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A Letter from an Editor

By Alysyn Martinez*

On June 24, 2022, the Supreme Court of the United States abandoned half a century of precedent, revoking the constitutional right to abortion.¹ The majority rests the decision on arguments that abortion is never mentioned in the Constitution and that the Fourteenth Amendment was not intended to protect this right.² The majority fails to outwardly name the real-world consequence of this decision, namely on those most impacted; low-income communities of color.

Much was hypothesized and (understandably) feared in anticipation of Dobbs around increased barriers to access for all who may need abortions, across the board. However, those most affected by state restrictions are always those with the fewest resources to begin with.³ Pre-Dobbs, approximately 75% of abortion patients were low-income and over 50% of patients identified as Black or Hispanic.⁴ This, of course, is nothing new as abortion criminalization among communities of color, predominantly Black communities, has been long recognized.⁵ In application, the states thought most likely to ban abortion post-Dobbs had greater proportions of residents of color.⁶

Following Dobbs, abortion bans and restrictions swept the nation. As of November 2022, five months post-Dobbs, twelve states are enforcing a total ban on abortion, four states are enforcing laws that restrict abortion, and seven states are anticipating the passage of pending laws that could

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1. *Dobbs v. Jackson Women’s Health Org.*, 142 S.Ct. 2228, 2242 (2022).

2. *Id.*

3. Sabrina Tavernise, *Why Women Getting Abortions Now are More Likely to be Poor*, N.Y. TIMES (July 9, 2019), <https://www.nytimes.com/2019/07/09/us/abortion-access-inequality.html> [<https://perma.cc/6F5N-GF4S>].

4. *Induced Abortion in the United States*, GUTTMACHER INST. (Sept. 2019), <https://www.guttmacher.org/fact-sheet/induced-abortion-united-states#> [<https://perma.cc/EQ6Y-2RBX>].

5. Melissa Murray, *Race-ing Roe: Reproductive Justice, Racial Justice, and the Battle for Roe v. Wade*, 134 HARV. L. REV. 2025, 2035-36 (Apr. 12, 2021).

6. Sandhya Dirks, *Abortion is Also About Racial Justice*, NPR (June 27, 2022), <https://www.npr.org/2022/05/14/1098306203/abortion-is-also-about-racial-justice-experts-and-advocates-say> [<https://perma.cc/LH7F-84B7>].

severely restrict abortion access in the future.⁷ This is nearly half the country seeking to prevent or restrict abortion access for their citizens. Notably, states implementing total abortion bans are also those with the least supportive social services for infants and parents.⁸ This includes, for example, state officials' unwillingness to expand Medicaid, offer paid leave, increase the minimum wage, or offer universal preschool.⁹

While the arguments used to dismantle the constitutional right to abortion may be shrouded in constitutional conformance, how can *Dobbs* be viewed as anything but another mechanism of control when viewed from the lens of those most impacted? By continually limiting social services and abortion access among disproportionately low-income communities, the Court has empowered states to continue permeating control over the lives of low-income communities of color. As reproductive justice evolves into its next iteration, it is essential to center the movement in the experiences of those most impacted in order to ensure a future with equal access for all.

7. PLANNED PARENTHOOD, *Abortion Access Tool*, <https://www.plannedparenthoodaction.org/abortion-access-tool/US> [<https://perma.cc/5XDN-EHZB>] (last visited Nov. 17, 2022).

8. Emily Badger et al., *States with Abortion Bans Are Among Least Supportive for Mothers and Children*, N.Y. TIMES (July 28, 2022), <https://www.nytimes.com/2022/07/28/upshot/abortion-bans-states-social-services.html> [<https://perma.cc/RA8Y-4QFA>].

9. *Id.*