

# Trapped in Arizona

By: Emma Weaver



On Friday, April 12th, The Flagstaff Abortion Alliance organized a rally outside Flagstaff City Hall to protest the Arizona Supreme Court ruling on a pre-statehood abortion—photo by Emma Weaver.

*Editors Note: As of May 1, 2024, the Arizona House of Representatives and Senate passed a bill to repeal the 1864 abortion ban upheld by the Arizona Supreme Court earlier in the month. On May 2, Governor Hobbs signed House Bill 2677.*

## Women's Healthcare Reverted 160 Years

Nearly two years after The Supreme Court overturned Roe v Wade, each state has determined and passed legislation regarding whether individuals have access to abortion care or not.

As of the beginning of April, 41 states have passed legislation that restricts abortion after a certain point in pregnancy. Washington D.C. and **eight other states** — Alaska, Oregon, Colorado, New Mexico, Vermont, Minnesota, New Jersey, and Maryland — protect abortion care.

Back in 2022, Arizona passed a 15-week ban that makes it illegal to receive or administer an abortion procedure after 15 weeks of pregnancy. Abortion is only legal after 15 weeks if a medical provider determines it a “medical emergency.”

A Medical Emergency is defined by **state law** as a situation where “immediate abortion care is necessary to avoid the patient’s death.”



Abortion Protesters line the sidewalk outside Flagstaff City Hall and Route 66.

In early April of 2024, after two years of discussion, the Arizona Supreme Court reinstated a pre-statehood abortion ban from **1864** that will completely ban abortion except in the case where the “mother’s life is in danger.”

Planned Parenthood Arizona (PPAZ) released a **press release** after the ruling, letting patients in Arizona know that Planned Parenthood locations will continue to provide abortion for a “short period of time.”

Back in October 2022, when the first discussion took place about reverting to the 1864 ban, the Maricopa County Superior Court entered an **order** that the State is barred from enforcing the 1864 near-total abortion ban until 45 days after the Arizona Supreme Court issued its mandate.

The 1864 law will not be implemented for at least **90 days** after the finalized vote.

Under this order, Planned Parenthood will continue to provide abortion under Arizona’s previous 15-week ban. In PPAZ’s press release, Dr. Jill Gibson, Chief Medical Officer at PPAZ, explained that this law goes against her oath as a doctor.

“I took an oath as a physician to provide nonjudgmental, safe, compassionate, and evidence-based care for my patients,” Dr. Gibson said. “And to soon not be able to provide my patients with that care is completely unacceptable and antithetical to my medical obligations and unfair and unjust to our community.”

After hearing about the court’s reinstatement of the 1864 law, President and CEO of Planned Parenthood Federation of America, Alexis McGill Johnson, stated in a press release that “the government doesn’t belong in their personal reproductive health decisions.”

Despite the Court’s decision, abortion activists are pushing to get abortion rights on the November 2024 ballot. The **Arizona Abortion Access (AAA) Ballot Initiative** is a Constitutional amendment that would overrule the 1864 ruling and make abortion legal in Arizona until the point of fetal viability.

To combat the strict 1864 law, Susan Shapiro, the director of Indivisible Northern Arizona, is leading the Flagstaff Abortion Alliance petitioning hub to collect signatures for the AAA Initiative.





Susan Shapiro, right, walks along the sidewalk outside Flagstaff City Hall where protesters have gathered.

Three hundred eighty-three thousand and nine hundred valid signatures must be collected for the initiative to be put on the ballot. So far, the ballot has collected roughly 250,000 signatures.

“This initiative will override the 1864 ban,” Shapiro said. “It will be the law of Arizona. It will protect access to abortion up until fetal viability, and it will require access to abortion after that point in order to protect the life or health or mental health of the mother.”

Arizona for Abortion Access Initiative states that “every individual has a fundamental right to abortion, and The State shall not enact, adopt or enforce any law, regulation, policy or practice that . . . denies, restricts, or interferes with that right.”

Only **7 percent** of Arizona voters said they supported the pre-statehood abortion ban with no exceptions.

Through working with the Flagstaff Abortion Alliance, Julian Bernhardt, the leader of the NAU chapter of the Flagstaff Abortion Alliance, learned that there are a wide variety of stories and reasons why individuals receive abortions.



Julian Bernhardt, center, stands with other community members to protest the 1864 law.

“No two are the same,” Bernhardt mentioned. “What makes us so unique is that none of these stories are the same, but the government and institutions want to group it all together and force everyone to act a certain way.”

**“No one needs to justify their abortion.”**

Even though the 1864 ban gives an “in-danger” exception, Dr. Gabrielle Goodrick, the owner and medical director of **Camelback Family Planning** in Phoenix since 1999, pointed out that the law, similar to Arizona’s previous 15-week ban, is vague. Leaving doctors to determine how bad a situation has to become for the mother’s life to be considered in danger.



Courtesy photo of Dr. Gabrielle Goodrick from Camelback Family Planning website.

Prior to the 1864 ruling, Dr. Goodrick had a pregnant patient in renal failure who needed dialysis, and despite other doctors telling her she needed an abortion due to the stress her pregnancy was having on her kidneys, they would not perform the abortion.

“It could kill her, but that wasn’t enough,” Dr. Goodrick said. “The doctors wouldn’t do it. They wouldn’t even ask the hospital for an exception. So that’s the problem all around the country, and it’s very big. Doctors are afraid that someone will question that and say, ‘Well, she wasn’t sick enough, or you could have saved the baby.’”

An estimated 625,978 abortions in the United States were administered in 2021, according to the Centers for Disease Control and Prevention (CDC), increasing the rate from the previous year by **5%**.

From 2019 through 2021, Arizona has had roughly **13,000 abortions**, both medical and procedural, according to the Arizona Department of Health Services (AZDHS). In AZDHS’s latest 2022 abortion report, abortions in Arizona dropped to 11,407 abortions a year, decreasing by about 2%.

The **Guttmacher Institute**, a research group focused on advancing reproductive health and rights, categorized Arizona as a “very restrictive” state due to heavy regulations.

Since 2009, when Roe protected the right to abortion, Arizona has had 40 **Targeted Regulations of Abortion Providers** (TRAP) laws in place.

Dr. Goodrick explained that back in 2009, roughly every six months, a new regulation was introduced that required them to change forms, impacted their interactions with patients and affected who could and could not administer abortions in their faculty.



Protester poses for photo outside of City Hall.



For instance, when Arizona Revised Statutes (A.R.S) **36-2155** was passed, it required that only physicians can perform or administer a surgical or medical abortion — stating that “no other qualified medical professionals,” such as nurse practitioners, could provide abortions.



Jasmine Viehe rallies the crowd outside City Hall.

As a result, many rural abortion clinic locations closed, limiting where patients could go to receive care.

Due to the tight TRAP laws restricting how abortion providers operate, there is a lack of doctors in Northern Arizona.

Media relations personnel at Flagstaff OBGYN explained that if a patient needs an

abortion, doctors recommend patients travel to Camelback Family Planning or out-of-state to Nevada, where abortions are legal up to 24 weeks of pregnancy.

Jasmine Viehe is the co-founder of Flagstaff Abortion Alliance, the Flagstaff Outreach Clinical Coordinator for Camelback Family Planning, and Operations Manager at the Coconino Democratic Party, who has been working towards bringing abortion services back to Flagstaff.

“It’s important to highlight that not only is Flagstaff designated a rural community, but we are also meant to serve the rural communities neighboring us,” Viehe explained. “In the entire third region of our state. We are put in this double bind situation that our other large cities in the valley do not have to be met with.”

**Informed Consent**, or the 24-hour Heartbeat Law, another TRAP law, creates more barriers for members of rural communities. The law determines that a patient must have an in-person meeting with a doctor to get information on the risks and outcomes of surgical abortions, plus receive a state-mandated ultrasound, then wait 24 hours before scheduling a surgical abortion or receiving a medical abortion.



A protester holds up a homemade sign.

“A lot of them [TRAP laws] are just kind of medically crazy,” Dr. Goodrick said. “It’s crazy for politicians to practice medicine.”

With the new ruling on the 1864 law, if a physician performs or administers an abortion, it is a felony charge that is punishable by two to five years **in prison**.

After the ruling was released, Governor Katie Hobbs gave an executive order that appointed Attorney General Kris Mayes in charge of prosecuting abortion-related cases. Mayes announced that they will **not prosecute** any abortion providers.

However, other Arizona representatives do not feel the same way.



NAU students gather at the corner of City Hall and Route 66 to protest against the 1864 ban.

Arizona candidate for the U.S. House of Representatives, Republican Abraham Hamadeh, **promises to uphold** Arizona’s longstanding ban on abortion if elected in November.

Representative of District 9, Congressman Paul Gosar, has voted to “**protect unborn babies**” since 2014.

Congresswoman Debbie Lesko, Arizona Representative of District 8, voted NO on the *Further Consolidated Appropriations Act*, which would alligate funding to traveling individuals seeking abortion outside their residential state. In a **press release**, Lesko called it a “radical abortion travel policy.”



Congressman Andy Briggs, Representative of District 5, helped introduce the Informed Consent T.R.A.P law, where individuals are **required** to get a state-mandated ultrasound before scheduling an abortion.

Due to this law, anyone seeking a surgical abortion in Northern Arizona has to make two trips, one face-to-face appointment for information about the procedure and another to perform the abortion, from their home to a clinic in Phoenix.

“In that paperwork, the pregnant person is required to disclose whether they've been offered to see the ultrasound and whether or not they would like a copy of it,” Viehe explained. “And these are people seeking to terminate their pregnancy status. It's completely unnecessary.”

Kari Lake, the leading Republican candidate for Senate, **opposed** the Arizona Supreme Court ruling on the 1864 law, but back in 2022, **she said**, “we will be a state where we will not be taking the lives of our unborn anymore.”

“There's no other medical procedure that anyone has to justify getting,” Dr. Goodrick said.

When obtaining their abortion, Viehe learned firsthand about Arizona's barriers and regulations surrounding abortion that “are designed to instill fear and confusion.”

“No matter what, that is a trauma,” Viehe said. “When you have to search for weeks, and we have this clock ticking down, and the high cost of having to travel out of town or out of state or multiple states, depending on your budget, I have to say it's a trauma no matter how you slice and dice it. It's really not easy for anyone.”



A protester holds up a homemade sign above the crowded sidewalk.

**Studies** show that nearly one in five abortion patients traveled out of state to obtain abortion care in the first six months of 2023. Nearly double compared to 2020, when one in ten patients traveled for care.

According to the CDC, 1,205 women **died** of maternal causes in 2021.



Courtesy lobby photo from Camelback Family Planning website.

“If people are seeking an abortion, they need it,” Viehe said.

With no doctors in the upper third of the state providing abortion care, Dr. Goodrick comes to Flagstaff roughly two Saturdays a month and offers “day one” services. These services allow patients to complete their state-required paperwork, have one out of two doctor visits and complete the state-mandated ultrasound.

After these “day one” services are complete, individuals can take the paperwork out of state to another abortion clinic or Camelback Family Planning.

Viehe remembered a warm and inviting atmosphere at Camelback Family Planning, a beautiful and comfortable building where the lobby is covered in art with lovely quotes that make patients feel secure.

“It just had a very personal touch,” Viehe described. “When I asked about certain symptoms of care, one of my nurses was so sweet, and she said, ‘Well, when I needed an abortion, this is what I did,’ and it just added this other layer of I’m being treated by people who have been treated as well.”

Viehe and Dr. Goodrick reconnected through abortion activism and are determined to bring services back to Northern Arizona. The pilot “day one” services program has seen roughly one or two patients a weekend driving to Flagstaff from areas like Winslow and Show Low.

Despite the 1864 ruling, Viehe and Dr. Goodrick are not planning on suspending services.

“Right now, abortion providers in our state they are staying open,” Viehe announced. “They have no plans to close down.”

Members of the Northern Arizona community can go to the Camelback Family Planning **website**, click on the top banner, and find the phone number and email to set up an appointment.

**“My abortion at 11 wasn’t a choice. It was my life.”**





Courtesy headshot from Nicole Walker.

Nicole Walker published their abortion story 'My abortion at 11 wasn't a choice. It was my life,' on the **New York Times** (NYT) website shortly after Roe fell. In this piece, she asks readers "not to look away" as they tell how their babysitter molested them and eventually got them pregnant.

"When you write about something, it's funny how you bring up emotions and memories that may have been buried for a long time," Walker said. "I mean, I was scared. Obviously, my stomach fell right out of my body. It was so frightening."

After Walker realized they were pregnant, their mother confronted them and asked if they were pregnant, calling it "mother intuition." Walker's mother helped schedule their abortion at the only abortion clinic in Salt Lake City, Utah, called the Utah Women's Clinic.

In 1983, when abortion was still legal around the U.S., Walker described seeking an abortion as "going to a special place for a special appointment."

"The doctors and nurses were not kind," Walker recalled. "They really blamed me. They're like, 'Well, you shouldn't have sex so young.' And I'm like, wait, you know, it wasn't my idea. I think that added a little bit of emotional trauma."

For a long time, Walker would not drive past the clinic despite it being in the middle of downtown Salt Lake. The stigma and the feeling that "only bad people go here" drove Walker to want to leave the state.

Walker moved away from Utah for college, but when seeking to complete their Master's in Fine Arts, she returned to their home state. She explained that moving home was beneficial for their mental health and how to overcome past trauma.

"It's no longer a shameful feeling," Walker said. "Now I drive past that place, and I just say thank goodness, you are here for me. Even if the doctors and nurses were kind of mean, I was just so grateful, and now I don't feel ashamed. Now, I feel a sense of freedom."

When the *Dobbs* decision overturned *Roe v Wade*, Walker felt a "fire burning" that drove them to share their story. Currently, Walker is working on a long-form book about their abortion experience, how their community impacted them, and the outcome of their life.

After their short-form piece was published, Walker was nervous about publishing their story on the NYT big platform, which is read nationwide and can reach people worldwide.

“I felt a little bit stressed about being so exposed,” Walker said. “I was like Erick, my husband’s name. I hope I’m not bringing hellfire down upon us by publishing this. And it didn’t happen. Nothing happened.”

Instead, they received an influx of emails. Some were messages of condolences. Others were women reaching out and telling Walker their abortion story.

Yet a majority were men who reached out to explain that their wife or daughter had faced similar experiences and thanked Walker for sharing their story.

“So it’s become this really big part of my life in telling that story,” Walker explained. “I feel like it opened the doors for other people to tell their stories. And now I really think about how important it is to shape these hard stories . . . because it’s your story, and you should get to tell it however you want.”



A bicyclist rides by holding up a fist in support of the protest.

## “Vote them Out.”

Arizona is one of **13 states** to potentially have a Constitutional amendment regarding abortion rights on the 2024 ballot. Bernhardt mentioned it is not a matter of if they get on the ballot but when, since abortion is “not just a women’s issue, but it’s an everyone issue.”



“Abortion has not lost when it's put on the ballot,” Bernhardt said. “In any state. Abortion has not lost yet.”

Voter turnout has **surged** when abortion rights are on the ballot, uniting people from different parties and political affiliations.

When the 1864 ruling was announced, members of the Flagstaff Abortion Alliance, Indivisible Northern Arizona, and **Arizona List** rallied to organize a protest outside of City Hall. Hundreds of community members, NAU students and faculty members, volunteers, and protest organizers lined the sidewalk of Route 66.

Volunteers walked among the protesters with AAA initiative petitions for registered voters to sign. Protesters held homemade signs and chanted, “We won’t go back.” Drivers on Route 66 honked in support of the protest, causing protestors to cheer and cry louder.

During the protest, speakers addressed the large crowd, inspiring people to believe that change can happen. **Haley Crieghton** is running for Arizona State Senator of Legislation District 7 to show that young people can have a voice in politics. If elected, Crieghton wants to build on the AAA initiative and expand access to abortion care.

“I want to make sure we have access to abortion, not just the legal basis for an abortion,” Crieghton said. “I want to make sure we have clinics, which we don't currently have. I want to make sure we are going beyond and talking about other kinds of reproductive health care and making that easier and more accessible.”

Crieghton spoke to the gathered crowd at the protest, pointing out the importance of voting and who is elected.

Two Arizona Supreme Court justices, Associate Justice Kathryn H. King and Associate Justice Clint Bolick, who voted to reinstate the 1864 law, are up for reelection this November.

“I know it seems like our vote isn’t doing anything, but I promise you that it is,” Crieghton said. “When you see the names of anti-choice people in your legislator, vote them out.”

Viehe was called to Governor Hobbs's office in anticipation of the 1864 ruling but was not optimistic about the court's decision. Eventually, when the ruling was finalized in favor of reinstating the 1864 abortion law, Viehe described it as “a gut punch.”

“For me, it was really powerful and healing to be in the room with our state senators who have been vocal in supporting abortion from the start,” Viehe said. “It was an honor to get to meet Governor Hobbs, but we're heartbroken. So many of us who have been working on this for years are completely heartbroken.”

At the rally, Arizona List helped not only circulate AAA petitions but helped people register to vote in Arizona.

“If you are a student at NAU, you live here,” Shapiro said. “And you can vote here.”



As the sidewalk began to get crowded protesters began to stand on the retention walk outside City Hall to be seen.

Roughly 55 percent of voters between 18 and 29 participated in the 2020 presidential election, the **highest turnout** among young voters since 1972.

An **estimated** 10% of youth voters in Arizona voted in 2014. However, data collected from the 2022 midterms shows that one in four youth voters turned in a ballot.

Despite Bernhardt's sadness at the Arizona Supreme Court's "not humane decision," they were optimistic, looking out at the group of protesters from across Flagstaff that came together to support abortion rights.

"I think that protesting has to have a purpose, and our purpose here is to collect signatures for the Arizona for Abortion Access Act," Bernhardt beamed. "You can come and march and scream and shout, but you got to have a purpose for what we're doing."

Registered Arizona voters can go to Arizona for Abortion Access **website** and search for petition signing events near them.