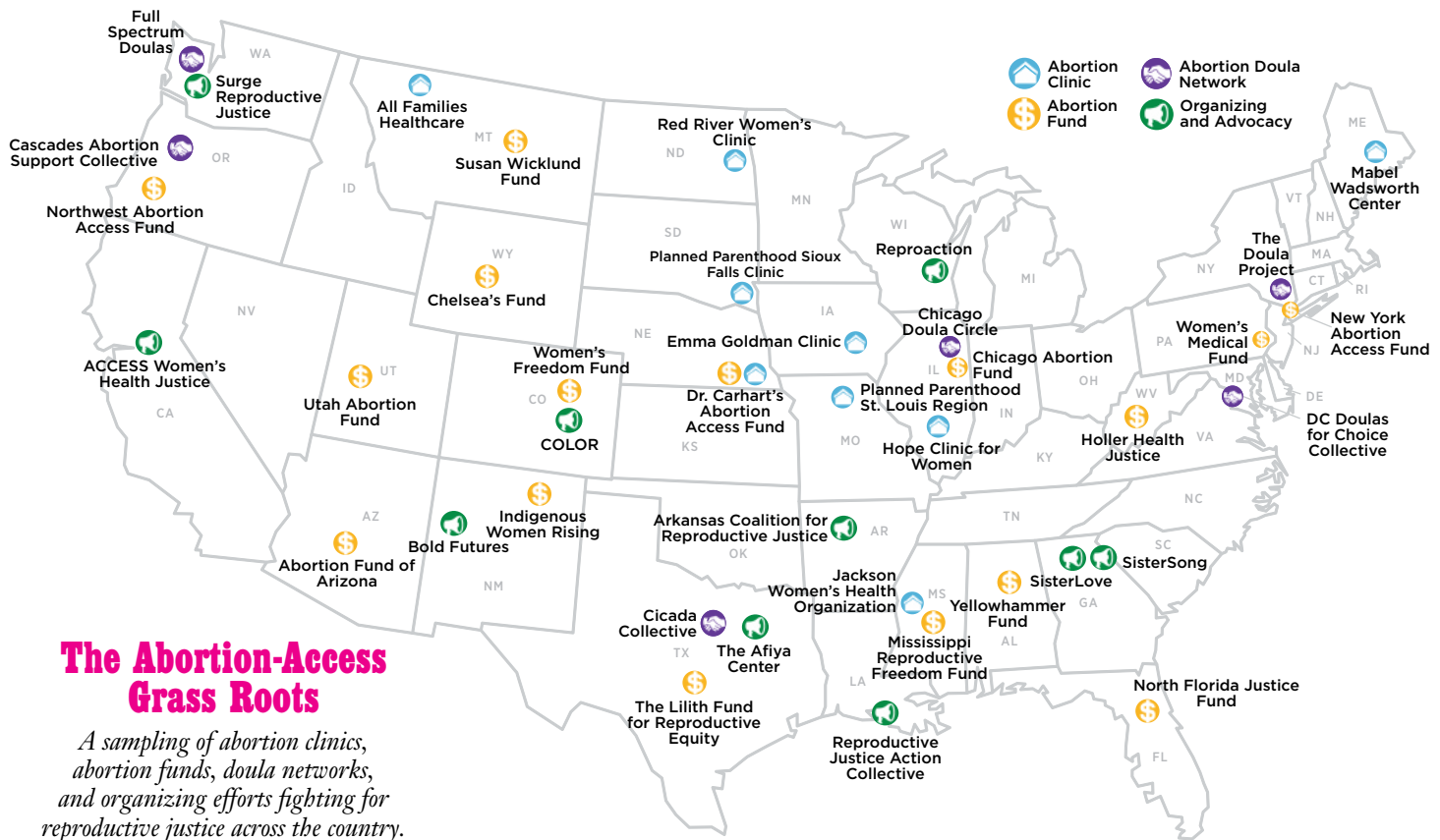
All of this points to a shift in public opinion driven by grassroots activists who have long known they could never fill the gap created by Hyde. “There are some people who mistakenly think that for abortion funds, our goal is to be out here funding every abortion,” said Laurie Bertram Roberts, the executive director of the Mississippi Reproductive Freedom Fund. “That would be great if we could, but guess what? That’s the government’s job.”

AFTER THE 2016 ELECTION, AS THE THREAT OF AN anti-choice majority on the Supreme Court loomed, members of NNAF gathered in Oakland, California, to prepare. “We literally took out a map and looked at where clinics are, what their gestational limits are, where we saw travel patterns being, where we have funds,” Hernandez said. The groups decided to focus on improving regional networks for patients, who were increasingly compelled to travel across state lines for abortions. From 2012 to 2017, 276,000 women terminated their pregnancies outside their home state, according to an Associated Press analysis. In New York, NYAAF began to track an increase in out-of-state visits. In fiscal year 2017, the group told *The Nation*, 35 percent of the people who received funds from the group traveled to New York from out of state; the following year, that number rose to 39 percent. That increase and the prospect of an even steeper rise if *Roe v. Wade* is overturned have prompted NYAAF to ramp up its advocacy, supporting legislation to protect abortion access and launching its historic campaign to get the city to directly fund abortions.

In Texas, abortion funds faced a much darker political landscape. State lawmakers introduced bills to ban most abortions and even to impose the death penalty on those



LILITH FUND / MARI HERNANDEZ BANNER PHOTO: BLUE LENS, LLC / MARK DIXON



The Abortion-Access Grass Roots

A sampling of abortion clinics, abortion funds, doula networks, and organizing efforts fighting for reproductive justice across the country.

who have them. In more liberal Austin, City Council members approached the Lilith Fund to ask how they could help. “As an abortion fund, anything that really gives people concrete access is going to be our priority,” said Cristina Parker, Lilith’s communications director. So the group asked for funding. The City Council allocated \$150,000 to help Austin residents with the travel, housing, and child care costs associated with abortion, hitting back at a new state law that bars the city from funding abortion providers directly. Parker said the resolution was a “direct strike” against the Hyde Amendment, whose creator, the late Republican congressman Henry Hyde, once famously lamented, “I would certainly like to prevent, if I could legally, anybody having an abortion, a rich woman, a middle-class woman, or a poor woman. Unfortunately, the only vehicle available is the...Medicaid bill.”

On September 30, the 43rd anniversary of the amendment’s passage, Parker and dozens of others who supported the Austin City Council’s resolution gathered to celebrate their victory. “We don’t get too many victories...so it feels really good,” she said. Among those in attendance were members of the Austin chapter of the Democratic Socialists of America. With a growing membership spurred by the campaigns of Sanders and Representative Alexandria Ocasio-Cortez (D-NY), DSA chapters in Austin and elsewhere have channeled their growing political power into supporting abortion funds, which they see as natural allies. “They really do fit in with our idea of a socialist vision,” said Laura Colaneri, a member of the steering committee for the DSA’s socialist feminist working group. “They’re there for each other with emotional support and community support, not just monetary support.” Nationwide, she continued, DSA chapters raised more than \$137,000 during NNAF’s annual bowlathon fundraiser this year.

LEARN MORE

For an interactive map with more information on each group, visit thenation.com/abortion-access-map

Last year there were more measures enacted nationwide to expand reproductive health access than to restrict it.

In Chicago, the DSA chapter helped rally support for a state law requiring private insurance to cover abortion, two years after the Chicago Abortion Fund successfully pressed Republican Governor Bruce Rauner to sign a bill approving such coverage under Medicaid. The Medicaid law “changed everything,” said the CAF’s Megan Jeyifo. But coverage for the procedure hasn’t been a cure-all in Illinois or in the 15 other states that use state money to fund abortions through Medicaid, including New York, California, Washington, Oregon, and Alaska. Abortion funds in those states still scramble to help patients who are undocumented immigrants, can’t enroll in Medicaid in time for the procedure, have travel needs or high insurance deductibles, or have private insurance that doesn’t cover abortion. But Medicaid coverage has relieved some of the pressure. “We are able to connect so many more people to care,” Jeyifo wrote in an e-mail, “but there are also many still falling through the cracks.”

As the federal outlook darkens, such state-level efforts to expand access have caught on. Last year there were more measures enacted nationwide to expand reproductive health access than to restrict it, and this past June, Maine became the latest state to require Medicaid and private insurance coverage of abortion.

THE YEAR BEFORE THE 2016 ELECTION, A NEW KIND of pregnancy center opened in then-Governor Mike Pence’s Indiana. The group, All-Options, started as an emotional-support hotline for people with unintended pregnancies. In 2015 it opened a storefront in Bloomington as a counterpoint to the anti-choice crisis pregnancy centers, which use misinformation to dissuade patients from seeking abortions. What All-Options envisioned was a truly comprehensive



pregnancy center, a one-stop shop for free diapers and day care referrals where patients could get funding and support for abortion. “Our movement is so on the defensive, and today more so than when we opened the center,” said Parker Dockray, the group’s executive director. “We don’t offer as many visions of what we would like to see, what we think is possible, something that’s inspiring and gives people a direction to think about: “This is what it could look like.”

At the national level, Hernandez has sought to move the funds into closer alignment with reproductive justice values by fostering leadership from people of color and those who have received funding from the groups. About a third of the funds have paid staff, which she said is a priority as NNAF broadens its work and prepares for a future of even more restricted access.

Among the groups to embrace the reproductive justice framework is Alabama’s Yellowhammer Fund. This year it plans to open a reproductive-justice resource center in Birmingham, offering formula, diapers, and car seats, as well as sex education and condoms. Recently, Yellowhammer received a call from a doula whose patient was at risk of losing custody of her baby because she didn’t have a crib. The fund bought her one. “That’s reproductive justice, and those are the kinds of things we want to do,” said the fund’s Amanda Reyes. Thanks to the recent surge in donations, Yellowhammer can afford to meet these aspirations. It used to have a weekly abortion funding budget of \$650, about what a first-trimester abortion costs. Since June, it has increased that to \$9,000, she told *The Nation* in October. (The group’s approach isn’t always popular within the movement; Yellowhammer and the Mississippi Reproductive Freedom Fund have faced criticism that they should be spending more directly on abortions.)

Perhaps no abortion fund has embodied the sweeping vision of reproductive justice more than the Mississippi Reproductive Freedom Fund, which provides diapers, other baby supplies, and groceries and helps more people than just those seeking abortions. When *The Nation* reached the MRFF’s Laurie Bertram Roberts in early October, she said the fund’s van—normally used to drive patients to abortion clinics across the South—was also being used to drive people arrested in a series of recent Immigration and Customs Enforcement raids to their court appearances. “I don’t think there’s anything more RJ [reproductive justice] than making sure parents are with their kids, right?” she said. “That’s just as RJ as making sure someone who doesn’t want to parent doesn’t have to be a parent.” She has been encouraged by the victories in New York City and Austin, she said, but in conservative Mississippi, a public funding campaign would have to start with expanding Medicaid coverage in the state, where about 12 percent of the population is uninsured. “We should have full access to free health care—period, full stop,” she said. “Abortion funding is like a stopgap until we get there.

“The goal,” she added, “is for us to not have to do this anymore at all.” ■

HOW TO UNDO TRUMP’S DAMAGE

ILYSE HOGUE

What the next president could do to expand reproductive rights.

In Los Angeles in early May, I woke up at 5:30 AM to a barrage of texts and phone calls. The day before, the Alabama Legislature had passed a law banning abortion completely. This move came on the heels of the Georgia General Assembly criminalizing abortion after the sixth week of pregnancy. I was in LA with former Georgia gubernatorial candidate Stacey Abrams to talk to film industry leaders about how they could challenge that law, given their extensive investments in her state. The Alabama ban was a tipping point, and women across the country were rising in anger, frustration, and disgust over the attacks on our reproductive freedoms.

Among the calls were several from presidential contenders who wanted to put together plans to address the erosion of reproductive rights by the Trump administration and the state-level attacks that started years ago in the form of 20-week bans, mandatory waiting periods, forced ultrasounds, and much more. In all, 20 presidential candidates spoke out that day.

It hadn’t always been so. In 2016, when reproductive freedom and justice groups pushed debate moderators to ask then-presidential primary candidates Hillary Clinton and Bernie Sanders about the threats to reproductive rights as a part of the #AskAboutAbortion campaign, we were mostly dismissed by the media and the political elite. Despite the attacks on reproductive freedom that were well underway, many in the Democratic Party and the progressive movement didn’t understand the toll of these escalating assaults on the ability of women to access abortion, birth control, and prenatal care—not coincidentally, assaults that are primarily felt by poor women, rural women, immigrant women, and women of color. Given the complacency of many at the top, including in the media, only one question was asked about abortion rights during the primary debates—the very last one.

President Donald Trump has thrust the question of access to abortion—and all it represents about control and freedom—to the center of the 2020 election.

Clinton and Sanders were both pro-choice, so people scoffed, “Why should we waste our time on that?” Having our concerns minimized came as no surprise to those of us who do the work. We explained again and again that pro-choice values are great, but we expect plans.

To their credit, Clinton and Sanders didn’t shy away from the issue. When asked, they were aggressive in response, and as the nominee, Clinton led the charge to insert in the Democratic Party platform a call to repeal the Hyde Amendment, which prohibits federal funding for abortion services. Still, the conversation existed on the margins for most pundits and observers.

That brings us to today. Through fiat in the federal agencies and an unapologetic takeover of the judicial system, President Donald Trump has thrust the question of access to abortion—and all it represents about control and freedom—to the center of the 2020 presidential election.

So far, the Democratic field has risen to the occasion. Candidates have advanced explicit positions on abortion rights, and all the major ones support the repeal of the Hyde Amendment and the decades-long discrimination it embodies. That commitment was tested this year when Joe Biden reversed his stance on the issue—vowing to lift the ban on abortion funding for low-income women after quick and severe public criticism.

This progress is due to the painstaking work of those raising the alarm year after year, even when too few listened. In 2014, All Above All, a leader in the reproductive justice movement, began

Ilyse Hogue is the president of NARAL Pro-Choice America.

educating people on the evils of the Hyde Amendment and calling for its repeal. Six years ago Wendy Davis, then a state legislator, mounted her famous filibuster against Texas's 20-week abortion ban. The backlash against that law was enormous, and it planted seeds of resistance against today's bans. Legislators in the anti-choice movement knew their agenda was unpopular and that they were living on borrowed time. So they moved quickly and quietly to introduce bills designed to outlaw certain kinds of abortions, shame women out of choosing the procedure, and shut down clinics. These lawmakers used every trick available to jam these bills through, convening special legislative sessions and hijacking unrelated legislative efforts. In North Carolina, a bill to impose restrictions on abortion clinics was even attached to a motorcycle safety bill.

Trump's victory heralded the end of this stealth approach. But as state-level bans sweep the nation, so does an awareness of what's at stake. The vast majority of American adults—77 percent, according to a 2019 NPR/PBS NewsHour/Marist poll—support legal access to abortion, an increase even from last year. Support is overwhelming among Democratic voters, who have had it with the reproductive oppression enabled by misogyny. It's undeniable that left and liberal candidates must take these issues seriously if they are to be competitive. People who understand that the freedom to access abortion is inextricably part of our fight for gender equity are marching and resisting in record numbers.

This is an inflection point, and it's crucial to treat *Roe v. Wade* as the floor of what we need and not the ceiling. The next president will have massive challenges in digging our nation out of the hole we find ourselves in. Fortunately, the contenders for the Democratic nomination have some ideas. The crisis requires dedicated resources and attention, which would be part of Cory Booker's call for a White House Office of Reproductive Freedom. The crisis requires nominating judges to all levels of the federal judiciary, including the Supreme Court, who would protect reproductive freedom, as promised by former candidates Kirsten Gillibrand and Beto O'Rourke and current contenders Pete Buttigieg and Julián Castro, among others. The crisis requires innovative thinking about the relationship between state and federal government, like the proposal put forward by Kamala Harris, whose plan models the preclearance process in the Voting Rights Act, stipulating that the most regressive states get permission from the Justice Department before a new abortion law takes effect. The crisis requires a health care plan that includes coverage of comprehensive reproductive care, like the one proposed by Bernie Sanders. And the crisis requires us to address the increased threats to and violence against abortion clinics, as proposed in Elizabeth Warren's plan. And of course, the next president must push to codify *Roe* into statute; repeal the Hyde Amendment permanently; remove the global gag rule, which bars giving federal funds to any foreign health organization that provides abortion or even discusses it as an option; and reinstate Title X funding for Planned Parenthood and other full-service reproductive health care providers.

These plans—and the fact that several presidential candidates vowed during the Democratic debates to restore reproductive rights, even when they weren't asked about them—are a good start. Still, all of that should be the minimum. To adequately confront this moment, we have to elect pro-choice champions. Congress will be instrumental in safeguarding our reproductive rights, and perhaps more than anything, we need a national leader who can convey with moral clarity and conviction what's



at stake. The Trump administration is a manifestation of a radical anti-choice movement's deep misogyny and racism. Extremists in the White House have used this opportunity to move an anti-science agenda and force their narrow moral code on all Americans. We need the exact opposite in our next president.

In a dystopian move, the Trump administration has tracked the periods and pregnancies of migrant women being held in Immigration and Customs Enforcement centers to prevent them from having abortions—a move that implicitly acknowledges the sexual violence experienced by these women on their travels and in detention. This White House has put people in charge of our family planning programs who do not believe in contraception and have pursued a strict abstinence-only, sex-shaming agenda. This administration moved funds away from Planned Parenthood and other comprehensive health care providers to fake clinics that lie about everything from abortion to contraception.


Of course, the crowning achievement of this administration is to install justices on the Supreme Court dedicated to gutting *Roe* and criminalizing abortion. The nomination of Brett Kavanaugh, who has been accused of multiple sexual assaults, to the nation's highest court by a president who is an alleged serial sexual predator himself sent a clear message: We will have no rights to, no ability to feel safe in our own bodies. This president and the anti-choice movement that put him over the top in 2016 see our personal agency as something to gleefully extinguish.

This spring, emboldened by a president who said women should be punished for seeking abortion, Texas held a hearing on a law that would allow prosecutors to impose the death penalty on women who terminate their pregnancies. And in many states, women are fodder for test cases to establish the statutory rights of a fertilized egg over those of the person carrying it. In Alabama, Marshaé Jones was charged with manslaughter after being shot in the stomach and losing her pregnancy. Although the charges were dropped, the message was clear: Our ability to reproduce can and will be wielded as a weapon to keep us in our place. Left unchecked, this is the future for all women, just as it is the present for the less powerful voices among them.

So therein lies the challenge. The mantle of leadership is not in seeking a return to a pre-Trump status quo that was already victimizing so many. It's certainly not in treating the anti-choice movement as a benign force that we have a mild disagreement with. The leader we need will realize that he or she has a mandate to move policy that recognizes reproductive rights for what they are: the nucleus of gender equity and a fundamental guarantee without which women will never be free. ■

Supremely unjust: Protesters raise their fists outside the Supreme Court after the confirmation vote of Brett Kavanaugh, who was accused of sexual assault.

Our ability to reproduce can and will be wielded as a weapon to keep us in our place. Left unchecked, this is the future for all women.



Janet Folger Porter
is an anti-abortion
evangelist once
considered too extreme
for many conservatives.
Now she's a leading
force behind a wave of
"heartbeat" bills.

ZOË CARPENTER

THE BILL PUSHER

The New Politics of Abortion

IN THE SPRING OF 2011, TWO FETUSES TESTIFIED BEFORE THE OHIO HOUSE OF REPRESENTATIVES' HEALTH COMMITTEE. AT LEAST THAT'S how the spectacle was described by the anti-abortion-rights activists who had recruited two pregnant women to receive ultrasounds, live, while the representatives watched. Small dots flashing on a projection screen were described as beating hearts, and their sound was broadcast to the room—one coming through clearly, a reporter noted, the other “only faintly audible and hard to distinguish.”

A month earlier, a Republican state representative had introduced legislation to make abortion illegal as soon as fetal cardiac activity (colloquially but disingenuously described as a heartbeat) could be detected—usually around the sixth to eighth week of pregnancy, sometimes before a woman even knows she's pregnant. The bill captured an ascendant mood: After sweeping electoral victories in 2010, Republican state lawmakers across the country put forward a sheaf of abortion-related restrictions, targeting clinics with unnecessary regulations, erecting procedural hurdles for women seeking care, and attempting to tighten the time frame in which abortion was legal. Many of these new bills were subtle, even sneaky, attempts to make abortion inaccessible, if still legal. Ohio's legislation, on the other hand, was entirely transparent. Amounting to a near-total ban, the bill was blatantly unconstitutional, so unlikely to survive legal challenge that many establishment anti-abortion groups refused to support it.

Stephanie Craddock Sherwood, who was an organizer for Planned Parenthood at the time, remembers that the hearing struck her as a grotesque kind of joke. “It was such a complete dog and pony show,” she said recently. “I was like, ‘There's no way this will ever pass, because it's so ridiculous.’” Sherwood, who now directs an abortion fund in Ohio called Women Have Options, laughed at the recollection. Then she sighed gloomily.

One reason it was hard to take the bill seriously was the woman behind it, Janet Folger Porter, who takes credit for the idea for the legislation and has a long history on the Christian right's conspiratorial fringe. Her career is littered with dubious positions and projects, from engineering a prominent antigay “conversion therapy” ad campaign in the 1990s to promoting Obama birtherism to flirting with dominionism, the idea that Christians should govern the nation according to biblical law. Her endeavors have ranged from hateful to laughable, including Reagan-Book, a short-lived social networking site she created as a conservative alternative to Facebook. In 2017 she acted as a spokesperson for Roy Moore, the Senate candidate from Alabama accused of sexual misconduct with teenage girls.

The ultrasound hearing exemplified her engineering approach to lobbying. In her attempts to push her abortion ban—which she and other supporters call a “heartbeat” bill—she sent legislators heart-shaped balloons, then teddy bears with mechanical hearts that thumped when they were squeezed. On Valentine's Day in 2012, she sent 2,000 roses to state senators along with a note reading, “Bring this bill to a vote before the roses and babies die.”

For several years, the bill failed to get enough Republican support to pass the Ohio Senate, and Porter's tactics became increasingly aggressive. In 2015 activists working with her organization Faith2Action picketed lawmakers' homes. The following year, she ran unsuccessfully as a primary challenger against a Republican state senator she saw as an obstruction. She made plenty of enemies, but the bill eventually passed both chambers of the Ohio legislature as its members became increasingly conservative—only to be vetoed twice by John Kasich, the Republican governor, who was wary of the legal battle such a law would provoke.

Then Donald Trump was elected. Within two years, he appointed two conservative justices to the Supreme Court. As GOP lawmakers across the country rushed to pass abortion restrictions under the assumption that the court might now be willing to upend *Roe v. Wade*, Porter's idea rapidly went from fringe to mainstream. More than half a dozen states—including Georgia, Mississippi, and Louisiana—passed a version of a “heartbeat” bill in 2019. The Ohio legislature approved the bill again in April, and the state's new Republican governor, Mike DeWine, promptly signed it. The law, which has been challenged in court and hasn't taken effect, would make it a felony for doctors to perform an abortion after detecting fetal cardiac activity, with no exceptions for rape or incest.

Her career is littered with dubious projects, from engineering a prominent antigay “conversion therapy” ad campaign to promoting Obama birtherism.

At the signing ceremony, DeWine surrounded himself with a number of anti-abortion advocates. Standing a few feet from him was Michael Gonidakis, the president of Ohio Right to Life, the largest and most powerful anti-abortion group in the state. Gonidakis recently described the “heartbeat” bill as “the culmination of eight years of work,” though for most of that time his organization fought it, believing it was a strategic misstep.

Porter was not invited to the signing—a snub that did not go unnoticed by advocates on both sides. Many in the reproductive rights community saw her disinvitation as a way to gloss over the extreme origins of the bill. When I asked Gonidakis about her absence, he said merely, “I think the right people were in the room.”

PORTER HOSTED HER OWN VICTORY PARTY SEVERAL weeks later, where she was lauded by other advocates and allies, including Iowa's Representative Steve King, who gave the keynote speech. “Being disinvited to the bill signing by the governor, it stung,” she told the Associated Press. (Porter declined to make herself available for an interview and did not answer e-mailed questions.) “But I'm keeping my eye on the big picture.” She predicts her signature idea will be the “arrow” that takes down *Roe*. It would be a remarkable achievement for a woman once considered by many of her fellow conservatives as tactically naive—and a disaster for the millions of women who would lose rights as a result.

Porter is a natural orator, prone to infusing her rapid, clipped speech with references to Scripture. Now 57, she dates her commitment against abortion to a presentation in high school. By college, she had become an activist, serving as president of Students for Life at Cleveland State and eventually landing a job as legislative director of Ohio Right to Life. There she shepherded the first state ban on a procedure that abortion opponents have misleadingly labeled “partial-birth abortion,” as well as a measure requiring minors to obtain parental consent. She was such an aggressive lobbyist that several legislators reportedly barred her from their offices.

Porter built a national reputation after moving to Florida, where she became the national director of the Center

Zoë Carpenter is a contributing writer for The Nation.

The New Politics of Abortion

for Reclaiming America, a political offshoot of Coral Ridge Ministries, a media production company founded by televangelist D. James Kennedy. There she shifted her focus to anti-LGBTQ activism. In 1998, according to *The New York Times*, she crafted an ad campaign that ran in major newspapers and highlighted “former homosexuals’ who ‘overcame’ their sexual orientation with prayer and the help of ‘ex-gay ministries.’” In that article, evangelical power broker Ralph Reed described her as “an ideological entrepreneur, someone who tries to pick the hot new issues.”

By the mid-2000s, Porter was well-known in the Christian right. She had a radio talk show under the umbrella of Faith2Action and appeared at events with figures like Focus on the Family’s James Dobson. In 2007 she hosted the Values Voter Debate for GOP presidential hopefuls and declared former Arkansas governor Mike Huckabee to be God’s chosen candidate. In his memoirs, Huckabee cited her as one of the “prophetic voices” that helped create the “Huckaboom” that allowed him to capture Iowa and a handful of other primary states.

“There aren’t extravaganzas enough to praise Janet for the role she’s played in taking back America and rebuilding the conservative movement,” Phyllis Schlafly said of Porter in 2009. Schlafly was one of Porter’s most significant influences, from whom she took notes about lobbying.

But during the Obama administration, Porter’s star dimmed, thanks to her increasingly unhinged claims and the fringe company she kept. In 2010 she organized a May Day rally, A Cry to God for a Nation in Distress, which was a bust. Only a few hundred people showed up, though she later insisted that thousands attended. More disturbing, the event included speakers associated with the dominionist movement, whose call for a Christian theocratic state was deemed too extreme even by other members of the religious right. Two distributors of her radio show dropped it in the aftermath—and while she later tried to backpedal, the damage was done. Without its radio influence, Faith2Action “all but closed down,” wrote Kyle Mantyla of Right Wing Watch. Porter moved back to Ohio, where she launched the campaign that would resuscitate her career.

THE ORIGIN STORY THAT PORTER TELLS ABOUT HER signature idea begins in 2010, at a funeral. “I just realized, ‘You know what? Life is short.’ And God put it in my heart that we need to do it and we need to do it now,” she said at a rally in Michigan this year, describing the revelation she had at a service for a former mentor. In a recent interview for the religious publication *Charisma News*, she recalled that she

“This is the bill that was crafted exactly for the Supreme Court. It was meant... from its conception to be before the court.”

—Janet Folger Porter

The gadfly: Janet Folger Porter turns lobbying into spectacle as she pushes her “heartbeat” bill in Ohio, February 14, 2012.

turned to a friend and pitched the idea for the “heartbeat” bill “right there at the wake.”

Porter said she came up with the idea of using fetal cardiac activity as a threshold for an abortion ban in the 1980s, only to be told the timing wasn’t right. “The original idea was...heartbeat, brainwaves, how far back can we get with an incremental bill to protect these babies?” she explained in *Charisma News*. The funeral brought the idea to mind again, and she quickly settled on her approach. “Friends of mine said, ‘Yeah, I like heartbeat.’ I said, ‘I do too, let’s draft a heartbeat bill.’”

All along, Porter has explicitly stated that the bill was meant to overturn *Roe*. “This is the bill that was crafted exactly for the Supreme Court. It was meant from its birth, from its conception, to be before the court,” she said in 2018. What will distinguish it in court from other anti-abortion legislation, she’s said, is its purported basis in science. She claims that the detection of a heartbeat is a more precise indicator of life than viability (a fetus’s ability to survive outside the uterus), which she has called a “lousy” and “arbitrary” standard. A “fetal heartbeat,” her model legislation asserts, is “a key medical predictor that an unborn human individual will reach live birth.”

Many doctors argue that this language is misleading. While obstetricians consider fetal cardiac activity one early marker of a healthy pregnancy, that’s not the same as indicating life, whose beginning does not have a settled scientific marker. “When life begins and whether or not a pregnancy is likely to continue into a live birth are two completely separate questions that are being conflated,” said Dr. Jen Villavicencio, a Michigan-based ob-gyn and fellow with the American College of Obstetricians and Gynecologists.

Furthermore, despite Porter’s invocation of science, the term “heartbeat” is not accurate in early pregnancy. “The flicker that we see on an ultrasound that we colloquially call the heartbeat is really just electric activities that are firing from the cells that will eventually become a part of the heart,” Villavicencio said.

If the term “heartbeat” is not scientifically accurate, it nonetheless has an emotional effect. “When you say the word ‘heartbeat,’ people envision a fully formed, tiny mini-baby that has everything it needs to live, which is not true,” said Ohio Representative Beth Liston, a Democrat and practicing physician. “The term is designed to create an image that is inaccurate, and I think that’s harmful.”

AS SOON AS OHIO’S “HEARTBEAT” BILL WAS INTRODUCED in 2011, it exposed fractures in the anti-abortion movement. The divide generally fell between evangelical and more militant groups on one side and Catholic groups and institutional organizations like Right to Life on the other. For the militants, the bill was a chance to shake off the movement’s incremental strategy; for the more establishment players, it was too big a risk, the kind of frontal assault on precedent that could provoke the Supreme Court to affirm rather than eviscerate *Roe*. “There simply wasn’t a majority” on the court, Gonidakis said.

The split was also one of image. Porter was “mo-



AN OPEN LETTER TO READERS OF THE NATION

Right now reproductive freedom is under constant assault. Through a coordinated effort to trigger a Supreme Court challenge to *Roe v. Wade*, in 2019, more than 300 dangerous and unconstitutional bills to gut abortion access have been introduced in states throughout the country—including Alabama, Georgia, Ohio, and Tennessee—and some have already become law. On top of that, the Trump administration imposed its unethical Title X ‘gag rule’ and forced Planned Parenthood—the largest Title X provider since its creation—to withdraw and forego millions of dollars in critical funding. However, the rush to spread cruel lies and strip away women’s reproductive freedom is drastically out of touch with the seven in 10 Americans that believe *Roe v. Wade* should stand. The majority of Americans believe these are rights worth protecting, and for over 30 years, **EMILY’s List** has elected pro-choice Democratic women to stop Republicans’ attacks on reproductive health care. Now, after a decade of gerrymandered maps and illegitimate Republican majorities, we’re taking the battle to the front lines to flip statehouses blue. Without question, protecting reproductive choice is still a winning issue.

Just look at Virginia where Democrats again elected a wave of pro-choice Democratic women and flipped both chambers of the General Assembly. Republicans attempted to use every trick in the book to spread dangerous lies about women’s access to reproductive care, but Democrats—led by women—ran on the facts and they won. Virginians know that women deserve to make their own health care decisions and now the Democratic majority can work to ensure that’s the reality. From Virginia to states across the country, pro-choice Democratic women lawmakers have been instrumental in stopping the Republican anti-choice agenda, and even expanding access in some states.

Across the country, lawmakers are passing much-needed laws that protect and expand access to reproductive care while foiling the GOP’s anti-woman agenda. In

Maine, Democratic lawmakers passed bills that require all insurance and Medicaid plans to cover abortion and allow more medical practitioners, like nurses and advanced clinicians, to provide abortion care. State legislatures in places like New Jersey are working to provide funding for reproductive health services at Planned Parenthood and other providers that were forced to withdraw from Title X. In Illinois, legislation was passed this summer that repealed a 1975 state law that required spousal consent and waiting periods, placed restrictions on abortion facilities, and outlined procedures for pursuing criminal charges against abortion providers. And, in North Carolina when Republicans attempted to override the Governor’s veto of their disastrous “born-alive” bill, it was pro-choice Democratic women who held the line and sustained the veto.

The far right’s cruel and dangerous attempts to criminalize abortion and punish women are relentless and it’s vital that we sound the alarm and come armed with more than just words. Heading into 2020, **EMILY’s List** is supporting the thousands of pro-choice Democratic women who are fighting to stand up for women’s health by helping to recruit, advise, train, and elect them in record numbers across the country. While much of the media’s focus is on the presidential race and federal offices, so much of the work on this issue—both good and bad—is done on the state level. That’s why **EMILY’s List** has announced an unprecedented \$20 million investment in state and local races. It’s why we have expanded our staff and our focus on these vital state legislative races—and we could use your help. We urge you to join us in working to elect pro-choice majorities at all levels of government. Go to www.emilyslist.org to learn more.



A handwritten signature in black ink that reads "Stephanie Schriock".

Stephanie Schriock
President, EMILY’s List

bilizing all of the other fringe folks,” said Craddock Sherwood. “She was mobilizing the people that scream in front of clinics, which oftentimes the mainstream anti-abortion movement doesn’t necessarily encourage.”

While the drama over those explicit abortion bans played out publicly, Right to Life made Ohio a laboratory for its indirect assault on legal abortion, busily ticking off its legislative agenda with the help of Kasich and other lawmakers. The state enacted a slew of restrictions that not only made abortion more difficult to access but also stigmatized the women seeking care. Doctors were forced to offer patients a view of an ultrasound; women had to contend with a new mandatory waiting period and counseling. New limits were placed on the use of medication to induce abortion. In 2016, at the same time that Kasich vetoed the “heartbeat” bill, he signed another one banning abortion after 20 weeks. More than half the state’s clinics closed.

Porter continued to push her legislation in Ohio and in other states. “She doesn’t take no for an answer. She’s the most persistent pro-life activist/lobbyist I’ve ever known,” said Mark Harrington, a longtime friend of hers and the founder of an Ohio anti-abortion group. “Some people might consider some of her tactics controversial, but I don’t at all,” he continued. “She held people to account.”

State Senator Nickie Antonio, a Democrat first elected to the Ohio House of Representatives in 2010, described Porter and her supporters as “a small group of very loud, determined people.” Antonio, who served on the health committee that deliberated numerous anti-abortion bills, recalled all the heart-shaped balloons and teddy bears that Faith2Action delivered to her office over the years. “They were definitely relentless. I’ll give them that.”

According to Antonio, the political winds shifted decisively with Brett Kavanaugh’s confirmation to the Supreme Court. Late in 2018, Right to Life announced that it supported “a pathway forward” for the “heartbeat” bill, calling it the “next incremental approach to end abortion.” The statement continued, “With the additions of Justices Gorsuch and Kavanaugh to the U.S. Supreme Court we believe this is the most pro-life court we have seen in generations.”

TO MANY REPRODUCTIVE RIGHTS ADVOCATES, THE divisions between Porter and Right to Life were superficial and self-serving. “I honestly just think she was a tool,” Craddock Sherwood said of Porter, echoing other sources. Despite the animosity between Porter and the establishment anti-abortion groups, she was useful as a foil, casting burdensome, piecemeal restrictions in a moderate light.

While Porter’s supporters credited her with the passage of “heartbeat” bills in Ohio and elsewhere—“It wouldn’t have happened without her. That’s how vital she

was,” Harrington said—others pointed out that her campaign benefited from rightward political shifts and from the incrementalism that she found so inadequate. “Many of the states adopting near-total abortion bans [in 2019] are states that have been adopting restrictions for years or decades,” said Elizabeth Nash, a senior state policy analyst at the Guttmacher Institute. “So in many ways, what was left...was an abortion ban.”

Many Democratic lawmakers and advocates also see the sudden popularity of “heartbeat” bills as the result of a rigged system—specifically of gerrymandering, which over the past decade has skewed many state legislative maps in the GOP’s favor. In 2018, Ohio Republicans won

roughly 50 percent of the vote in statehouse races yet captured 63 percent of the seats. Similarly, several other states that passed “heartbeat” bills this year have been affected by manipulative redistricting. Georgia, for instance, has some of the least competitive legislative districts in the country, thanks to maps that were redrawn by Republicans after the 2010 census to concentrate black voters in certain districts.

Gerrymandering encourages extreme policy-making by shifting the emphasis to primary elections,

where candidates are more beholden to activist base voters. It also insulates elected officials from public backlash. According to one poll, Georgians opposed the new anti-abortion law 49 to 44 percent, yet the measure passed.

Anti-abortion voices in particular have been amplified in the race to the right. “Conservative legislators have been using abortion for years to prove their conservative bona fides, and other issues haven’t had that staying power,” said Nash. She cited anti-LGBTQ campaigns of the sort that Porter once devoted considerable attention to. “Some of the issues [the right has] used as their bread and butter to gin up their base aren’t as salient, so they keep coming back to abortion.”

TO DATE, THE MAIN PRACTICAL EFFECT OF “HEART-beat” bills has been widespread confusion. “We get a lot of calls about whether or not abortion is still legal in Ohio,” said Chrissy France, the director of the Cleveland clinic Preterm, which is a plaintiff in the lawsuit that has temporarily blocked the law. “All they hear is ‘Governor DeWine signed a six-week abortion ban,’ and most people who don’t follow this don’t realize...that the ban was challenged and that it’s not in effect.”

Recently, France said, Preterm received a call from a woman who had waited until later in her pregnancy to contact the clinic because she didn’t think she would be able to get an abortion legally. “It shortened her time line for care,” France said, “and it limited her options,” because by then, the woman could no longer have a medication abortion.



Pushing back: Abortion rights activists protest at the Ohio Statehouse after the House passed the “heartbeat” bill on April 10, 2019.

Many Democratic lawmakers see the popularity of “heartbeat” bills as the result of a rigged system—specifically of gerrymandering.



“We get callers all the time who are frantically asking if it’s legal for them to leave the state to get an abortion,” said Craddock Sherwood, whose abortion fund connects women with clinics and helps finance their procedures. While the law hasn’t led to a decline in the number of people seeking help from her organization, “people are more stressed about it, more frantic.”

Many people voiced frustrations with the attention captured by Porter. “She’s just a caricature, when all is said and done, of someone who has used all of this to great professional gain,” said Antonio. What advocates and health providers care about are not Porter’s theatrics but her impact on the people they serve. If the “heartbeat” bills are upheld by the courts and go into effect, it will mean a near-total ban on abortion in those states.

In preparation for that day, advocates are contemplating the need to transport people out of Ohio and are discussing safe, self-managed abortion and other systems of care used by communities that historically haven’t had access to legal abortion. “I think it’s important to remember that abortion has already become inaccessible” for many communities, said Craddock Sherwood. “Appalachian Ohio has never had an abortion clinic.”

THIS FALL, PORTER WORKED THE PHONES. DURING one week in September, she said in a recent speech, she discussed her model bill with legislators in Arizona, Florida, Pennsylvania, South Carolina, Tennessee, and Texas. She also promoted her forthcoming book, whose working title is *A Heartbeat Away*.

She has been particularly engaged in Michigan, where a contentious intraparty squabble over abortion bans is ongoing. While Republicans control the state legislature—with help, again, from gerrymandering—Michigan’s Democratic governor has threatened to veto any abortion restrictions sent her way. Now a group working with Porter called the Michigan Heartbeat Coalition is attempting to circumvent the governor via a law that allows petitioners who gather a certain number of voter signatures to take their bill directly to the legislature, which can then approve it with a simple majority vote. The coalition launched its signature collection effort earlier this year—to the displeasure of Right to Life of Michigan, which is trying to use the same maneuver to enact a ban on a medical procedure commonly used in second-trimester abortions.

The Republican Party’s rightward lurch has given Porter some vindication: Once too extreme for right-wing talk radio, she is now reportedly able to secure meetings with the vice president. But a real victory for her depends on whether the courts have been so thoroughly radicalized that they are ready to toss out a half century of legal precedent. If this seems unthinkable, consider what happened with the “partial-birth abortion” ban that she worked on early in her career. As Porter has pointed out, it was struck down by the Supreme Court in 2000. Then the justices’ ideological balance shifted; seven years later, the court approved a ban on the procedure nationwide. ■

MEET THE PROSECUTORS RESISTING NEW ABORTION BANS

CYNTHIA GREENLEE

They’re refusing to enforce the unconstitutional laws.

A new wave of abortion bans has swept statehouses in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Ohio, and Utah. Many of these states have banned abortions at such an early stage of pregnancy—six to eight weeks—that many women won’t even know they’re pregnant yet. Because these laws are now being challenged in court, none of them have taken effect.

Some of the nation’s prosecutors are considering deliberate inaction. In mid-April, Michigan Attorney General Dana Nessel made a public pledge: Should *Roe v. Wade* be overturned and her state’s pre-1973 ban on abortion come back into effect, she would not prosecute a woman for having one or her doctor for providing one. Soon after, Salt Lake County District Attorney Sim Gill said he would refuse to enforce Utah’s new 18-week ban. After Georgia passed a ban on terminating a pregnancy as early as six weeks, four Atlanta-area DAs told the media that they too would refrain from enforcing the law. And in June, Fair and Just Prosecution (FJP) released a joint statement from 42 prosecutors—including Gill, Nessel, and 12 attorneys general—asserting that the bans are unconstitutional.

“Not all of us agree on a personal or moral level on the issue of abortion,” the statement reads. “What brings us together is our view that as prosecutors we should not and will not criminalize healthcare decisions such as these—and we believe it is our obligation as elected prosecutors charged with protecting the health and safety of all members of our community to make our views clear.” Many of the attorneys who signed the letter make up a growing cadre of progressive prosecutors who have instructed their offices not to pursue certain actions, from seeking charges for marijuana possession (in Baltimore) to fighting death row appeals (in Philadelphia). Of those prosecutors who signed on, only six are from states with new abortion bans. The existence of the bans, however, makes the message crucially important to send. In Durham, North Carolina, District Attorney Satana DeBerry said she was making a public commitment because she considered resisting these bans a matter of constitutionality and conscience. It was also personal for her. “I have three black teenager daughters,” she said, “and they are moving into the phase of their lives in which their ability to choose will impact everything that will happen to them.”

The prosecutors coming out against abortion bans nonetheless account for a minute proportion of the nation’s 2,300-odd prosecutor’s offices. But some attorneys and advocates say the value in their stand lies not just in the cases that don’t get to court but also in what the statements signal to constituents, legislators, and other attorneys. Many women in states with abortion bans are under the misperception that the bans are in effect.

“We hear from people in Kentucky, and I’ve talked to people from as far away as Alabama and Arkansas. They think abortion is banned and it is over,” said Meg Sasse Stern of the Kentucky

Alabama’s new ban would punish those performing an abortion with up to 99 years in prison. Under Ohio’s ban, a doctor could be imprisoned for up to a year.

Cynthia Greenlee, PhD, is a journalist and historian based in North Carolina. Her work is available at cynthiagreenlee.com.

The New Politics of Abortion

Health Justice Network. That kind of misunderstanding has led Susan Frietsche, a senior staff attorney at the Women's Law Project in Philadelphia, to argue that prosecutors' avowals can be a public good. When challenging Pennsylvania's abortion restrictions in the early 1990s, she fielded numerous calls asking if and how the abortion law changed. "Managing public perception about what the law was, I learned that it's really hard to communicate the status of abortion laws. By prosecutors speaking out and saying that if the laws take effect, they won't touch it, they may be doing a public health service."

Women have long sought abortions when they were illegal. But throughout US history, the laws banning abortion tended not to be enforced against women who had them. Doctors also frequently went unpunished unless a person died from the procedure, notes historian Leslie Reagan in her book *When Abortion Was a Crime*, and when providers landed in court, community members often balked at prosecuting them.

With this new generation of abortion bans, those norms may not hold. Today abortion has become politicized in a way that it wasn't in earlier eras, and the rise of mass incarceration means that punishing people who have or perform abortions is increasingly on the table. Alabama's new ban, for instance, would punish those performing an abortion with up to 99 years in prison—far longer than recommended in the state's 1852 statute, in which a conviction came with a \$500 fine (a sizable amount at that time) or three to 12 months in jail. Under Ohio's ban, a doctor could be imprisoned for up to a year, and under Mississippi's ban, physicians could have their licenses revoked. (Like the bans in Ohio and Mississippi, Alabama's 21st century ban doesn't make exceptions for rape or incest.)

The FJP statement lists a wide variety of individuals who could be charged for helping people get abortions, including doctors, nurses, anesthesiologists, and office workers. And that doesn't take into account abortion fund workers, underground community networks that refer women to or provide medication abortion, and perhaps even friends or loved ones who offer support.

So a promise to use prosecutorial discretion in a way that advances abortion rights is no substitute for making sure the law protects everyone. Jonathan Rapping, the founder of a nonprofit that trains public defenders, sees some value in nonenforcement—fewer people in the system—but doubts that it will benefit everyone equally. "You can have prosecutors who say, 'I am not going to prosecute a doctor,'" he said, "but will absolutely spend [their] days throwing away the lives of poor people of color who make mistakes."

ACLU senior staff attorney Alexa Kolbi-Molinas also worries about selective prosecution. "Some [prosecutors] haven't said they wouldn't actually prosecute physicians that provide abortions—in which case, that is effectively enforcing a ban on abortion," she said. "People know that, politically, it doesn't look good to say you're going to prosecute the people seeking abortions. So that's an easy political statement to make. Then you actually retain the right to enforce the ban against providers."

Law professor Michele Bratcher Goodwin of the University of California at Irvine pointed out that prosecutorial discretion has historically swung in many directions, not all of them arcing toward justice. She noted that the power not to charge has often protected powerful interests and led to white impunity. For example, it helped known lynchers evade consequences, and many prosecutors opted to turn a blind eye to domestic violence cases, labeling them a private matter, until the 1960s and '70s.

Farah Diaz-Tello, a senior counsel for the nonprofit reproductive justice lawyering network *If/When/How*, is concerned that some interpretations of specific bans could reinforce or expand prosecutors' power. Take Georgia's law: As Stone Mountain DA Sherry Boston (who pledged not to pursue abortion charges and who signed the prosecutors' letter) described it in a May state-

ment, "The question is—who will be held criminally responsible? The law, as written, is either silent, or ambiguous, at best, on this question.... Virtually anyone who either performs or assists in performing or arranging what is currently a legal medical procedure could potentially be charged under this statute."

Diaz-Tello argued that this interpretation gives prosecutors power they don't actually have. "There's nothing in the Georgia law that authorizes [charging women for ending their pregnancies]," she said. She doubts that prosecutors—who have always had the power to decide whether to charge and tend to wield that discretion in favor of finding crime—are the right people to lead the way.

Amanda Reyes directs Alabama's Yellowhammer Fund, which gives financial and logistical support to individuals seeking abortions in the state. She's skeptical that prosecutorial vows not to enforce these bans will make a difference there. Only one of the 42 FJP signatories hails from Alabama: Jefferson County DA Danny Carr. Too often, she has seen prosecutors exercise their

discretion by criminalizing health care experiences and behaviors, including drug use during pregnancy. "If we have learned something from the case of Marshaé Jones last summer, it is that Alabamans cannot rely on a prosecutor's or district attorney's promise not to press charges against a pregnant person or any person who offers assistance," said Reyes, referring to Jones's indictment for losing her pregnancy after being shot in the stomach. (It took intense national pressure before a DA publicly announced that she would not be prosecuted.) "Lawyers throughout Alabama have made it their goal to find new and untried avenues to test out who can be held legally responsible for a bad pregnancy outcome," Reyes added.

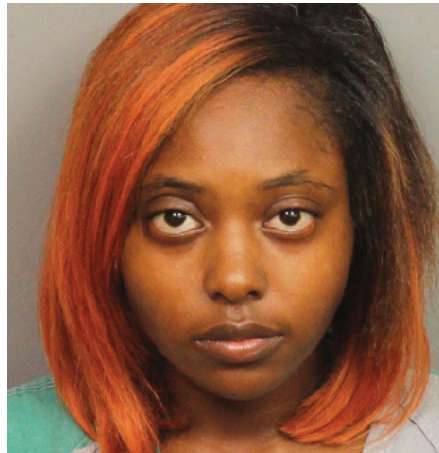
Similarly, Stern and her colleagues aren't waiting for any Kentucky prosecutors to join the short list of those who won't charge people for exer-

cising their right to an abortion. They immediately kicked into gear to make sure women could get transportation to an Illinois facility. And if people have legal questions, they're referred to an *If/When/How* hotline.

Stern has seen the real-time effects of a ban, albeit briefly. Kentucky's Republican Governor Matt Bevin signed into law a ban on abortions after six weeks into pregnancy and another on abortions due to fetal race, gender, or disability. The second ban went into effect immediately, but it was blocked by a federal district court judge a day later. In those 24 hours, Stern estimated, 15 to 25 people with abortion appointments had to reschedule at a clinic four hours away and across the state line.

It's unclear whether there will be any political fallout from these nonenforcement pledges in the next elections. Many of the FJP statement's attorneys work in reliably liberal districts. Though some advocates suspect that these prosecutors may be positioning themselves for upcoming races, Clarise McCants, the criminal-justice campaign director with *Color of Change*, insisted the very fact that most of them are elected is an opportunity. Her organization runs a number of prosecutor accountability campaigns and has advocated for women in pregnancy-related criminal cases through public petitions, negotiations with district attorneys, and the power of its PAC.

If women face prosecution under these new restrictions, advocates will have to figure out how to fight back in court. "It may be beyond the training of some public defenders and other criminal defense lawyers to think to raise constitutional claims related to abortion," said Frietsche of the Women's Law Project. "We [may] need a whole new [legal] specialty."



Charged: After Alabama's abortion ban was passed, Marshaé Jones was indicted for losing her pregnancy after being shot in the stomach this summer.

"People know that it doesn't look good to say you're going to prosecute the people seeking abortions."

—Alexa Kolbi-Molinas, senior staff attorney, ACLU



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WHEN THE CLINICS CLOSE



Planned Parenthood centers
are being shuttered in Ohio,
but reproductive justice
groups are fighting back.

DANI McCLAIN

ON A MUGGY EVENING IN MID-SEPTEMBER, I DROVE FROM MY HOME IN CINCINNATI TO A RALLY 15 MINUTES WEST AT A PLANNED Parenthood health center that was slated to close. Earlier that week, news broke that because of a reduction in funding, Planned Parenthood of Southwest Ohio would shut down two of its nine clinics in the state. In August the organization was forced to withdraw from the federal Title X family planning program after an unprecedented Trump administration rule prohibited those funds from going to facilities that provide abortions or refer patients to abortions elsewhere. Title X subsidizes birth control, breast and cervical cancer screenings, and other medical care for 4 million low-income patients.

The soon-to-be-shuttered clinics, both of them in Cincinnati, served over 6,000 patients a year, with services including pregnancy testing and birth control. Neither location provided abortions. But staffers there acknowledged that abortion is a legal, legitimate form of health care and that clients would pursue elsewhere. For that, these clinics and others like them across the country lost their access to federal funds.

I parked my car on a residential street called Prosperity Place and walked the few blocks to the health center, a squat, cream-colored building near a gas station. The center's manager addressed a crowd of about 200 and listed the types of people who regularly came through the doors: LGBTQ patients who appreciated staffers using their preferred gender pronouns, a 17-year-old facing a positive HIV test, students from nearby Western Hills High School stopping in for free condoms. The testimony was moving, but the outlook was grim. A couple of days earlier, I asked Kersha Deibel, the CEO of Planned Parenthood of Southwest Ohio, where the people served by these clinics might turn after they're closed. Those with transportation could go to other Planned Parenthood locations, Deibel said, but "they shouldn't have to go anywhere else."

In the national narrative about the places where abortion rights are under greatest threat, media attention has focused on the South, particularly on the abortion bans passed in Georgia and Alabama. But this year Ohio passed a ban after the sixth week of pregnancy, which was signed into law in April. (In July a federal judge blocked it.) A ban on abortion after 20 weeks has been in effect since 2017. This year's Title X rule change was a blow, but something similar had already happened on the state level. In 2016 then-Republican Governor John Kasich signed a bill barring the state from funding health programs that cover sexually transmitted infection testing and treatment, cancer screenings, and infant mortality and sexual violence prevention if those programs are provided by clinics that also provide abortions. That law was tied up in court until March, when the Sixth Circuit Court of Appeals upheld it. In his eight years in office, Kasich enacted 21 restrictions on abortion. During his tenure, half the clinics providing abortions in Ohio closed. "It's one thing after another after another after another," said Jaime Miracle, the deputy director of NARAL Pro-Choice Ohio. "When all this stuff happens in the South, it's 'Bam! It's happening.' Here it's been death by a thousand cuts."

In 2014 one of Toledo's two clinics closed. That year the number of abortions in Lucas County, which includes the city, declined. But Miracle said people crossed state lines to go to clinics in Detroit, which is closer to Toledo than Columbus or Cleveland. The flood of restrictions has also pushed more Ohioans past the 20-week mark, at which point they have to leave the state to terminate their pregnancies. A 24-hour waiting period for abortion that requires patients to visit clinics twice to have the procedure, parental consent laws, and the prevalence of crisis pregnancy centers (CPCs) can slow down the process, pushing women later into pregnancy before they can get the procedure.



Kersha Deibel is CEO of Planned Parenthood of Southwest Ohio.

"For people who don't have phone access, they go to whatever's closest to them, and it's probably a crisis pregnancy center."

—Stephanie Sherwood, executive director, Women Have Options

WITH PLANNED PARENTHOOD CLINICS CLOSING, more women in Ohio will find their way to CPCs, establishments that provide pregnancy tests, pressure women not to have abortions, and offer medically inaccurate information, such as telling women seeking abortions that they're past the gestational limit. "For people who don't necessarily have phone access, they go to whatever's closest to them, and it's probably a CPC," said Stephanie Sherwood, the executive director of Women Have Options, the state's abortion fund.

Sherwood said that at CPCs, people are often shamed for being honest about the services they want. One woman seeking an abortion was told that the procedure is dangerous. The woman's reaction, according to Sherwood: "I can't die, because I have kids to take care of." Then later [she] realized they were lying to her."

The misinformation that people receive at CPCs can sow confusion and delay their access to abortion. "We will have people show us printed-out ultrasounds that definitely aren't theirs," Sherwood said.

CPCs are ubiquitous in the state. In 2013, Republican state legislators created the Ohio Parenting and Pregnancy Program, a funding mechanism that pours millions of dollars from the state's Temporary Assistance for Needy Families block grant—which is intended for poverty alleviation—into these deceptive centers. (Programs that provide evidence-based information on abortion are ineligible for funds except in a medical emergency.) As of 2016, Ohio was one of seven states that funded CPCs using welfare dollars. The Trump administration recently awarded a Title X grant to a pregnancy center network. Responding to the news, Dr. Krishna Upadhy, a member of the Society for Adolescent Health and Medicine and a senior medical adviser at the Planned Parenthood Federation of America, wrote in a statement, "It is particularly harmful that the Trump administration is giving funding from the nation's family planning program to CPCs that refuse to provide evidence-based sexual and reproductive health care, such as condoms and the full range of birth control methods, but instead offer misleading or inaccurate health information."

Walking from my parked car to the September rally,

The New Politics of Abortion

I stopped to talk with the people I encountered. Teresa Brown, 36, sat on her porch as her two toddlers played nearby and her 6-week-old son slept inside. She told me she'd read on social media about the clinic closing and had mixed feelings about it, saying that she went there twice for tests when she needed proof of pregnancy to apply for Medicaid and that her sister got a referral there for an abortion, which she later regretted. "I wish I could talk to some of those girls before they go and get abortions," said Brown, who was raised Catholic. "There's so many families out there that want a child."

The three children with her now are her youngest. She had five other children while in a violent relationship with someone who abused drugs, and those kids were now with adoptive families in Florida and Wisconsin, she said. Brown said she got pregnant three times despite being on the pill or Depo-Provera, and there's a chance she'll need a pregnancy test again. If so, now that the Planned Parenthood is closed, her nearest option will be Pregnancy Center West, a nearby CPC, which is where she goes to get car seats and other things for her kids. She watches videos, some of which are Christian, answers questions about them, and then gets Baby Bucks (what many CPCs call the cash substitutes they provide in exchange for participation in their programs), which she can use to buy what she needs. Brown said she is happy for the support but recognizes Pregnancy Center West's limitations, namely that it doesn't offer contraception. "I hope they put something there to help," she said of the Planned Parenthood clinic, which has since been closed. "Because people need birth control."



IN OHIO, THE CATHOLIC Church is a political force. The Catholic Conference of Ohio has been active at abortion bill hearings in Columbus, the state capital, and has submitted written testimony in support of restrictive policies. In Dayton and Toledo, the church has mobilized to keep hospitals from signing transfer agreements that would allow clinics to move patients if they need to be admitted for emergency care. But many deeply religious Ohioans support abortion rights. Progressive faith leaders organized by the Ohio Religious Coalition for Reproductive Choice speak at the statehouse, conduct clinic blessings, and show up at rallies. The organization also works to meet people's more immediate needs. It offers counseling to pregnant women considering their options and in December began working with congregations around the state to assemble care packages for people before, during, and after their abortions. "I don't think there's a way forward in Ohio without engaging faith communities when it comes to abortion," said Elaina Ramsey, the organization's executive director.

Growing up in Chillicothe, Ramsey was a conservative fundamentalist Christian. Her politics shifted after she was introduced to community organizing while working as a youth minister in the South Bronx in New York City. She lived on the East Coast for more than a decade before returning to Ohio two years ago to lead the coalition of progressive faith leaders.

New Voices joined a coalition of reproductive rights groups and was the only black community-based group in the network.

"It's not about it being an 'abortion clinic.' It's a health care facility that provides abortions. People go there for STD treatment."

—Jessica Roach, cofounder, ROOTT

Her work is just one example of the new approaches to organizing taking hold in the state. Like Ramsey, Cleveland-based reproductive justice advocate Jasmine Burnett recently moved back to the Midwest after years on the East Coast. The Indiana native lived in Brooklyn and then in Philadelphia, where she worked with the organization New Voices for Reproductive Justice. In 2015 she established the group's office in Cleveland. At the time, she said, there weren't many groups doing policy, advocacy, and organizing work using the reproductive justice framework, which emphasizes the relationship between the right not to have a child and the right to have a child and to parent in safe and healthy communities.

When Ohio Right to Life put up inflammatory, misleading billboards in Cleveland's majority-black neighborhoods that summer, New Voices wrote an open letter calling for them to be taken down. It was unsuccessful, but the work attracted new allies. The group joined forces with NARAL Pro-Choice Ohio, Preterm (a local abortion clinic), and Planned Parenthood Advocates of Ohio to form a united front in the run-up to that fall's gubernatorial election. With Kasich reelected and Republicans in control of the legislature, the groups put out a joint statement declaring, "[This] coalition will remain vigilant during the lame duck legislative session and will combine efforts for increased advocacy and awareness in the new legislative year."

The new coalition had to learn how to work together. New Voices was the only black-led, black community-based organization in the network, Burnett said, and she wanted to highlight the existing power dynamics, introduce New Voices' work as being rooted in human rights and racial justice, and establish lines of communication with the other reproductive rights organizations. She described this as "leading with the relationship over the work" and emphasized the importance of the organizers getting to know and trust one another.

The groups paid a lot of attention to understanding one another's values and getting clear on the differences between reproductive health, reproductive rights, and reproductive justice. "It birthed a lot of really beautiful organizing and collaboration that didn't come without its share of challenges," Burnett said. "We talked about how we would address these challenges, [which] makes our relationships stronger to this day."

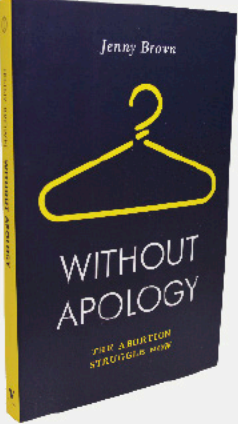
Reproductive justice organizing is part of the effort opposing abortion restrictions, but the messaging is different from what you hear from groups more narrowly focused on the right not to have a child. A key focus for reproductive justice groups is the state's mortality rate for infants born to black women, which is one of the worst in the country. Black babies in Ohio die before their first birthday at two to three times the rate of white babies.

"We don't consider anything that's along the repro-

ductive health care spectrum in a silo,” said Jessica Roach, the CEO and cofounder of the Columbus-based reproductive justice organization Restoring Our Own Through Transformation (ROOTT), which provides perinatal-support doula services as a way to strengthen birthing families and improve black maternal and infant health outcomes. A nurse with a master’s degree in public health, Roach testified against the six-week abortion ban before the Ohio Senate Health Committee last spring. She said the efforts to restrict abortion make deaths among black infants more likely. “It’s not about it being an ‘abortion clinic,’” she explained. “It’s a health care facility that provides abortions. People go there for [sexually transmitted disease] treatment. They go there for pelvic exams. They find out that they’re pregnant, and they get their initial prenatal care there while they’re being referred to a practitioner.” But the state “keeps shutting down clinics because of one service that doesn’t morally feel good to them.”

In September, the pharmaceutical giant Merck announced that ROOTT would be one of the nine projects it will fund as part of its Safer Childbirth Cities Initiative. To some, it might not be immediately obvious how doula care for black families is part of the fight for abortion access, but to Roach, the connection is clear. “Our voices need to be dictating the care we wish to receive,” she said. “It is inappropriate for a white-male-dominated political system to tell any black woman or family what they’re going to do with their reproductive health care decisions.”



Burnett is no longer with New Voices Cleveland, but its work is still going strong. The organization encourages conversations around the ways bodily autonomy can be compromised and how to fight back. It is mobilizing its members around the issues of



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black maternal health, abortion access, and mass incarceration. In October it partnered with the American Civil Liberties Union of Ohio to host a discussion on Cuyahoga County's bail system and the experiences of black girls in the juvenile justice system. Educational events like this are typically followed by a smaller gathering with a focus on healing, said New Voices community organizer Alana Garrett-Ferguson. It's in these conversation-based groups that the real work happens, she continued. During one gathering, a participant who'd had an abortion was unable to unpack the experience of being forced to wait for the procedure under the state's mandatory 24-hour waiting period. In this more intimate format, other participants were able to show compassion and validate her experience. Organizers can explain how abortion doulas support a woman going through the procedure. In addition to its advocacy and public-facing events, the organization is committed to "giving black women and femmes a chance to be vulnerable," Garrett-Ferguson said. "Educating the community is also listening to their concerns."

Access to more health care may be the obvious goal for some in the abortion rights movement, but reproductive justice activists say that's often not enough. Several times, Garrett-Ferguson made the point that "it's not just about access but accountability." Asked what she meant, she reiterated that abortion is another form of health care. Many of the people she works with distrust health care institutions for reasons both historical and rooted in their own experiences, so abortion clinics—like any doctor's office—can feel alienating and discriminatory. Because of these nuances, Garrett-Ferguson has found that safe spaces, healing work, and opportunities to acknowledge stigma and traumatic experiences, including with abortion, have been just as important as rallies and lobbying. These types of engagement are sometimes linked. Once someone has worked through the stigma and shame alongside people she trusts, she's more likely to want to testify about her experience in front of legislators.

Across the state, reproductive justice formations are fighting to preserve access to abortion on their terms. Last summer, New Voices Cleveland created the hashtag #ThisBlackBody to educate its members about the six-week ban. But these advocates are also focused on the slow work of supporting black families to have healthy pregnancies and births. Meanwhile, CPCs, flush with state dollars, are able to provide Ohioans with postpartum services in a way that abortion rights advocates—who are locked in a constant fight just to keep the clinics open—cannot. "I'm hoping that at some point, our movement can provide parenting resources, because our values are there. Organizations like ROOTT and New Voices are helping us focus on the right to parent in safe conditions when you want to," said Sherwood of Women Have Options. Anti-choice activists and legislators are "going to continue to try to shut down clinics, and we're going to continue to fight that. But we've got to make sure that we're there" to meet people's other reproductive needs. ■

THE NEW CULTURE OF ABORTION

Abortion storytelling is going mainstream.

MOIRA DONEGAN



Perhaps no other area of political controversy is spoken about with such a strange distance from the experiences of those who have gone through it.

I own a tote bag that says "I had an abortion" in blue block letters. I also have a T-shirt that says "Everyone loves someone who had an abortion." You can get a pro-abortion holographic fanny pack as part of a fundraiser for the National Network of Abortion Funds. In Shout Your Abortion's online store, there's a gold necklace that reads "Abortion" in the script font of a nameplate and sweatshirts that read "*El aborto es normal*" in gothic letters reminiscent of the *New York Times* logo. There are simple statements, like the T-shirts that implore "Ask me about my abortion" in plain sans serif white letters on a black field. Some items are snazzier, like the gold notebook and the pair of shiny purple earrings from the NNAF, both of which proclaim "Fund abortion, build power."

These items are supposed to be bold, even provocative, attracting stares and prompting questions. This is the whole point: to interrupt the silence around abortion, to get people to talk about it more frankly. They're supposed to make viewers a tad uncomfortable, taken aback—and are also supposed to make them wonder why they feel that way.

An estimated one in four women will have an abortion before the age of 45—along with a number of trans and nonbinary people, as activists are quick to point out—but the experience of abortion is wildly more common than the opportunity to safely speak about it. Perhaps no other hot-button cultural issue or area of political controversy and certainly no other health care procedure is spoken about with such a strange distance from the experiences of those who have gone through it. This is doubly strange because these people are all around us, in our homes and in our families, working beside us in the office and playing games on their phones in the subway.

The expertise of abortion patients is everywhere, but it's largely unsolicited, largely concealed, and mostly absent from our public conversations about reproductive freedom, which are rarely conducted in the first person. Everyone knows women who have had an abortion, but many of us don't know who in our lives—or who besides ourselves—is among them. If you ask the women in your life, probably only some of them will tell you the truth.

The recent wave of pro-choice merchandising is part of a growing effort to change this, an effort that has a long history. For years, feminists have embarked on public projects meant to change hearts and minds about abortions and the people who have them. Many of these have focused on the confessional, with women speaking about their abortions in an effort to humanize and contextualize the issue.

The most visible effort to move first-person abortion story-

Moira Donegan is a feminist writer living in New York and an opinion columnist at The Guardian.

telling into the public eye began during feminism's second wave era. In March of 1969, the New York City socialist feminist group Redstockings arranged for women to tell their abortion stories not in whispers or behind closed doors but in public, on the steps of Greenwich Village's Washington Square United Methodist Church. Twelve women spoke about their experiences as abortion patients in front of about 300 people, four years before the Supreme Court's decision in *Roe v. Wade*.

That year, the attorney Emily Jane Goodman wrote a brief for a case before a New York federal court, *Abramowicz v. Lefkowitz*, that challenged abortion restrictions on the basis of not doctors' rights but women's. The case was built around the depositions of women who had had abortions, who testified about their experiences and asserted that access to abortion was crucial to their civil rights.

These group efforts flatly rejected stigma. They brought women's accounts of abortion into the public square and into the legal system. Their abortions, they said, did not stand in contrast to their dignity and virtues; instead, abortion enabled them. In 2016, Goodman joined more than 100 other lawyers in signing an amicus brief that was filed with the Supreme Court. "To the world, I am an attorney who had an abortion," the brief opened, "and to myself, I am an attorney because I had an abortion."

In recent years, feminist efforts to combat abortion's stigma have become more organized and sustained, moving from group demonstrations in the activist sphere to ongoing projects conducted in the mainstream. Pro-choice organizations like Planned Parenthood have branched out into the entertainment industry, offering consulting services to Hollywood studios and producers. Other activists, too, have become involved in TV and film productions in an attempt to ensure that pop culture depictions of abortion are more accurate and more compassionate toward patients. It's a gradual process, changing minds about abortion, but these days it's arguably faster and more reliable than trying to change policy through legislation or the courts. As hope fades for abortion rights activists in the legal sphere, the cultural realm has become an increasingly important battleground.

Just a few years ago, depictions of abortion on TV were on the whole less realistic and less progressive than they are now. According to Steph Herold, a data analyst at Advancing New Standards in Reproductive Health, a program at the University of California, San Francisco, these efforts are working. She cites episodes of *House* and *Grey's Anatomy* with flat-out inaccuracies. "Many shows," she writes in an e-mail, "depict abortion as a serious surgery that requires multiple clinicians that is always performed in a hospital, and that's just not the case in reality."

More recent television shows have been more accurate and more honest about the realities of abortion—and the ways that unnecessary restrictions hurt patients. *Jane the Virgin* ran an episode in 2016 that Herold considers particularly effective, in which Jane's mother, Xiomara, has a medication abortion. "I love it because Xiomara's daughter and partner support her. There's no hand-wringing about her decision. There's nothing emotionally fraught about it," Herold says. A 2016 episode of *BoJack Horseman* "managed to make many hilarious abortion jokes at the expense of abortion restrictions while highlighting the importance of providing compassionate support to people through their abortions." In addition to depicting the procedure itself, a 2018 episode of *Claws* managed to highlight inequities in abortion access. "I really appreciated that this show had characters talk about racism inherent in the foster care

system, and how people struggle to come up with the cost of an abortion," Herold points out. "You often don't see those systemic issues related to abortion access addressed on TV."

Positive cultural representations of abortion seek to transmit sympathy and compassion as well as accurate information, transferring these elements from TV shows and movies into the minds of viewers through a kind of political osmosis. But like the tote bags and T-shirts soliciting people to "ask me about my abortion," they're also intended to provoke real-world conversations, to encourage people to tap into the expertise of former abortion patients, or to speak about their experiences without secrecy or shame.

That's the thing about stigma: It's a self-perpetuating phenomenon. The more stigmatization compels patients to remain silent about their abortions, the more others feel isolated in their abortion experience, more threatened by the same stigma and more likely to hide. Silence begets silence. Feminist destigmatization efforts attempt to interrupt the cycle, to signal to people who have had abortions that they are not alone—and to people who haven't that abortion is common, respectable, and decidedly not tragic.

Yet I wonder about these efforts and what they ask people to do. Efforts to destigmatize abortion that rely on women to disclose their experiences ask them to perform a public service; they're deputized to overcome shame, ease the nerves of judgmental outsiders, combat disinformation. Women end up being tasked to fix the very conditions that victimized them.

And after all, there are still good reasons to keep your abortion (or abortions) under wraps. Anti-choice forces are passionate and galvanized, emboldened by the ascent of Donald Trump and the appointment of conservative judges to the federal courts, and they do not shy away from the idea of enacting their opinions through force. "People can threaten you and dox you, people can try to get you fired, people can come after your family members" if you speak publicly about your abortion in an activist context, says Renee Bracey Sherman, a reproductive justice advocate and the founder of the abortion storytelling group We Testify. "All of that has happened to me."

But for combating so pervasive and persistent a stigma, the options are few. How else do you convey that your abortion does not make you immoral or stupid or frivolous, other than by asserting that it is part and parcel of your whole self, a self that displays its own virtues—your moral commitments, your responsibility, your intellect? How else, other than extending these gestures of solidarity to one another, do we provide what Bracey Sherman calls "love and support" to those who feel ashamed and alone? Abortion storytelling isn't new, she reminds me; women have always told one another about their abortions. In fact, these kinds of conversations are a big part of how women learn about ways to end pregnancies. What's new now is that they're mainstream. ■



Embrace it: Reproductive rights advocates are getting creative with destigmatization strategies, like this necklace from Shout Your Abortion.

As hope fades for abortion rights activists in the legal sphere, the cultural realm has become an increasingly important battleground.

STAND AND FIGHT

In Virginia, Democrats showed that Republican attacks on abortion don't send them running scared anymore.

JOAN WALSH



IN VIRGINIA, 2019 DAWNED AS THE YEAR THE DEMOCRATS COULD TAKE BACK THE GENERAL ASSEMBLY FOR THE FIRST TIME IN A GENERATION. In 2015, a beaten-down party fielded only 56 candidates for the state's 100-seat House of Delegates, letting the GOP win 66. Two years later, a fiery surge of activism in response to Donald Trump's presidency led to 88 Democrats running. That November, they almost took the House, electing 15 pro-choice delegates, including 11 women. But in January, party leaders botched their messaging about an abortion-rights bill, and suddenly the state's anti-Trump political momentum was in grave danger of being reversed.

Virginia, you'll recall, is the state where Republicans tried to force women to undergo an invasive transvaginal ultrasound in order to get an abortion (even though involuntary sexual penetration constitutes rape under federal law); that effort failed in 2012. The state has restrictive abortion laws, especially for later abortions, requiring three doctors to certify that the pregnancy would "likely" kill the woman or "substantially and irremediably" impair her physical or mental health. Virginia law forces women seeking a later abortion to leave the state, advocates say. There have been only two such procedures since 2000. In January, first-term Democrat Kathy Tran introduced legislation that would, among other things, reduce the number of doctors required from three to one and remove the words "substantially and irremediably" from the law. The bill had broad support from pro-choice groups.

But in a committee hearing where opponents misrepresented the bill, Tran slipped up and seemed to say the legislation might allow abortion up to the moment of birth. She quickly corrected herself, saying, "I should have said [that] infanticide is not allowed in Virginia." Her bill failed to get out of committee. Days later, discussing the bill on a radio show, Virginia Governor Ralph Northam attempted to explain what would happen to a baby born with a fatal condition, saying, "The infant would be resuscitated if that's what the mother and the family desired, and then a discussion would ensue between the physicians and the mother." Like Tran, Northam immediately clarified his point. The "discussion" of care that he referred to would in no way include the option of killing the terminally ill newborn—which is and will remain illegal.

But it didn't matter. Virginia Republicans, who lost ground in 2017 and had little hope for a better showing in 2019, now had a brand-new issue: "infanticide." At the end of January, the Susan B. Anthony List, a national anti-abortion group, announced "a six-figure campaign" in Virginia to beat "abortion extremists" in the fall races. The story quickly went national. Trump famously claimed that Tran's bill would mean doctors could "allow a newborn baby to come out into the world and wrap the baby and make the baby comfortable and then talk to the mother and talk to the father and then execute the baby. Execute the baby." The weekend before the election, at a rally in Tupelo, Mississippi, the delusional president went further, claiming, "The governor of Virginia executed a baby... after birth!" Amazingly, barely any major news outlets covered Trump's insane lie about Northam.

Virginia Democrats and abortion rights supporters scrambled, afraid that the issue would hurt them come November. "What was worrisome was our electeds had not been educated to talk about this," says Ilyse Hogue of NARAL Pro-Choice America. But then came Election Day, when the Democrats won six more seats to flip the House of Delegates—a 21-seat gain over two cycles—and an additional two to take the Senate, giving them full control of the state government. (They already held the governor's, lieutenant governor's, and attorney general's offices.) All nine of the female delegates elected in 2017 who ran for re-election won easily, including Tran, who survived the backlash against her bill by a 20-point margin. "The Virginia elections showed that reproductive freedom is a powerful electoral force working in Democrats' favor," says Kristin Ford of NARAL Pro-Choice America, which endorsed 56 candidates in the Virginia races. "When candidates run on abortion access, they win," said Alexis McGill Johnson of Planned Parenthood after the election.

Unfortunately, not all of the Democratic candidates won. Virginia Beach Delegate Cheryl Turpin lost her race

"You have to respond to the attack and debunk the false claim. You can't just duck and cover."

—Kristin Ford,
NARAL Pro-Choice
America

to move to the state Senate to a female former Navy pilot and nurse practitioner who falsely attacked her for supporting "infanticide." In the race's closing weeks, Turpin, along with Delegates Debra Rodman (also running for a state Senate seat) and Elizabeth Guzman (running for re-election), were targeted by ads recycling the "infanticide" lie. Guzman prevailed, but Rodman, like Turpin, lost.

In a race as close as Turpin's, one reproductive-rights advocate conceded that "it's possible" the attacks played a role. On the other hand, in the race for a House of Delegates seat for part of Turpin's Senate district, incumbent Kelly Fowler survived the "infanticide" attacks and ads calling her "bad for women," winning by 9 points.

Despite the overall good news from Virginia, Republicans are "going to keep at it" in 2020, warns Hogue. GOP candidates have already used the "infanticide" attack on Democrats even in states that weren't debating later abortion laws, and advocates expect them to continue. So it's worth looking more closely at the lessons from the reassuringly large number of pro-choice candidates in Virginia who survived these attacks—as well as those who lost. The tale of two Virginia Beach races tells us a lot about how candidates can navigate the issue, even in a region that was until recently as red as a MAGA hat.

WITH AT LEAST NINE MILITARY INSTALLATIONS in its metropolitan area, Virginia Beach has been a GOP stronghold for decades. But the same demographic forces threatening the Republican Party elsewhere in the state—a rising number of people of color and the alienation of educated suburban women—are turning the region purple, if not blue. Still, Democrats were concerned about how the abortion issue would play in the area. For example, Pat Robertson's conservative Regent University sits squarely in Turpin's district.

After the initial shock in January, Virginia Democrats and pro-choice groups went into overdrive to combat the "infanticide" lie. This was the first lesson: "You have to respond to the attack and debunk the false claim," says Ford. According to multiple sources, the best messaging asserted that infanticide is illegal and that abortions after 21 weeks—the later-pregnancy procedure that the right would have you think is the norm—account for roughly

Joan Walsh is a national affairs correspondent for The Nation.

The New Politics of Abortion

1 percent of pregnancy terminations, almost always because of severe fetal anomaly or a serious threat to the health of the pregnant woman. The bottom line, Ford says, is that “you can’t just duck and cover.”

Turpin did not duck and cover, nor did Fowler. Turpin was running in a state Senate district that Trump carried in 2016 (though it has been trending more Democratic in the two elections since). But Turpin, a high school science teacher, says she was comfortable explaining why she supported the Tran bill’s provisions, especially reducing the number of doctors required to sign off on a later abortion from three to one. “In Southwest Virginia, you might only have one or two obstetricians in a county,” Turpin said in late October. “Where do you get that third doctor? Ohio? West Virginia? Does he or she Skype in?” Then came Tran’s and Northam’s awkward remarks and the resulting GOP frenzy. “It was scary to be up there at the time, to be honest,” Turpin admitted. “All that national stuff trickled down to us. Practicality lost to rhetoric.”

Still, she maintained her stance, going on television with an ad widely praised for its candor on the issue. She called her opponent, Jen Kiggans, “an extreme Republican politician who opposes abortion” and highlighted Kiggans’s ties to a so-called crisis pregnancy center, a facility intended to trick women into thinking it’s an abortion clinic in order to coerce them into continuing their pregnancies. “We made sure that every voter knew that Cheryl was for choice,” says Daniel McNamara, Turpin’s campaign manager. And while Kiggans ran as a staunch foe of abortion in her Republican primary this past spring—telling a right-wing talk radio host that “In Virginia...we are fighting a group of Democrats and leftist-liberals who want to promote infanticide”—she moderated her stance during the general election, pitching herself as a nurse practitioner who would help women find alternatives to abortion. She even removed a reference to “infanticide” on her website.

Compared with the state Senate district that Turpin sought to represent, Fowler’s corner of Virginia Beach, where the population is 42 percent nonwhite, is more liberal, and it went for Hillary Clinton in 2016. Visibly pregnant with her third child, Fowler seemed undaunted by the GOP’s attacks as we sat in her kitchen talking about the race 10 days before the election. “Infanticide? Sure. I really welcome that charge, being pregnant out to here,” she said. “How am I anti-woman? I have two daughters and a third on the way. Try it!”

The week before the election, Fowler’s opponent hit her with a nasty TV ad accusing her of trying to silence

two women who said this year that Lieutenant Governor Justin Fairfax had sexually assaulted them. A survivor of sexual abuse herself, Fowler struck back at the ad in multiple ways, including by publicly telling her personal story for the first time, exclusively to *The Nation*. She also aired a spot that put her abortion rights stance front and center. “Shannon Kane even opposes access to an abortion when a doctor determines the patient’s life is at risk,” the narrator intoned. “As a mother of two girls with a third on the way, [Fowler] knows personal decisions should be made by women and their doctors,” the ad continued.

By the closing weeks of the campaign, when she went to canvass for Turpin and other Virginia Beach Democrats, the intensity of the reaction to Tran’s bill had subsided, Delegate Jennifer Carroll Foy said. “These issues are just not coming up when I knock doors,” said Foy, who easily won her Northern Virginia race. Then in the last weeks of the campaign, Kiggans went up with an ad reviving the “infanticide” claim, spending more money on advertising than she did earlier in the race. Turpin replied with an ad of her own (the one that called Kiggans “extreme”). NARAL Pro-Choice America backed up Turpin with an ad rebutting the infanticide charge, versions of which the group also ran to support Guzman and Rodman against the same last-minute attack. The ad calmly explained that “only 1 percent of abortions occur after 21 weeks of pregnancy” and “if a woman’s health or life is at risk or it’s clear a fetus won’t survive, parents have no good choices” and that the “murder of any person, including newborns, is already illegal.”

On election night, Turpin fell short by about 500 votes. Fowler won by 9 percentage points.

“I think Republicans overreached on abortion in Virginia, and I just don’t think people believed them.”

—Geri Prado,
Emily’s List

Punching back:
Democrat Kelly Fowler won reelection in 2019. “How am I anti-woman? Try it!” she said during the campaign.

MAKING SENSE OF THESE DIFFERENT RESULTS is tough, but for most Democrats, it comes down to demographics. Turpin’s state Senate district, which is two-thirds white, still trends red, while Fowler’s state House district is strongly trending blue, thanks in part to its large and rising nonwhite population. In Turpin’s old House district, her former student and campaign buddy Democrat Alex Askew won. The rest of her Senate territory was tougher.

But no one on Turpin’s team says the abortion issue cost her the election. “Even though we lost, I don’t think it was because we ran proudly on a woman’s right to choose,” McNamara says. “In fact, I think our TV ads and mailers on the choice issue are what kept the race essentially tied.” Turpin agrees, saying, “This is still a Trump district, and to come that close... I’m really proud of what we did. And I do think we reached those moderate, educated women who still believe women need and deserve to make their own life choices.” Indeed, early polls showed that voters in her district favored reproductive rights almost two to one.

“I think Republicans overreached on abortion in Virginia, and I just don’t think people believed them,” says Geri Prado of Emily’s List. Had the infanticide ads worked, “the outcome would have looked very different on election night.” Carolyn Fiddler, who used to work for the Virginia Democratic Party and is now the communi-



cations director for *Daily Kos*, points to Tran's overwhelming win as evidence that the abortion issue didn't hurt the Democrats and in some districts might have helped. "In an election where Dems were really motivating their voters, abortion was another issue getting them to the polls," Fiddler says. Virginia Democratic Party chair Susan Swecker says that outside deep-red southwestern Virginia, "the Republican attacks on abortion fell completely flat," especially with "suburban women in Virginia Beach."

Fowler says she firmly believes that running as an advocate of reproductive choice helped her win. "My opponent used women as political pawns. My campaign team and I felt strongly that we needed to set the record straight that I was the only candidate that would stand up for Virginia women," she said a week after her victory. "Voters sent a clear message that they supported abortion rights and rejected my opponent's political tricks."

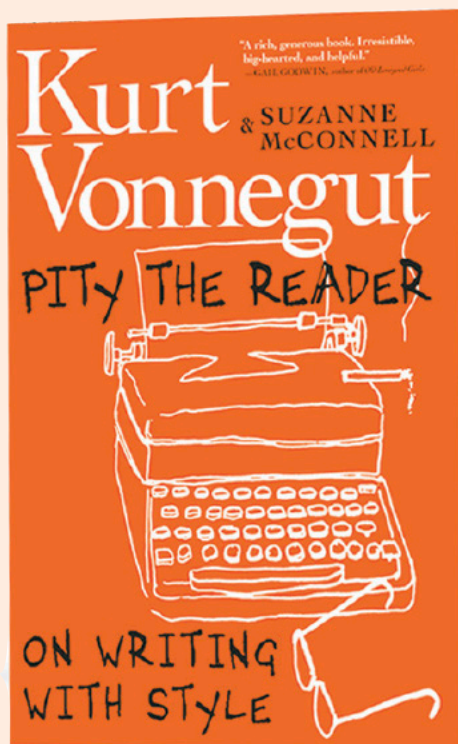
As someone who has lived through decades of Democrats running away from abortion—whether by supporting the Hyde Amendment, which bans the public funding of most abortions for poor women, or by piously insisting that abortion should be safe, legal and rare—I found it bracing to see so many women now running on the issue. Turpin and Fowler, among others, used the term "abortion" in their advertising rather than relying exclusively on euphemisms like "choice" and "reproductive health." The state that tried to pass a transvaginal ultrasound law just seven years ago now has a General Assembly and governor supportive of reproductive rights.

National advocates hope the Virginia results embolden other candidates to stand up against false claims and proudly tout their reproductive rights credentials. "They expected their lies to go unanswered," Hogue says. "Their strategy doesn't work if we call

them out on their lies." She points to a Kaiser Family Foundation poll indicating that a majority of Democrats and Democratic-leaning independents would like to hear more—not less—about reproductive health issues in political campaigns. "Republicans are fearmongering dangerous myths to gin up their base, but our base is ginned up on this, and independents are standing with us, too," says Stephanie Schriock of Emily's List. There are still exceptions—Louisiana Governor John Bel Edwards, a prominent anti-abortion Democrat, won reelection in mid-November after signing a six-week abortion ban. But the days of consultants cautioning Democrats not to speak out about abortion rights are mostly over.

Advocates are counting on Virginia's new Democratic majorities to take action on abortion rights, at a minimum by rolling back the restrictions passed by the far-right legislature over the previous eight years. That would include the requirement that most Virginia abortion seekers receive state-mandated "counseling" and a medically unnecessary ultrasound and then wait an additional 24 hours before getting the procedure. Many would also like to see a new version of the Tran bill, supported by improved messaging. "Our vision is to make Virginia a safe haven for abortion care and access," says Tarina Keene, the executive director of NARAL Pro-Choice Virginia.

Fiddler says she's excited about the January session. "To be fair, now that [the Democrats] are finally in the majority, there's a long list of bills they want to take up right out of the gate," she says. "But there are so many newcomers, I think they will have a dramatic impact on policy, including on abortion," she adds. "The question is, how bold do they want to be in spending down their political capital? I hope they're very bold. Parties don't stay in power by tiptoeing around the issues that got them there." ■



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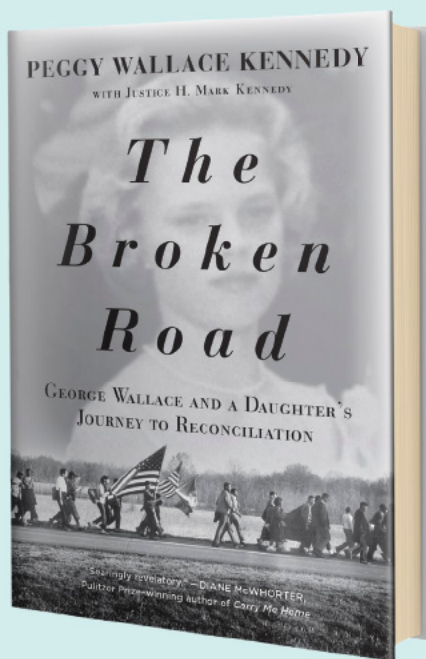
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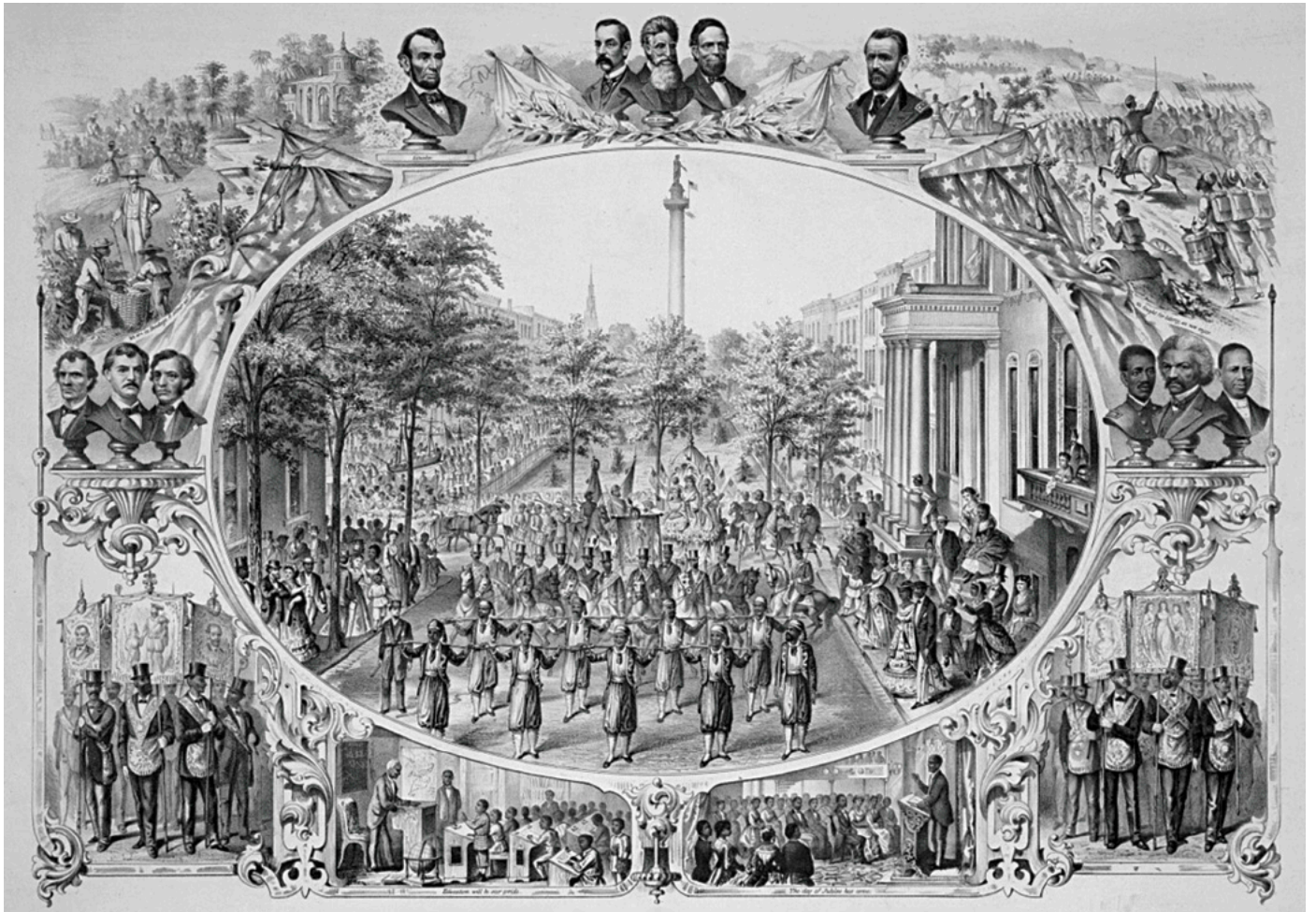
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Books & the Arts



THE UNFINISHED REVOLUTION

Eric Foner's story of American freedom

by MICHAEL KAZIN

Every great historian revises history in his or her own way. Eric Hobsbawm replaced narratives about the making of the modern world that focused relentlessly on the political games played by powerful men with a rich tapestry of social and economic history. Gerda Lerner explained how women defied patriarchal rule with everyday acts of resistance and public confrontations. W.E.B. Du Bois, John Hope Franklin, and Ira Berlin made it impossible to write US history without understanding the piv-

otal role of African Americans, enslaved and free.

For nearly half a century, Eric Foner has been challenging and overturning the benighted assertions made about the most studied and contentious period in US history. Nothing has been more important to the development of American society and politics than the Civil War and Reconstruction. Yet until the 1960s, most influential scholars conceived of the era as a sad departure from America's grand march of progress toward political liberty and economic plenty. They claimed that the "war between the states" could have been avoided if sage voices of compromise had only been able to silence

the hotheaded abolitionists and their secessionist counterparts. Their view of Reconstruction tended to be even more wrongheaded, rendering a decade of biracial democracy as an era dominated by vengeful Yankees who headed south to stir up racial antagonisms, echoing the pro-Ku Klux Klan narrative of D.W. Griffith's *The Birth of a Nation*.

Foner has dedicated his career to demolishing these assumptions about how the Civil War happened and how the victors shaped what came after. Inspired by the black freedom movement of the 1960s and its successors, he has demonstrated, perhaps more than any other historian of his generation, how central emancipation was to the political con-

Michael Kazin teaches at Georgetown University and is a coeditor of Dissent. He is at work on a history of the Democratic Party.

flicts that eventually exploded into civil war. In his most influential work, *Reconstruction: America's Unfinished Revolution*, published in 1988, he showed that the struggle for equality and freedom continued long after the Confederacy died, even if its victories were frustratingly incomplete.

The Second Founding, his new book about the trio of landmark constitutional amendments all ratified less than five years after Lee's surrender, demonstrates his talent at unearthing insights about the Civil War and Reconstruction eras, in particular how Americans defined and acted on the ideals of freedom and democracy. It's a slim volume that synthesizes the vast library of works devoted to Reconstruction. But he uses that rich scholarship to highlight the radicalism of the 13th, 14th, and 15th Amendments and how, over the past 150 years, clever and powerful conservatives have diligently sought to undermine their egalitarian promise. As Foner reminds us, the "key elements of the second founding, including birthright citizenship, equal protection of the laws, and the right to vote, remain highly contested.... Rights can be gained, and rights can be taken away."

Charting the ironies of freedom won and lost during and after Reconstruction, Foner's new book is also a guide to nearly all of his scholarship, which examines not only the rights and better living conditions gained through extended contests for power but also the ambiguous consequences of what were, as a rule, only partial victories. The sensibility that drives his work was likely born out of his experiences on the left and the frustrations of a period of American radicalism that helped do away with legal apartheid and spearheaded movements for gender equality and the protection of the environment but also failed to mount a serious challenge to the conservative tilt of both major parties.

This sensibility was also a family inheritance rooted in the experiences of his father, Jack Foner, and his uncle Philip Foner. Both men wrote important works on African American and labor history but, as sympathizers with communism, suffered from an early rehearsal of McCarthyism during World War II, when the New York State Legislature led an investigation that resulted in the loss of their jobs as professors at City College. Given this legacy, Eric Foner has always recognized that while most Americans viewed their nation as the "embodiment of freedom," the contest to define and act on that idea "has been used to convey and claim legitimacy for all

The Second Founding

How the Civil War and Reconstruction Remade the Constitution

By Eric Foner

W.W. Norton & Company. 256 pp. \$26.95

kinds of grievances and hopes, fears about the present and visions of the future." He expresses these judgments in what another eminent historian, Christopher Lasch, called "plain style": direct and vivid prose without a trace of specialized language, which anyone with a passing interest in the subject can read, learn from, and enjoy.

Born in 1943, Foner began his career as a historian by answering a critical question that hardly any American historian had thought to ask before: How were the leaders of the new party that nominated Abraham Lincoln and governed the nation through the bloodiest conflict in US history able to unite? In the run-up to the Civil War, there were three distinct camps of Republicans, each with its own constituency and distinct reasons for opposing the expansion of slavery. On the left were the abolitionists, who initially refused to participate in a political system they considered evil to its core and who insisted on immediate emancipation by any means necessary. To their right were the former Democratic and Whig politicians who had abandoned their parties in search of an organization that could stop the growth of slavery but who favored a less immediate plan to eradicate the "peculiar institution," which they believed would die out in the states where it had long existed. Many abolitionists had lambasted the same politicians for whom they now campaigned—and the antagonism had often been mutual.

Foner's answer to that complex question, delivered in a dissertation written at Columbia University and published as his 1970 book *Free Soil, Free Labor, Free Men*, was that the moral activists and veteran office seekers who created the Republican Party built their coalition around a shared ideology that transcended their differences. Each group could agree that the expansion of slavery posed a serious threat to the interests of ordinary white craftsmen and farmers in the North—who, after all, composed the majority of citizens and voters in that region. What all three groups wanted was free soil, free labor, and free men.

This new ideology, Foner argued, "gave northerners of divergent social and political backgrounds a basis for collective

action. It provided the moral consensus which allowed the North, for the first time in history, to mobilize an entire society in modern warfare." But it did not eliminate the differences between those Republicans who continued to work for racial equality and those who cared mostly about breaking the grip of Southern planters on the nation's economic and political life. At a time when the data-driven social history of families and communities was all the rage among other young scholars, Foner persuasively insisted that big ideas and national politics still mattered.

Foner next turned his attention to another subject with a familial resonance, the history of American radicalism. He began with the American Revolution and intended to conclude with the New Left. However, he got so immersed in the life of Thomas Paine, one of the nation's earliest and most prominent radicals, that he wound up devoting an entire book to him and never did get around to unraveling, at length, the rest of the left's often tortured, occasionally triumphant past. The work he produced, *Tom Paine and Revolutionary America*, returned to a theme found in his first book: the dialectic between moral purpose and political exigency. The English stay-maker turned pamphleteer pioneered notions about work, political freedom, and self-governance that future leftists would champion, but he was also a supporter of the new Constitution, written largely by men who sought to limit the power of the plebeian masses.

Despite these ambiguities in Paine's politics, Foner persuasively argued that he was a radical forerunner: "Modern in his commitment to republicanism, democracy and revolution....modern in his secularism, modern in his belief in human perfectibility...modern in his peculiar combination of internationalism...with his defense...of a strong central government for America." As in his book on the making of the Republican Party, Foner placed ideology at the core of his analysis. People start revolutions, he suggested, only when they acquire the ability to express their desires for fundamental change in fresh and enthralling ways.

Over the next decade, Foner returned to the Civil War, but his next major book focused on its aftermath. Adding to his fascination with ideology, *Reconstruction* is also a work of sweeping social and political history that helped revise how most historians—as well

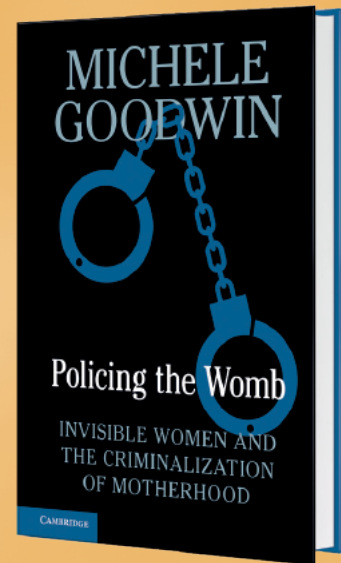
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Anthony Romero, Executive Director of the American Civil Liberties Union

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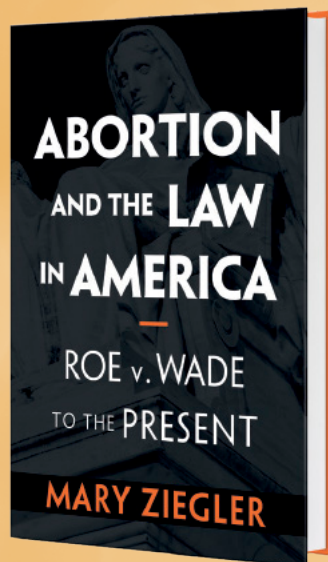


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Geoffrey R. Stone, author of *Sex and the Constitution*

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as much of the reading public—understood this crucial period. Most history textbooks relished it as a sorry tale of vengeful white Northern radicals who bestowed the vote on ignorant freedmen to punish white Southerners, leading to a period of political corruption and disorder. Beginning in the 1960s, scholars started to chip away at this bigoted and historically inaccurate portrait, pointing out that the fledgling biracial state governments in Dixie taxed big planters to pay for roads, schools, and hospitals that benefited everyone. But the idea, dripping with racist condescension, that Reconstruction was a “tragic era” had largely survived the legal demise of Jim Crow.

Foner destroyed that notion so completely that no serious historians—even those on the right—have attempted to revive it. Drawing on a wealth of documents written by and about freedmen and -women, he thrust to the center of the drama the determination of black people to exercise political power in the South and to assert their right to a share of the wealth and property their labor had created. Expanding on a thesis Du Bois developed in his 1935 book *Black Reconstruction in America*, Foner showed that the struggle for true emancipation required economic as well as political equality. With the constant aid of federal agencies like the Freedmen’s Bureau, some African Americans went on strike for higher wages, while others squatted on fallow land, demanding that the government fulfill its promise to grant them homesteads so they could be truly independent of their former owners.

Throughout this grand narrative, Foner reveals how the actions of powerful men in both the North and the South closed down the possibilities for a social and economic transformation that black Americans helped open up in the South. In 1867, Thaddeus Stevens, the veteran abolitionist who was an influential Radical Republican leader in Congress, introduced a measure that would have confiscated Confederate lands and doled them out in 40-acre lots to freedmen and their families. But many of the same Republican colleagues who had rallied to pass the 13th and 14th Amendments balked at the idea of redistributing the wealth of traitors now that the war was over. Even most Radical Republicans,

Foner wrote, “believed that in a free labor South...black and white would find their own level.” Giving freed people what one lawmaker called “a perfectly fair chance” should not mean challenging the unwritten rules of the capitalist economy. The defeat of Stevens’s plan doomed the potential for building a democratic order in the South and unintentionally sowed the seeds of a century of American apartheid.

More than 30 years after its publication, Foner’s book remains a thrilling piece of historical imagination as well as a vital work of pathbreaking research. It transformed Reconstruction from an epilogue to the drama of civil war into the pivot on which the future of African Americans, the South, and the nation turned. Unfortunately, in the late 1870s, the arc of history turned back to injustice as white politicians in the North abandoned the experiment in biracial democracy and let former Confederates take back control in Dixie.

In his next major work on the Civil War era, Foner examines our greatest president’s struggle throughout his political career with the question of how to bring about black freedom. *The Fiery Trial: Abraham Lincoln and American Slavery*, published in 2010, applied the historian’s fascination with ideology to a question that countless authors inside and outside the academy had argued about for more than a century: how the self-made man from Illinois evolved from a local politician who assumed the inferiority of black people and merely hoped to stop the “peculiar institution” from spreading westward into the president who led what became a war to abolish slavery. To eradicate the sin of human bondage, Lincoln declared at his second inaugural in 1865, about a month before his murder, might require that “every drop of blood drawn with the lash shall be paid by another drawn with the sword.”

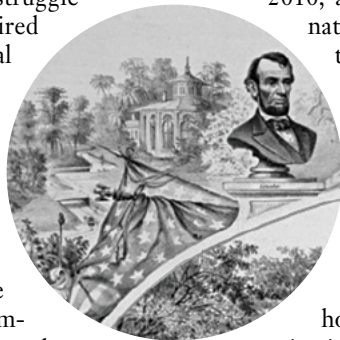
Although Foner clearly admires Lincoln, the book, which won the Pulitzer Prize for history, bore out the logic of his subject’s modest statement in 1864 that “I claim not to have controlled events, but confess plainly that events have controlled me.” As a young politician, Lincoln was content to leave the decision of whether to abolish slavery up to each state. During his first months in the White House, he made no protest when Congress passed a

constitutional amendment that would have stopped the federal government from interfering with slavery where it existed. Less than two years later, however, he issued the Emancipation Proclamation. Then, in 1863, he oversaw the recruitment of close to 200,000 black soldiers, most of whom had recently been freed or escaped from bondage.

As with his first book, Foner explains a feat of ideological conversion. His incisive tracking of Lincoln’s speeches and writings about slavery, combined with a matchless grasp of the political exigencies of war, results in a narrative simultaneously intimate and of major historical consequence. It is probably as close a study of Lincoln’s mind on this critical matter as can ever be written, and Foner’s judgment balances a biographer’s praise with the contextual sobriety of a historian: “If Lincoln achieved greatness, he grew into it.”

The *Second Founding* draws on a theme that has animated all of Foner’s work, the gap between the nation’s lofty ideals and the way those in power, abetted by the prejudices and fears of ordinary people, fail to act on or deliberately sabotage efforts to embody them in durable laws and institutions. Here, he dwells more than ever before on the complex yet profound consequences of additions to the Constitution that, on paper, may appear rather straightforward attempts to secure the gains of Reconstruction into perpetuity.

The import of the 13th Amendment, for example, seems simple enough. It abolished slavery and any other form of “involuntary servitude,” save for those convicted of a crime. Recently, critics of mass incarceration, such as Ava DuVernay with her documentary *13th*, have made the amendment an emblem of the country’s long history of legal racism. Yet Foner also points out how fundamental a departure the amendment was at the time from the constitutional norms that had existed since the ratification of the founding document nearly 80 years before. The 13th Amendment did not just end slavery; it “created a new fundamental right to personal freedom, applicable to all persons in the United States regardless of race, gender, class, or citizenship status.” In Congress, most Democrats, marrying foul racism with a defense of states’ rights, warned that if valuable possessions in the form of human beings could be wrested from their owners without compensation, nothing would



prevent power-hungry Republicans from seizing other forms of property.

Foner then turns to the even greater consequences of the 14th Amendment. He recounts how the Republicans who controlled Congress enacted it over the irate protests of President Andrew Johnson, a dedicated white supremacist who passionately opposed giving black people any rights besides the right not to be owned. Johnson's partisan adversaries passed a series of acts that compelled any former Confederate state that wanted to elect people to Congress again to ratify the amendment, which included giving black men who lived within their borders the right to vote. The Republican majority added the guarantee of citizenship to any child born in the United States—an entitlement only a few countries bestow today.

But Foner pushes further in making clear how the expansive language of the amendment also allowed champions of the rising corporate order to institute “freedom” of a quite different kind. The first section of the amendment famously bars states from depriving “any person” of “life, liberty, or property” without “due process of law” and prohibits states from denying “the equal protection of the laws” to their residents. Because the drafters did not define “person,” Supreme Court majorities regularly used it to strike down laws enacted by Congress and state legislatures to regulate big business. In 2011, when Mitt Romney snapped at a heckler, “Corporations are people, my friend,” he was evoking that pro-capitalist doctrine of “personhood.”

Foner shrewdly points out that hardly any of the Republican-appointed justices who used the 14th Amendment as a cudgel against working- and middle-class interests had been among the corps of antislavery activists and politicians who conceived of the amendment and advocated its passage. But in the final decades of the 19th century, the GOP moved closer in spirit to the tycoon-loving body that nominated Mr. Bain Capital than the party led by the president who vowed that the Civil War would usher in a “new birth of freedom.”

When Foner moves on to the 15th Amendment, he tells a similar story of splendid intentions written into law before being undermined. The clear statement that the right to vote cannot be “denied or abridged...on account of race, color, or previous condition of servitude” failed to prohibit other sorts of restrictions on the franchise. By 1900, canny racist politicians employed devices like poll taxes,

requirements to interpret arcane parts of state constitutions, and old felony convictions to disenfranchise most African American men in the South. As the memory of Reconstruction faded, neither the Supreme Court nor federal lawmakers felt any pressure to reverse the actions of these saboteurs. Digging into Congress's debates about the amendment in 1869, Foner finds that even its Republican sponsors understood how weak its provisions might prove to be. One senator grumbled that “it left untouched...‘all the existing irregularities and incongruities in suffrage’, other than those explicitly directed at blacks.”

An ironclad statement that guaranteed suffrage to all adult men would have been much harder to subvert. But the amendment's sponsors feared that three-quarters of the state legislatures would never ratify language that so clearly took away their power, enshrined in Article I of the Constitution, to decide which of their residents had the right to vote and which did not. When it came to interpreting the law, to quote Humpty Dumpty in *Through the Looking-Glass*, “it means just what I choose it to mean—neither more nor less. The question is which is to be master—that's all.”

For a historian so instrumental in moving the mainstream of American historical writing leftward, Foner can be warmly empathetic toward the work of earlier scholars whose personal politics differ rather markedly from his. This is, in particular, the case with Richard Hofstadter, his graduate school mentor at Columbia, whose approach to history he praised in a 1992 essay.

In the postwar years, there was no more admired or popular author of American history in the country. Yet two decades after his death in 1970, at the age of 54, Hofstadter's scorn for what he viewed as the nostalgia and xenophobia of Gilded Age populism; his neglect of the histories of women, the working class, and black people; and his increasingly defensive liberal opinions alienated many young historians. It didn't help that Adlai Stevenson was the contemporary politician this cautious liberal admired most. Hofstadter's reputation among left-wing scholars has, in fact, only declined further since then. A few years ago, at a scholarly conference, someone in the audience shouted that Hofstadter was a terrible historian. No one told him to shut up.

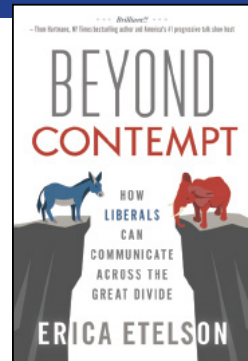
In his 1992 essay, Foner does not mention such rising disdain, but he does explain Hofstadter's influence on his own intellec-

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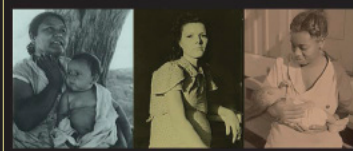


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From *Diary*

I hate this sweater but I'm too cold not to wear it as a metaphor for my career.

My therapist says yes corporations take advantage of human beings' ambitious nature.

My insurance says they will cover zero dollars for our visits.

What a thrill. I cut my finger while washing the blender at the exact second that I think of you.

We went to the protest, I bought those powder blue shoes with the green alligator on them.

Handmaid's Tale jokes at the VMAs. Clean versions of songs. Picking out baby names for babies that will never be born.

You bought the diamond necklace for mom at the mall, you have great taste. You bought it at a store called Accessory Place.

Recurring nightmare that I missed the whole summer. Walks I took on my lunch break with Ali.

Grunge deaths. Being in the dark. Nail art. Chris Brown playing on Rihanna Spotify station.

I go into the bathroom, I say "great tits" to myself in the mirror. How can you expect your nail polish to look glossy when you don't even put on a top coat you stupid bitch.

I was in the infant/toddler room. I was eating peanut butter & banana.

Fuming with rage at the galleria. D was like, maybe it will be our Vietnam.

I'm so sad. No one cares. Tampons with applicators. Tampons without applicators.

A maxi pad called Always. Blasting the car radio. The guy at the McDonald's drive-thru who told you your hair was the exact same color as your eyes.

MARISA CRAWFORD

tual and scholarly career. Hofstadter, he insists, crafted works imbued with graceful prose and provocative arguments about everything from the emergence of mass parties to the influence of social Darwinism to the "paranoid style" of the right, and he did so while demonstrating an ability "to range over the length and breadth of American history."

Having broken with the economically determinist Marxism of his youth, Hofstadter put at the center of his work what the Italian Marxist Antonio Gramsci called "common sense," including an appreciation of how difficult it could be for radicals to break through this ideological consensus. In *The American Political Tradition*, published in 1948, Hofstadter argued that, in a variety of ways, nearly all of the nation's leaders, from the founding fathers to Franklin Roosevelt, promoted the hegemony of market society and made radical alternatives to it seem downright unpatriotic. With such ironic chapter titles as "Thomas Jefferson: The Aristocrat as Democrat" and "Woodrow Wilson: The Conservative as Liberal," Hofstadter's book challenged the sanctimonious regard for America's leading men—and sold over 1 million copies. "It is indeed ironic," Foner reflects, "that one of the most devastating indictments of American political culture ever written should have become the introduction to American history for two generations of students." (Indeed, on the epic civil rights march from Selma to Montgomery in 1965, Student Non-violent Coordinating Committee leader John Lewis, now a longtime US congressman from Georgia, brought *The American Political Tradition* along in his knapsack.)

In paying tribute to Hofstadter, Foner inadvertently offers some insight into what makes his own work so critical to understanding the political ambiguities at the heart of America's past and present. Both he and Hofstadter came out of the Marxist left, but both placed ideas about how the United States was governed at the center of their work. Both regretted the gap between the promise and practice of mass democracy in the past, yet both wrote out of what Hofstadter called "a concern with some present reality." As writers, both scrupulously avoided dumbing down their narratives or resorting to even a smidgen of jargon. Foner's essay about his late adviser concludes, "His writings stand as a model of what historical scholarship at its finest can aspire to achieve." The author might well have been describing himself. ■



THE REST OF US

Mati Diop's profound study of class and power

by NAMWALI SERPELL

The great class war is coming. So the last decade's films seem to be promising—or warning—us. Class conflict has long been an undercurrent in independent films, but now it's rising in the mainstream, even in Hollywood blockbusters like Christopher Nolan's 2012 *The Dark Knight Rises* and Taika Waititi's 2017 *Thor: Ragnarok*.

We can perhaps trace the trend back to the recession. *Sorry to Bother You*, Boots Riley's brilliant satire of gentrification in Oakland, California, came out in 2018, but he wrote the script in 2012. *Hustlers* came out this year, but it's based on real events after the 2008 market collapse; Jennifer Lopez and Constance Wu play strippers who drug their Wall Street clients in order to steal their money and buy each other fur coats—robbin' for the hood, so to speak. Because these films are set in America, race and gender sometimes conceal the class tensions. Most audiences assumed Jordan Peele's *Us* was about race because it follows a bourgeois black family being pursued by

their doubles, the “tethered,” who inhabit an underground warren. But the film also played with an intriguing mix of class signifiers. Its spooky doppelgängers walk around in fashionable prison jumpsuits, wielding scissors made of gold, wearing hairstyles more hipster than busted. With Bernie Sanders's slogan “Not me. Us.” flitting over social media, I find myself thinking back to the film's central question: Who is “us”?

Class warfare is a popular theme in recent international films as well. Alfonso Cuarón's *Roma*, which won three Academy Awards, is an incisive examination of Mexico's class divisions in the 1970s, not just between members of a middle-class family and the women who work for them but also in Mexico City at large. A key scene in the film stages El Halconazo, the 1971 Corpus Christi massacre in which paramilitary forces gunned down more than 100 protesters. Korean director Bong Joon-ho's *Snowpiercer*, based on a French graphic novel, parodied class conflict by setting it on a train divided into literal first- and second-class cars, and his latest film, *Parasite*, has been hailed as a class warfare hit—notwithstanding all the awards buzz from the most elite of film institutions.

Isn't there always this class tension around these films about class tensions?

Who gets to make them? Who gets to watch them? Who gets the recognition? Who gets the money? During the production of *Roma*, a group claiming to be city workers allegedly tried to shut down the filming and assaulted the crew, stealing cellphones, wallets, and jewelry. The noise surrounding the films becomes an ironic echo of their clamor over inequality.

After a special screening of *Parasite* in New York City last month, a homeless guy asked me and my friend for a cigarette. As my friend gave him one, the guy asked us what the movie was about. “World War III?” he joked. “Kind of?” I said, laughing. “Would I like it?” he asked. We couldn't say “yes” in good conscience. Later I read an interview with Bong about *Parasite* in *Rolling Stone* in which he was asked if he believes “the class gap can be bridged—that chasm that currently separates the haves and have nots?” He replied, “I think my answer to that question is the last scene of the movie,” in which class tensions erupt into violence. “I wanted to be honest with the fear we all feel right now.” Again, contortions of translation aside: Who is “we”?

Because of its title, American viewers will likely assume that *Atlantics*, the new film from the French Senegalese director Mati Diop, is about either slavery or refugees. Even after seeing it, they may assume it is about love or ghosts or exoticized life on the west coast of Africa. But *Atlantics* is fundamentally about class. Despite the familiar trappings of esteem—like *Parasite*, it won a prestigious award at Cannes, and Diop's family background suggests that she is the epitome of an Afropolitan elite—the way it reckons with capital and labor is far more interesting than this recent spate of class warfare films. *Atlantics* cannot overthrow film as an institution, but it does overthrow many of film's formal conventions. In so doing, it wrecks havoc with the interlocking hierarchy of class, race, and gender that most of these other films assume, leaving in its wake a startling study of power in the raw.

A*tlantics* begins on a dusty construction site on the outskirts of Dakar. A great glass tower is being built. The workers have not been paid in months. There's a chaos of figures and sounds, human and mechanical, on the screen as the men demand their due from their boss or, rather, their boss's underlings, one of whom says, “In this office, we're working, just like you.” An irate worker named Souleiman (Ibrahima Traoré)—the camera's focus suggests he's our hero—expands the circle of consequence, saying, “Remember that we

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have families.” Another worker chimes in, “Our fathers, mothers, and brothers depend on us. They’re the reason we work.” This line about interdependence will become an uncanny foreshadowing.

The workers head home, crowded in the back of a pickup truck that zips along the sea. Crouched over, they comfort one another—or so it seems; they could be stoking their anger—by singing and rocking rhythmically. We’re more used to seeing this kind of scene feature mourning women in a film like this. Souleiman makes his way alone to some railroad tracks. Through the gaps in a passing train, we see on the other side a tall young woman (Mame Bineta Sane) with a messy bun. Her friend, who has her hair covered, is haranguing her, asking, “Ada, you’re still seeing that guy?” Ada and Souleiman exchange an exquisitely knowing glance. She smiles, laughs; he tilts his head, waits. The acting is subtle, believable, the substrate of the film’s touch of the real. The scene is deft—we immediately sense they’re in love—and disarming: Midshot, the rushing train switches direction on screen, and that’s how we know we’re now with Ada, watching Souleiman.

This abrupt change in point of view is the first in a series of disconcerting shifts. After an interrupted scene of tender love by the sea, we follow Ada, our new hero. It seems we are in a star-crossed romance. We learn that Ada loves Souleiman but is set to marry a rich man named Omar in 10 days. She slips out that night with her more adventurous girlfriends—their perfect names are Fanta and Dior—to a seaside bar to meet Souleiman and his friends. But when the women get there, they learn that the men have gone. “Out to sea. They went in a pirogue.” The women stand around in their tight nightclub clothes, clutching their cell phones. They are like so many modern Penelopes, except that their men are economic migrants, not sailors. One woman’s little brother can’t even swim.

You might imagine that this is where the titular Atlantic would become the route to a global tragedy, that we would now shift back to Souleiman’s point of view to experience the horrors of the refugee at sea. But as Diop said in an interview with *The New York Times*, she did not want to reproduce that familiar “attraction of destruction.” Instead, she makes the remarkable move of staying with the women, with Ada, who, in another unanticipated turn, is simply allowed to be brokenhearted. We do not pity the “poor African woman”; we relate to her. She stays in bed for days. She weeps. She has a vision or perhaps a dream—it is narrated in voice-over as a kind of surreal folktale while she

sleeps—that Souleiman has drowned and been caught in a fisherman’s net. She waits and waits for him to call.

At a luxurious resort by the sea within view of that great glass tower, we meet Omar, who gives Ada an iPhone as a wedding gift. She thanks him, curls on her side, covers her face with a towel, and sleeps. Her head is covered when their wedding night comes too, in a black veil fringed with embroidery. After a stilted, quasi-formal ceremony at Omar’s house, Ada shows her envious friends her marriage bed, a white satin affair made garish by fluorescent light. She sulks as they take selfies. She argues with them about whether she can stomach her marriage of convenience. Without warning, the shiny white bed is on fire. The police arrive. Who did it? Ada? Her heat, her fury? Souleiman, whom a guest claims to have seen? Or did it spontaneously combust?

The last explanation is the one given to Inspector Issa Diop (Amadou Mbow), whom we are now unexpectedly following. Is he our hero now? How will his story connect with the lovers? We are again caught off guard as the film abruptly becomes a police procedural and then, when a mysterious fever strikes the inspector and all the abandoned women except Ada, transforms once more into a work of surrealism. By the time the women are stalking the night—barefoot, in nighties and pajamas, eyes like white pebbles—demanding the money owed their dead men, we realize that *Atlantics* is all of these genres and none of these genres. It is in a class of its own.

Labor drama, love story, surrealist film, crime thriller, zombie flick—these shifts are both smooth and unsettling, just like that train in sudden reverse. They keep us on edge but never just for the sake of it. And they continually bring us back to the central question of class, even as they keep us from mapping it onto a single hero or plot or genre. In a recent interview with *Vulture*, Diop explains, “The violence of a certain capitalist economy makes a lot of life fragile, vulnerable, and empty of meaning. The film is about the beauty and innocence of love between two 20-year-olds, which is ruined and cut down by economic issues.” She cast those roles with first-time actors; Traoré was a real construction worker. “I was looking for people who have a social background that makes them connected with the reality of the characters.” No heavy-handed symbols like stairs, tunnels, or train cars here, no sense that class stratification is just a horror or a farce. Instead, *Atlantics* holds onto social reality even as

it darts among genres freely, wildly, faster and faster, building to a double climax that unites all of their vibrant formal energies: a scene of vengeance, a scene of lovemaking, both set in a kind of grave.

Atlantics speaks the tongue of beauty. Moonrise, sunset. Reflective glass, shards of mirror. Fluttering curtains, gauzy ones. Rosy light, constellated lights. Filigree waves, the vast implacable sea. This is less conscientious adornment—the use of beauty to elevate or solemnify people—and more a kind of art-film language game. The film’s beauty feels casual and quotidian. The dawn color of sulfur streetlamps, the spangle of embroidery on a boubou, a trail of cash littering an interior like trash. You can trace delicate patterns like this across the film: spotlight, moon, lighthouse, cell phone, dead eyes, signet ring. Or hijab, curtain, towel, veil, blanket, mask, the sea. But none of these patterns add up to a message. Rather, they weave a material form within which Diop twists plot and genre.

That is, the film’s imagery is on the same plane as its story. So the moon isn’t just beautiful; it tells time, flashing from sliver to full in order to signal that the 10 days until the wedding have passed. The sunset isn’t just sublime; it marks the onset of the fever that may be turning people into djinns. And mirrors become the way we understand how demonic possession, if that’s what it is, works in the film. We see reflected in the glass the dead men, the drowned laborers, whose souls have taken over the bodies of the living. Science fiction has lately given us scenes—in *Her*, in *Blade Runner 2049*—of a man having sex with a woman who is inside a woman, be it a sex worker lip-synching to an OS or one enveloped by a holograph. *Atlantics* uses a simple mirror to give us the converse. We watch a man kiss Ada; her reflection makes love to another, the one who possesses him. And this eerie scene takes place in the nightclub by the sea, again not for beauty’s sake but because Ada has run away from her family and now works there.

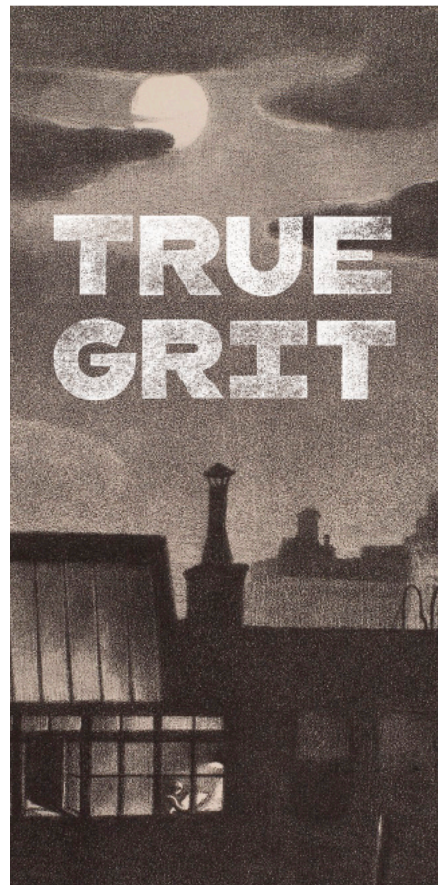
This attention to material reality is another way that *Atlantics* thwarts our expectations about class. Many of the recent international films tend to make it legible and palatable to audiences in the West. The working classes are maids, nannies, drivers, tutors; in *Parasite*, the Korean upper-class family is easily replaced with a German one. I’d love to interview Americans leaving the theater after watching *Atlantics*. Are these Senegalese characters rich or poor? What class are they? The women have hair weaves

and take selfies. They wear T-shirts, possibly secondhand, that say “Froot Loops” or “Chicago.” Everyone is black. Everyone has a cell phone. Ada casually sells hers on the side of a dirt road where a man in flashy sports gear goes for a run past horse-drawn carts. Her parents take her to a modern clinic for a doctor to test if she is a virgin.

There’s obviously little gender equality here, but *Atlantics* interestingly levels male and female labor. Zombified women sit on the edge of a tombstone and count thousands of bills. The debt is finally paid, but before the boss can go, they demand one more thing: “Dig our graves first.” As he pickaxes the earth—a sight that, again, we’re more used to seeing in a pastoral farming scene in an African film—the women mock him. “Look, he doesn’t even know how to dig. That’s real work! Dig till your hands burn.” Though the words belong to the manual laborers who lie “unburied...at the bottom of the ocean” for having sought to survive elsewhere, the mouths speaking those words belong to women of the night. That kind of global labor, too, is never paid in full.

In its origins in Arabian thought, a djinn can be good or bad. In its origins in the black diaspora, a zombie is a slave forced to do the bidding of others. Diop mixes the two phenomena to the same counterintuitive end: The dispossessed—male and female, management and labor—rise up not as the enemy but as the communal hero. *Atlantics* doesn’t care to translate these cultural references. It assumes them and proceeds to tell its resonant story about power, a story that does not pander to our preconceptions about how class, race, and gender map onto it. This is refreshing and clarifying. This film made me realize that class in the 21st century is really not about who gets to own luxury fur coats, as *Hustlers* would have it, or about the smell of subway riders, as *Parasite* would have it. It’s not about the Global North and Global South. It’s not even about the rich and the poor. It’s about the very rich and *us*—the rest of us, everywhere.

We are the Atlantics. The sea is the sweat of the great majority trying to live, love, and work. “I’ll always taste the salt of your body in the sweat of mine,” Ada tells her doubled lover, whom (blessedly) she does not wed. He leaves her sleeping. Dawn suffuses the screen. Ada awakens. As she rises and turns toward us, her final voiceover tells us that the whole film has been preface to some raging fire to come: “Last night will stay with me to remind me who I am and show me who I will become. Ada, to whom the future belongs. I am Ada.” ■



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HOLY TERRAIN

FKA Twigs's haunting sound

by JULYSSA LOPEZ

Magdalene, the latest album from the English artist FKA Twigs, sounds unnatural as it seeps out of a simple set of speakers: It's too weighty, too ornate for just a casual listen. That much is clear during the opener, "thousand eyes," in which her piercing choral arrangements ring out beatifically amid crashes of what could be a golden opera gong. It's easier to imagine songs like these unraveling in a lavish, ruby-encrusted theater somewhere, one fit for the excess, the nakedness, and the fury of Twigs's high drama.

Twigs's real name is Tahliah Barnett, and she has made a career of contorting herself into different shapes. A profession-

ally trained ballerina, she entered the music industry as a backup dancer for pop singers like Jessie J and Ed Sheeran. Quietly, she began testing her voice with producers in London and eventually teamed up with Young Turks, the imprint behind creative progressives like the electronic artist Jamie xx and the jazz futurist Kamasi Washington. Twigs fit perfectly into that roster by not quite fitting in. Her plainly titled projects *EP1* and *EP2*, as well as her debut album, *LP1*, were full of strange, wispy electronic and R&B abstractions, powered by her breathy vocals. But it was the visuals that established her as a high priestess of the avant-garde. She dropped stunning videos like "Two Weeks"—in which she assumes the role of a giant gilded deity surrounded by a Hieronymus Bosch-style sea of

tiny goddesses—and then she transformed four songs from her third EP, *M3LL155X*, into a short 2015 film that captured her baroque, haunting aesthetic. There were seemingly no bounds to her creativity, but fans would have to wait another four years for her to pour all of her imagination into a second album.

Magdalene arrived in early November. It isn't exactly an easy album to listen to. The orchestration is purposefully intense and discordant; the vocals fluctuate between celestial and unsettling. A lot of it is painful. FKA Twigs has folded trauma deep into the music, mourning a recent period of heart-break amid a health scare that forced her to slow down after six fibroid tumors were removed from her uterus. For an artist as ambitious and athletic as Twigs is, physical inactivity was impossible. After an intense surgery, she interrupted her recovery period to dance in a 2018 Apple commercial directed by Spike Jonze. "When I was on set with Spike, the stitches in my bellybutton were splitting open," she told the British magazine *i-D*. "I told him: 'Just so you know, if I start bleeding through this white shirt...'"

Twigs pushes her limits repeatedly on this record, grinding through agony while connecting with something raw and carnal rippling through her. She's achingly vulnerable at times, then resilient and merciless as she finds healing in her serpentine melodies. In several songs, she evokes the biblical Mary Magdalene, who throughout history has been reduced to simple tropes of being either a sinner or a saint. Twigs refuses to have her identity flattened in any way; she has created a sonic universe that is purposefully complex, losing some straightforward accessibility and burning the easy bridges into pop and R&B stardom that she had constructed on past releases. But *Magdalene* is worth the sacrifice. Here we find Twigs's most opulent offering and the project that most wrenchingly expresses the depths of her brazen artistry.

Twigs is present on each element of *Magdalene*. That's likely because she steered the production more directly than ever before. She previously collaborated with people who represent the cutting edge of experimentalism, among them Arca (the beloved Venezuelan artist who has worked with Björk, Kelela, and Frank Ocean). Arca is a producer on *Magdalene* alongside Jack Antonoff and Skrillex, who tinkered on the song "holy terrain." The Chilean electronic producer Nicolas Jaar appears on seven tracks. Twigs

Julyssa Lopez writes frequently on culture and music for The Nation.

initially called on him to handle the bulk of the production. Then her genius took over, and soon she had exercised so much control that he began having qualms about taking credit for it. “He felt that his name on stuff wouldn’t highlight how much I’ve done, especially as a female producer,” Twigs told *Pitchfork*. “When he said that to me, I cried.”

She is stranger and freer here, all while testing the intensity of her voice and soundscapes. Twigs has always leaned toward eerie, atmospheric textures, and she does so again on songs like “home with you,” which starts with spooky, warped vocals that clump together as if by static cling. Eventually, her clear soprano glides in and underscores the lines pregnant with emotion. “I didn’t know that you were lonely / If you’d have just told me, I’d be running down the hills to be with you,” she sings, conjuring Kate Bush, both in the sound and in the lyrics. So much of *Magdalene* is about contrasts: Twigs speeds up the beat for “fallen alien,” the most disorienting track on the album, which doubles as a warning. “When you fall asleep, I’ll kick you down,” she snarls. But then her wrath melts away on “mirrored heart,” a stark lament that exposes her sadness and loneliness as she observes the happy couples around her.

On “holy terrain,” she enlists the rapper Future to juxtapose female strength and male vulnerability. The song is the only one on the album with a featured artist, and in the *i-D* interview Twigs referred to it as “the most fun track” on *Magdalene*. Indeed, it’s the song that most resembles something that could garner big radio play, but its sheer weirdness says a lot about her true ambitions for mainstream attention. Instead of recruiting a splashy name, she has chosen a rapper who’s known for his specific brand of trap noir. The song features no catchy hook, no trend toward a recognizable style. Twigs keeps the accompanying video beguiling, slithering toward the camera wearing spooky red and blue contacts.

In the end, she isn’t that interested in being palatable to the masses. Preserving her creative integrity might not be as challenging at a time when stars—Solange and Rosalía come to mind—have delivered commercially viable pop music that retains a deep sense of idiosyncrasy. Still, while someone like Rosalía has sauntered into genres like reggaeton and dembow to boost her profile, Twigs’s proposition is completely uncompromising. She stands as an unwavering auteur, and fame, popular metrics, and broad appeal aren’t a huge part

of her equation. “If I’m unhappy, I’ll just disappear,” she once told *The Guardian*. “I will shave off my hair and live in the south of France, and I’ll be learning a new language where no one gives a shit about who I am.”

The irony is that although Twigs has rejected celebrity, she’s someone people want to watch. She landed on the cover of *i-D* before any of her music had come out, after photographer Matthew Stone spotted her at a club in London. But the private parts of her life have drawn attention, too; her relationships with famed actors have resulted in tabloid interest, as well as racist vitriol and Internet abuse. After one breakup, Twigs said, she isolated herself and began working on *Magdalene*. “I went to a vintage fair and found this one dress, it was a white medieval dress,” she told *Double J*. “I just lived in it.... I wasn’t talking to my friends or my family, really. I was just wandering around in these medieval dresses.” This image of Twigs encapsulates the beautiful eeriness and desolation of the record, as she floats through the music at her own pace.

It’s often the imagery that brings her messages home. She has constantly emphasized how conceptual an artist she is through her physicality and her eye for visuals, which add unexpected layers to her work. One of the most poignant songs on *Magdalene* is “cellophane,” a tender piano ballad that refers to the unwanted attention she received during a high-profile relationship. The music compelled her to take up pole dancing. “To complete my vision for the ‘cellophane’ video I had to learn to pole-dance, I knew it from the moment I finished the song in the studio,” she explained on Twitter. In April she dropped a video directed by Andrew Thomas Huang in which she soars on a pole toward a sky that opens up before her.

Eventually, she falls. But in those first glorious moments, her performance is one of formidable strength, even as she sings fragily, “And didn’t I do it for you? Why don’t I do it for you?” In a behind-the-scenes segment for the video, Twigs says she found the contrast between the visuals and the lyrics humorous. It’s an elaborate trick, set up to show that even when she sounds as though her heart has been pulverized, she knows she’s a force that can hardly be contained, something she demonstrates as she rips through the air. “To me, it’s sick, and it’s funny, and it feels powerful,” Twigs says. “‘Didn’t I do it for you? Am I not enough?’ Like, I’m more than enough. You can’t even handle it.”

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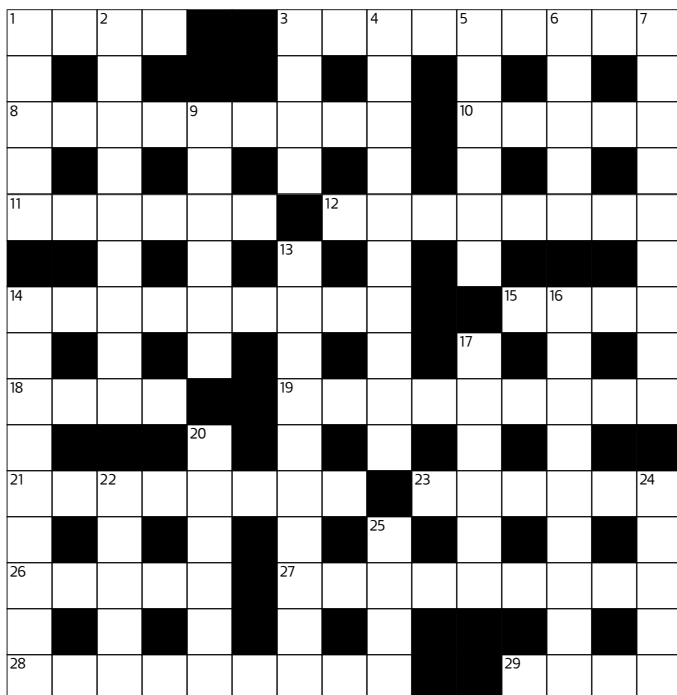


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Puzzle No. 3517

JOSHUA KOSMAN AND HENRI PICCIOTTO



ACROSS

- 1 Athlete's company getting back inside (just kidding!) (4)
 3 Flip game console recording and support accommodations for pets? (9)
 8 Tormented soul, slain by some innuendos (9)
 10 Master list includes reading, for one (5)
 11 Car overturned a coach with endless regret (6)
 12 Mom puts down "Iowa" as a country (8)
 14 Pirate at sea gaining victory with little hesitation! (9)
 15 Before awkward pout (2,2)
 18 Pronounces 16 in French, we hear (4)
 19 12, more or less, hunt stealthily, catching creature's head in tree (9)
 21 Priestly vestment, suitable for former diplomat (8)
 23 Fool someone at first into a jump-and-run (6)
 26 Channel a certain amount of data into something that should be banned (1-4)
 27 Return abbreviated documents about marathoner, perhaps, as a way to track progress (9)

- 28 Act or move rhythmically when eating at home (9)
 29 Down, as suggested by 10 such diagram entries (4)

DOWN

- 1 On TV, she was Edith B. in pants (5)
 2 Notable rebel on the loose in New York or Los Angeles (9)
 3 Express displeasure at termination of bank reserve (4)
 4 Rate us in crisis over diatribe in café (10)
 5 Apprehend or call lunatic (6)
 6 Pot rejected in senseless argument (5)
 7 Nation's misdeed: covering imbalance with source of valuable metal (9)
 9 Skater frolicking with band (6)
 13 Aptly selected name for our proprietary firm, possibly: Socks Newton (4-6)
 14 Nut with facial hair replacing one letter from Greece with another (9)
 16 "Messy pastime lead everything outside" is not nonstandard (9)
 17 For instance, Swiss revolutionary busted, see? (8)
 20 Wrought iron containing pellet—you might have this in your hair (6)
 22 Look! It's in one's anatomy! (5)
 24 For example, direction to mount a crest (5)
 25 Playing tone! (4)

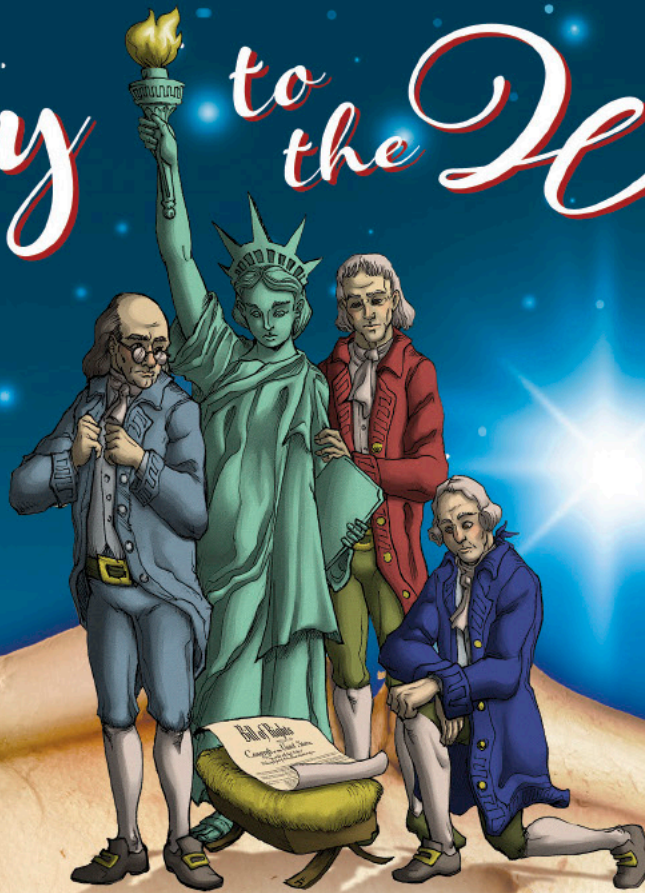
SOLUTION TO PUZZLE NO. 3516

ACROSS 1 "fair" 3 anag. 10 [I]JUMBER
 11 "die a critic" 12 PAN + CA + K + E
 13 H(OT)WIRE (*trio* anag.)
 14 SPI(DERMA)N (*dream* anag.)
 17 CAR(N)Y 18 anag. 20 C(HEAPS)HOT
 23 P + RE + PPED (rev.) 24 anag.
 26 F(RAG)RANCE 27 CU + RIO
 28 anag. 29 rev.

DOWN 1 "foe Pa" 2 RUB IN
 4 LAD + L[it]E 5 S(EACH)ANG + E
 6 HERE + TIC 7 MA(TRIA[LI])RCH
 8 pun 9 "Greece" 15 anag. 16 MACE + D(ON)IA (*aid* rev.) 18 TIP(OFF)S (*spit* rev.)
 19 EM(PER)OR (rev., &lit.) 21 PI + RACY
 22 THY + ROID (rev.) 24 hidden
 25 [d]AOR + TA (rev.)



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¹ Constanza et al., (2017) Twenty years of ecosystem services, Journal of Ecosystem Services.

² <https://www.iucn.org/content/facts-and-figures-forests>

³ <http://www.fao.org/3/W4345E/w4345e05.htm>

⁴ <https://www.iucn.org/content/facts-and-figures-forests>

⁵ <https://www.worldwildlife.org/habitats/forest-habitat>

⁶ <https://www.iucn.org/content/facts-and-figures-forests>

⁷ <http://assets.wwf.org.uk/>