STOP THE SHAM

Take Action to Ensure the Supreme Court Protects Access to Abortion
Whole Woman’s Health v. Hellerstedt (formerly Whole Woman’s Health v. Cole) is fundamentally a case about the freedom to make thoughtful decisions about our families, health, and future, without interference from politicians who presume to know better. Every woman must be able to freely determine what is best for her health.

Time and again, the U.S. Supreme Court has made clear that women have a constitutional right to abortion—and that states cannot pass laws that purposefully hinder access to abortion care or create an undue burden for women exercising that right. But a right that only exists in theory is no right at all. The Court must put a stop to politically motivated laws that shut down clinics and block women from accessing care. It’s time the Supreme Court protects our fundamental rights and respect our dignity, liberty, and personal decision-making.

For the most up-to-date information and resources on the case, visit protectabortionaccess.org.

Whole Woman’s Health v. Hellerstedt

• In 2013, Texas passed HB2, a sweeping measure that imposes numerous restrictions on access to abortion, including a requirement that abortion providers obtain admitting privileges at local hospitals and a requirement that every health care facility offering abortion services meet the same building specifications as ambulatory surgical centers—essentially becoming mini-hospitals.

• Together, these requirements—opposed by leading medical groups including the AMA and ACOG—would force more than 75% of abortion clinics in Texas to close. Prior to the enactment of HB2, there were more than 40 facilities providing abortions dispersed throughout Texas. As of January 2016, that number has been whittled to 19.

• In 2014, the Center for Reproductive Rights filed a lawsuit on behalf of Whole Woman’s Health and several other Texas health care providers to block these two provisions. While a federal district court permanently blocked the measures as unconstitutional, that ruling was largely overturned by the U.S. Court of Appeals for the Fifth Circuit in June 2015. Immediately following, the U.S. Supreme Court stepped in to halt the Fifth Circuit’s ruling and ensure many of the state’s clinics could remain open while the clinics sought review by the nation’s highest court.

• On March 2, 2016, the U.S. Supreme Court will hear arguments in this case. Unless the Court strikes down these sham laws, a mere 10 clinics—or fewer—will remain open in the entire state of Texas for 5.4 million women of reproductive age. That means that a woman in El Paso would have to drive more than 500 miles—or 7.5 hours—roundtrip to San Antonio to get abortion care in her home state.

• Among other considerations, the Justices will review 45 amicus (friend-of-the-court) briefs, filed on January 4, 2016 by a diverse and influential set of stakeholders. These medical providers, legal experts, faith leaders, lawmakers, and women adversely affected by clinic shutdown laws shared their experience and expertise to illustrate why the Court must reaffirm a woman’s constitutional right to access abortion care. To read the briefs, visit reproductiverights.org/document/amicus-briefs-in-support-of-whole-womans-health.
Research Confirms: Clinic Shutdown Laws Harm Women

Laws like HB2 have been developed by politicians who are sneaking around the Constitution to end abortion by preventing women from accessing legal health services. Playing politics with women's health isn't just wrong, it's dangerous. Further, closing clinics in our communities won't end the need for abortion—it forces women to take matters into their own hands.

We can't leave our daughters with fewer rights than their mothers and grandmothers—it's time the Supreme Court reaffirm our nation's commitment to women's basic dignity.

Here's what the data says on the impact of sham laws:

- If Texas's harmful law were to take effect, only 10 or fewer clinics offering safe and legal abortion services would remain in the entire state of Texas. Following the enactment of HB2 the *Texas Policy Evaluation Project* has found substantial increases in wait times for abortion care in Dallas, Fort Worth, and Austin, with some women facing delays of up to 20 days to receive a consultation appointment. *Abortion Wait Times in Texas: The Shrinking Capacity of Facilities and the Potential Impact of Closing Non-ASC Clinics (2015)*

- Rural and low-income women are often most affected by clinic closures due to the increased time and cost associated with long distance travel for abortion care. In September 2014, the *Texas Policy Evaluation Project* reported that over 1.3 million women of reproductive age in Texas lived in a county more than a hundred miles from the nearest abortion provider. *Rapidly Changing Access to Abortion in Texas* (2014)

- Texas’ size combined with predominantly conservative stances on sexual and reproductive health in the state legislature present multi-layered challenges for women when it comes to health care coverage and access to services, illustrated by a recent *Guttmacher Institute* analysis. *The State of Sexual and Reproductive Health and Rights in the State of Texas: A Cautionary Tale* (2014)

- Women are fully capable of making decisions about their reproductive lives. Researchers at *Advancing New Standards in Reproductive Health* found that 95% of women who had abortions in a large-scale study felt it was the right decision for them both immediately and over 3 years later. *Decision Rightness and Emotional Responses to Abortion in the United States: A Longitudinal Study* (2015)

- A new study by the Texas Policy Evaluation Project (TxPEP) finds that women who report barriers to accessing reproductive health care were significantly more likely to have attempted abortion self-induction themselves or know someone who had attempted to end a pregnancy. *Knowledge, Opinion and Experience Related to Abortion Self-Induction in Texas* (2015)
TAKE ACTION

As the Supreme Court prepares to hear arguments in Whole Woman’s Health v. Hellerstedt on March 2, 2016, it is important that we work to influence the national conversation, uplifting the fact that the majority of Americans support the Constitutional protections upheld repeatedly by the Supreme Court.

Women across the country are counting on you to engage with your supporters, your lawmakers, and your community. Together, we can ensure that this case informs and strengthens our reproductive rights movement.

Four key ways to take action:

1. Influence the conversation by showing your support online and through print media
2. Engage and educate the grassroots through your national, state, or local advocacy organization; on your campus; through your faith community; or through your personal network
3. Urge your state and federal lawmakers to speak out for reproductive rights
4. Rally on March 2, 2016! Unite as a movement in DC, online, and where you live

1. Influence the Conversation

Take Action Online

The online engagement opportunities and guidelines will be continuously refined as the case develops. Visit protectabortionaccess.org for the latest news on the case. To take action on social media, visit facebook.com/reproductiverights and twitter.com/ReproRights.

Take Action in Print Media

Writing an op-ed or letter to the editor (LTE) for your local newspaper is a great way to educate the public while advocating for your position. Below are some ideas to keep in mind as you’re writing, but you are encouraged to personalize your submission.

We recommend opening the op-ed with a brief sentence or two explaining the case and why it is important to you. Use the body of the op-ed to tell your story and provide additional information about the impact of laws. Remember, personal stories that relate the case to issues in your life and community are helpful to illuminate why it is important for the Supreme Court to protect our rights. As you tell your story, utilize the message guidance to include topline messages and statements about key themes. The conclusion should be your call to action: the U.S. Supreme Court should protect a women’s right to make her own decision about her health care.

Key Themes:

- **Impact:** These laws harm women. Shutting down women’s reproductive health care providers makes it increasingly difficult—and sometimes impossible—for a woman who has decided to end a pregnancy to get the safe, legal, high-quality care they need. If the Court upholds the Texas law, only 10 or fewer abortion clinics in Texas would be able to remain open, cutting off access to safe and legal abortions for millions of Texas women. These kinds of laws create higher costs, longer delays, and extra steps for women seeking abortion care, and in the process punishes women for their decision to exercise their constitutional right to end a pregnancy.
• **Deceptive laws:** Politicians must not be allowed sneak around the Constitution and four decades of Supreme Court precedent to block women from their right to safe, legal abortion. Politicians, not doctors, are pushing these restrictions. Leading medical experts and organizations strongly oppose these medically unnecessary requirements on women’s health care services. These laws unfairly single out women’s health care providers. They do not apply to other medical procedures or practices, and they serve only to drive reputable, experienced reproductive health care providers out of practice.

• **Supreme Court protections:** Time and again, the Supreme Court has upheld a woman’s constitutional right to safe, legal abortion care. The Court’s 1992 decision in *Planned Parenthood v. Casey* reaffirmed a woman’s constitutional right to abortion and rejected medically unnecessary regulations meant to create substantial obstacles for a woman seeking to end a pregnancy. It’s time for the Supreme Court to put a stop to the growing tide of these politically-motivated sham laws that undermine the rule of law and distort the reasonable standards established by the Court to protect the every woman’s constitutional rights.

**Important case facts:**

• In 2013, Texas passed HB2, an anti-abortion rights law that included requirements that all abortions be performed in ambulatory surgical centers (or “mini hospitals”) and all abortion providers obtain admitting privileges at a local hospital.

• The Center for Reproductive Rights filed a lawsuit challenging HB2 in district court on behalf of a group of Texas health care providers, securing a favorable decision in which the judge stated “it is unlikely that the stated goal of the requirement—improving women’s health—will actually come to pass” and suggested the state’s intent was most likely “to reduce the number of providers licensed to perform abortions, thus creating a substantial obstacle for a woman seeking access to an abortion.”

• After that decision was overturned by the U.S. Court of Appeals for the Fifth Circuit, the Center and the Texas health care providers petitioned the U.S. Supreme Court to review the case and protect women’s access to safe, legal abortion. The Supreme Court will hear arguments on March 2nd.

Refer to the website of your local newspaper for submission guidelines. If your piece is not published, connect it to a different issue or current event in your community and re-submit.

**Harness the Power of Personal Stories**

As part of the impressive showing of 45 friend-of-the-court briefs filed on January 4, hundreds of personal stories were shared. News outlets responded to these briefs by and large with a focus on the women who publicly shared their abortion stories with the Supreme Court. Personal stories demonstrate the diversity of abortion experiences women face, and reflect that women exhibit dignity and resilience in the face of cultural and political stigma every day when making critical health care decisions.

Sharing your personal story about abortion is a powerful way to elevate the dangerous effects of laws that shutdown clinics and block access to essential health care. People across the United States are fighting the stigma around abortion by sharing their personal stories in the news, on blogs, on social media, through film and storytelling platforms like Draw the Line, 1 in 3 Campaign, and Not Alone, and lawmakers are telling their stories in state houses and Congress. Sharing personal stories about abortion is recognized as a way to “change hearts
and minds about abortion... in hope of finding common ground, creating understanding, and building compassion around abortion experiences.”

Incorporating how restrictions on reproductive health care affect you is a critical component of your personal story, but you can also help others to share their stories by providing them with opportunities and platforms to do so. Sharing abortion stories in person, in print, online, and directly with state legislators and members of Congress can transform conversations around protecting our constitutional rights into emotionally resonant human connections, revealing the full scope of these sham laws and the onerous burdens they place on women’s access to reproductive health care.

Whether you are sharing your own story with family, friends, and colleagues or organizing your supporters to tell their stories, some questions to consider include: how has access—or lack of access—to reproductive health care influenced your life and your ability to plan your future? How have restrictions on abortion personally affected you or someone close to you? What message would you like to send to the politicians who are trying to circumvent your constitutional rights by forcing clinics to close?

Contact us to discuss how you might organize a community storytelling event, such as a speak-out or sharing circle, or how you might empower your supporters to share their stories on video, via Draw the Line, in an op-ed, or by creating and sharing a Storify.

2. Educate and Engage the Grassroots

There are many ways to stand up for our constitutional rights in your community—whether through an advocacy organization, on your campus, or through your faith community. It’s important that we work to educate and engage with our family, friends, and peers in order to amplify the call to protect essential reproductive health care services.

Connect the Case to Your Existing Work

This is a prime opportunity for state and local organizations to activate the base and garner new supporters. As an advocate who likely engages with issues of reproductive health and rights often, you probably know firsthand that TRAP laws are a sham, designed to shut down abortion clinics and jeopardize women’s access to safe, legal, high-quality reproductive health care. It’s important that you and your supporters take the opportunity to make your voices heard in this national conversation and incorporate the case into existing work. For example, you can:

• **Tie the case into your state legislative work.** Join forces with friendly lawmakers to introduce a measure to repeal TRAP laws in your state or a resolution about how abortion is safe and should remain legally protected under our Constitution. Reference the case when speaking of existing or pending state TRAP laws and consider citing Implications Beyond Texas, a factsheet available at protectabortionacces.org/rally. See Engaging State Legislators.

• **Educate your supporters and the public.** Host a forum featuring local experts on reproductive rights or a discussion that connects the pending decision to pressing issues in your community. You could also take part in a visibility event, such as tabling at a

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community fair or popular local park. You can use these opportunities to highlight the personal stories you’ve collected. See *Harness the Power of Personal Stories*.

- **Lift up community voices.** Using the suggested messaging provided here, collaborate with your members, board members, or grassroots network to write an op-ed or letter to the editor explaining why the Supreme Court needs to intervene to protect women’s constitutional rights, no matter where she lives. You can also work with your supporters to develop their personal reproductive rights story. See *Message Guidance* and *Influence the Conversation*.

- **Get creative.** What do your supporters do best or most enjoy? Whether it’s coordinating a book group, creating an art exhibit, or hosting a fundraiser to rent a bus to the March 2nd rally in DC, think about what makes the most sense for your organization to start a conversation about protecting our constitutional rights.

Contact Julie Bero at jbero@reprorights.org for more information or technical assistance.

**Campus Organizing**

Sham laws that shut down clinics are out of touch with what the majority of young people believe—that every woman has a right to determine what’s best for her health and her future. This case will have a major impact on youth nationwide, so it’s never been more crucial that your voices be heard. Whether you’re already involved in a feminist or political group on campus, or you’re looking to get more involved, consider partnering with other students to organize around the case.

Here are some ways you can make an impact during this key moment in our movement:

- **Educate your campus community:** Work with friends and classmates to co-host a panel or forum with a department, student union, or student group. For example, organize an event focused on the legal issues of the case, featuring law professors, students, and local advocates. Or, plan a facilitated discussion with social justice student organizations and faculty experts on gender, government, or cultural studies. Whatever you choose, tailor the event to fit the strengths and needs of your campus. For discussion questions, step-by-step coordination instructions, and sample materials, reference the Student Event Planning Guide available by emailing Nicole Tuszynski at ntuszynski@reprorights.org. See *Case Overview* and *Message Guidance*.

- **Make New Connections:** Tabling at your student union, dining hall, or at campus events provides an opportunity to educate your peers about the campaign and possibly recruit others to your cause. Personalize your message and incorporate fun social media engagement by creating a Supreme Court campaign photo booth or digital student sign-on letter that you can share on social media. See *Influence the Conversation*.

- **Get Social:** Find ways to regularly share information online, whether that means posting articles and photos related to the case on your Facebook or Instagram account, writing blog posts about the TRAP laws in your state, or tweeting about breaking news on reproductive health with the #StopTheSham hashtag. If you manage the social media accounts for your student group, be sure to make an online advocacy plan with your co-leaders about how to engage in the campaign. See *Influence the Conversation*.

- **Put It in Print:** Consider writing a letter to the editor (LTE) of your student newspaper about how this pivotal case will affect communities like yours. LTEs are a great way to educate the public while advocating for your position. See *Take Action in Print Media*. 
• **Get ready to Rally!** Partner with other students and campus groups to plan events that raise awareness about the case while fundraising your travel costs to attend the rally. Get creative! How about a SCOTUS-themed trivia night, spin to win raffle, or silent auction with donations from local businesses? Don’t forget about your alumni network. A little outreach to past campus leaders for small gifts can go a long way. If you can’t make it to DC on rally day, think about how you might organize on-campus or in your community.

Contact Alison Jones at ajones@repronights.org to discuss any resources you might need to engage students and faculty on your campus.

**Faith in Action**

For too long, public debate about religion and reproductive health has been dominated by those who aim to restrict access to abortion care—or ban it altogether. The truth is that most people of faith, like most Americans, support access to a broad range of reproductive health care—including abortion.

It is essential that people of faith raise their voices about why they trust and respect a woman’s right and ability to make decisions about her family and future in the context of her own religious, moral, or ethical beliefs.

• In your community or congregation, plan a discussion group or panel about how your values move you to advocate for reproductive freedom; coordinate a group to attend or organize a Supreme Court rally or press conference; or consider ways to support one another around reproductive health and justice issues.

• Share your unique perspective as a person of faith who supports access to abortion care. Write to your local newspaper or offer to serve as a faith spokesperson for a local reproductive health, rights, or justice organization. If you are a medical professional, consider talking about how you are driven by your faith values to provide health care, including abortion. **See Influencing the Conversation.**

• Members of the clergy might consider providing worship, small group ministry, or pastoral care around issues of reproductive health and rights.

• There are many online resources to learn more about taking action as people of faith, including websites of organizations such as the Religious Coalition for Reproductive Choice (rcrc.org), Catholics for Choice (catholicsforchoice.org), the National Council of Jewish Women (ncjw.org), and the Religious Institute (religiousinstitute.org). To read the friend-of-the-court brief signed by more than 1,200 individual faith leaders who oppose restrictions on abortion access, visit reproductiverights.org/document/amicus-briefs-in-support-of-whole-womans-health.

**3. Urge Your Lawmakers to Speak Out**

**Engaging Members of Congress**

While it is essential that the Supreme Court protects our rights, it is also the responsibility of Congress to enact policy that advances reproductive health and rights. This is a pivotal moment in our movement, and you can use the case as a conversation starter about the need for federal policies that improve access to reproductive health care.

In your outreach, highlight the case and explain how sham laws already affect clinic access in your state. Ask your member where they stand on the case and use it as an opportunity to
request they issue a statement in support of constitutional protections for reproductive rights. Thank them if they are one of the 163 Members of Congress who signed onto a friend-of-the-court brief. Take it one step further: ask them to support the Women's Health Protection Act or thank them for being a co-sponsor.

Act for Women!

The Women's Health Protection Act (S. 217/H.R. 448) is a federal bill designed to enforce and protect the right of every woman to decide for herself whether to continue or end a pregnancy, regardless of where she lives. The bill would prohibit states from imposing restrictions on abortion that apply to no similar medical care, interfere with patient's personal decision-making, and block access to safe, legal services. These restrictions include the type of clinic shutdown laws challenged in the Supreme Court case that impose regulations grossly exceeding what is necessary to ensure high standards of patient safety and quality of care.

Act for Women is a campaign that unites organizations committed to reproductive health, rights, and justice to advance the Women's Health Protection Act as a federal legislative response to the growing national crisis of abortion care access. While this legal battle over abortion access demands action from the U.S. Supreme Court, the growing health care crisis also demands action from our elected officials. Act for Women is a critical effort to ensure our elected officials are doing their part to protect our constitutional rights from not just clinic shutdown laws but from a range of laws aimed at blocking women's access to safe and legal abortion services and shaming women for their health care decisions. After years of relentless assaults on women’s health, safety, and constitutional rights, it's about time we had a federal law that puts our health and rights first. To learn more, and to endorse the campaign as an organization, visit actforwomen.org.

Here are some ways you can engage federal lawmakers:

• If your organization puts on an advocacy day on Capitol Hill in DC, incorporate the case and the Women’s Health Protection Act into your discussion and your asks. Determine if legislators are willing to cosponsor the bill.

• Attend an in-person or tele-town hall meeting and ask about reproductive rights. Town hall meetings are opportunities for you and your neighbors to hear firsthand from your member of Congress while she or he is back home in your community. These forums often feature the member of Congress discussing current timely issues, and they often allow for questions from the audience. Feel free to call the local office of your congressperson to ask for details about upcoming in-district events.

• Schedule an in-district lobby visit to hear directly from your member of Congress where she stands on reproductive rights. In-district lobby visits are when a constituent goes to a member of Congress' district office to meet with staff or the member to talk about a specific bill or issue. Find your congressperson’s office information on their website; some members have a meeting request form on their website which you can use to request a meeting, while others may require you to call.

• Organize your supporters to spend time together to make calls, write letters, or send emails to their members of Congress. Contact information for members of Congress is available at Congress.gov/members. Don’t forget—you can also reach out directly to your congressperson on Twitter.
Engaging State Legislators

In state capitols across the United States, state legislators are on the front lines in the fight to protect our constitutional right to abortion and protect women from harmful clinic shutdown laws.

State legislators have the platform to speak directly to their districts, their fellow legislators, and federal lawmakers, and there are many different ways that you can engage them in the national conversation:

- Ask your elected officials to sign a public letter of solidarity to stand with state and local legislative colleagues who filed a friend-of-the-court brief explaining their perspectives as current and former lawmakers and as women who shared their own experiences of abortion. State, county, and city lawmakers are encouraged to support their courageous colleagues—the Honorable Wendy Davis of Texas, Teresa Fedor of Ohio, Lucy Flores of Nevada, and Judy Nicastro of Washington State—by signing on here.

- Educate your state legislator on the case and solicit their support in publicly speaking out about it and against sham laws—online and under the dome. Keep them updated on case developments

- Encourage legislators to share stories from their lives and from their districts about the impact of clinic shutdown laws in their states on social media, on film, and on their chamber floors

- Work with legislators to draft and place articles and op-eds in a variety of outlets, from blogs to major newspapers

- Organize a rally or lobby day and feature your state legislator champions, incorporating the case into their remarks

You can also urge your state legislators to introduce and pass related policy:

- A resolution calling on the Supreme Court to protect and defend our constitutional right to abortion

- A resolution about the safety of abortion

- A bill repealing your state’s TRAP law(s)

Contact Julie Bero at jbero@reprorights.org to discuss policy resources available from the Center for Reproductive Rights to advance these and other measures that will improve women’s health in your state.

4. Rally!

When the Supreme Court hears arguments in Whole Woman’s Health v. Hellerstedt on March 2nd, 2016, we need to be at the Court and in the streets, showing the justices and the media that we won’t put up with clinic shutdown laws. Whether you fundraise for and coordinate a bus to DC, organize your activist network where you live, or join the virtual rally via social media, women across the country will be counting on you to participate. We will share more details with you about the rally soon, but start thinking now about how you will raise your voice to protect our rights.

Be ready to turn out, speak up, and rally!
Thank you

Thank you for joining the effort to protect women’s dignity, liberty, and personal-decision making!

Please contact us with questions or ideas and for support on any of these projects. Want to crowdsource other advocacy ideas? Contact Julie Bero at jbero@reprorights.org to discuss.