

[music intro]

[overlapping news clips of the overturn of Roe]

[Deep breathe]

Emma Weaver:

Okay . . where do I begin...

My name is Emma Weaver, and for the last five months, I have been looking into Arizona's abortion legislation since the fall of Roe v Wade, and what I found is that Arizona has had abortion barriers in place since 2009.

Targeted Regulations for Abortion Providers, better known as TRAP laws, have been tearing away at Arizona's access to abortion to the point that Northern Arizona does not have any providers that will perform a surgical abortion.

Originally, I was going to use this time to focus on these TRAP laws, but then the Arizona Supreme Court made a landmark ruling.

[Insert news clip]

[Turning off TV special effect sound]

Emma Weaver:

There is no Plan B . . so welcome to Plan Roe
Episode one... Reinstated.

[Background music]

Emma Weaver:

I am going to try to explain this as simply as possible. The 1864 ban was never officially repealed from the Arizona constitution; instead, state leaders allowed the federal law Roe v Wade to trump this legislation. But when Roe fell, former Arizona Attorney General Mark Brnovich requested to reinstate the 1864 ban despite at the same time former Governor Doug Ducey passing a 15-week abortion ban.

Both legislations contradict each other, with one giving the doctors a right to perform abortion up to 15 weeks of pregnancy and the other only allowing abortion if the mother's life is deemed "in danger."

In December 2022, the Arizona Court of Appeals decided not to enforce the 1864 abortion law, making the 15-week ban the state's controlling law.

But arguments did not stop there.

Dr. Hazelrigg, whom Brnovich appointed the "guardian ad litem of Arizona's unborn children," appealed to the Arizona Supreme Court to overturn the Court of Appeals' decision and reinstate the 1864 law.

In August of 2023, the Arizona Supreme Court agreed to hear the appeal.

Planned Parenthood, and 15 other business owners filed an amicus urging the Supreme Court to uphold the Court of Appeals' ruling.

Jasmine Viehe is the co-founder of the Flagstaff Abortion Alliance and is one of six women who shared their abortion story in the filed amicus.

Viehe:

In one way, I feel very, very proud that I could assist Governor Hobbs and her legal team in drafting an amicus. I'm so grateful that we have such a big supporter in our governor, Katie Hobbs, right now. and she has really stepped up to the moment and is doing everything within her jurisdiction to be able to stand up for our right to abortion in this state.

I felt very proud to work with her and her staff on that. I'm grateful that I was able to lend a story to Northern Arizona; I think my story was unique to our community. At the same time, I'm not optimistic it's going to do anything to sway the courts. At all.

Emma Weaver:

Really?

Viehe:

Absolutely not.

I think we just have to get real and read the room, and I think we've got to stop deluding ourselves and thinking that, you know, while the public supports abortion, our state lawmakers and the people in the court systems are not . . . are not meeting our needs in that way. They're still eroding our access to this form of health care.

Emma Weaver:

Viehe was right.

The Arizona Supreme Court ruled in a 4-2 vote to reinstate the 1864 abortion ban as the ruling law of the state.

The pre-statehood abortion ban states that any person who provides, supplies, or administers medication or other means to a pregnant woman to cause a miscarriage will be imprisoned for two to five years.

This law returned women's healthcare 160 years into the past, but we still have a right to protest, and that is exactly what happened.

[Clip of protest chants]

Emma Weaver:

Outside Flagstaff City Hall, community leaders, members, and students from Northern Arizona University line the sidewalk along historic Route 66, holding up signs in protest of the court's decision.

Cars driving by honked in support of the protest, causing the growing crowd to scream louder.

[Honking honks clip]

Emma Weaver:

Some signs read, 'We won't Go Back,' 'No Uterus No Opinion,' 'Vasectomies prevent Abortion,' and my favorite, 'Now you've pissed off the grandmas.'

Bernhardt:

Let's be clear that no ban is good at all. No ban on abortion is going to be good for anybody's health.

Emma Weaver:

Julian Bernhardt is the lead of the NAU chapter of the Flagstaff Abortion Alliance and was not surprised when they heard the news about the 1864 ruling.

Bernhardt:

The court is the one that's fucking shit up. And I'm tired of it. I cried because I'm human. And everybody around us here today is human. But the people who made those decisions that was not a humane decision. And that was not pro-life. That was made out of a decision and extremely uninformed by what medical professionals have said, by what doctors have said, by what mental health has said. It was a decision that was not humane, and it's not human, and I don't stand by it at all.

[Abortion Rights chant]

Emma Weaver:

Viehe was alongside Governor Hobbs and her team when the ruling was finalized. She remembered not feeling confident about the Court's decision.

Viehe:

When I first got there, they said it didn't look good. And we were still waiting for the vital decisions and the paperwork to come through. And the mood just changed. You know, it went to like this anticipatory moment to just this gut punch, you know?

What we knew was all coming was actually happening, and we rallied together for the press conference.

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. It was an honor to get to meet Governor Hobbs a bit. We're heartbroken so many of us that have been working on this for years are completely heartbroken.

Emma Weaver:

Multiple people I talked to shared similar experiences of dread, despair, and sadness when they heard about the Court's ruling. Haley Crieghton, who is running to be an Arizona state senator for District 7, started revising text messages when the ruling was finalized.

Crieghton:

I saw it pop up at a couple of new sites, and I started crying. It was incredibly scary. It was incredibly disheartening. It was just like, wow, the state failed us, you know. So and then shortly after that, you know, I had a kind of crappy morning. And then I started organizing.

Emma Weaver:

Yet after seeing hundreds of people showing up to the protest, the mood changed. Yes there was anger driving the chants, and still some reminisce of sadness. But there was also a sense of community, support and hope.

Crieghton:

Oh my God, it was one of the most empowering things ever. I am so happy with so many people, so many supporters. Someone said there were counter-protesters. I didn't see a single one.

Emma Weaver:

I think there are three across the street.

Crieghton:

Oh well, you know, we outnumber them by so much. And seeing all the support here, seeing all the people who care, who are motivated, and who are moving on on this issue, was so incredibly empowering.

Emma Weaver:

Optimistic is how Berhardt decided feeling as they watched droves of community members come out to protest.

Bernhardt:

I think that protesting has to have a purpose. And our purpose here is to collect signatures for the Arizona for Abortion Access Act. And that is why I feel so optimistic about this today. You can come and march and scream and shout but you got to have a purpose for what we're doing today. And this is really, really well done. This is so good to see not only just young people, older generations across the entire city to show up here. This means a lot to me today.

Emma Weaver:

Susan Shapiro is the director of Indivisible Northern Arizona, a grassroots organization that is a part of the Flagstaff Abortion Alliance coalition. Currently, Shapiro is leading The Arizona for Abortion Act, a ballot Initiative that will officially repeal the 1864 ban from the Arizona Constitution and make abortion legal in the state of Arizona.

Shapiro:

We're here collecting signatures for the Arizona for Abortion Access ballot initiative, which would amend our constitution to protect access to abortion. The sponsoring organization has released that they have gathered 250,000 signatures so far. I think the next time they will release a number will be when we hit 500,000. Technically, we need just under 390,000 valid signatures.

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.

Emma Weaver:

Petitioners for the Arizona Abortion Access or AAA initiative walked amongst the crowd of protesters, collecting signatures from registered voters.

Toward the end of the protest, Shapiro, Viehe, and other community members addressed part of the crowd while others continued to protest along the street. Shapiro starts off by mentioning how the Flagstaff Abortion Alliance came together.

Shapiro:

The Flagstaff Abortion Alliance is a coalition of local organizers, and we came together almost two years ago now because we wanted to address the issue that there is no access to abortion in Flagstaff or Northern Arizona and hasn't been for a long time.

[Crowd Boo]

Shapiro:

That's exactly how we felt about it.

Before I invite Jasmine up to speak, I just want to remind everyone that we are here because of Donald Trump. He picked three ultra-conservative Supreme Court justices for the specific purpose of reversing Roe v Wade and for bringing us to the place we are today.

[We won't go back chant fade into music]

Emma Weaver:

We won't go back to 1864, but what about 2009?

I previously mentioned Arizona's TRAP laws at the beginning of this podcast, but it is important to know that there is not just one or two of these laws in place. There are forty TRAP laws in the Arizona legislature.

These laws state that only physicians are allowed to perform surgical abortions or prescribe medical abortions. Arizona has a 24-hour heartbeat law, which mandates that anyone receiving an abortion must complete a state mandated ultrasound and then wait 24 hours before scheduling their abortion or receiving medication.

On top of that, every appointment has to be in person. No telehealth visits are allowed when an individual is looking to have an abortion.

So as Viehe explains Flagstaff is put into a double bind situation that larger cities in the valley such as Phoenix or Tucson, do not have to deal with.

Viehe:

Unfortunately, we have not had regular abortion services provided here in Flagstaff since the Dobbs decision. Did you guys know that?

[Boos]

Viehe:

And even before then, the way that the state they have been deteriorating our rights for years before that, decades before that. To the point that here in Flagstaff, before the Dobbs decision, you could not get a surgical abortion in Flagstaff. Did you guys know that? You could not get a surgical abortion in Flagstaff in 2016.

Crowd member:

What the fuck?

Emma Weaver:

The city of Flagstaff is considered a rural community yet the city is also meant to serve and support the other rural communities around us.

Think about it this way – there is no one in Northern Arizona, the upper third of the state, that will perform a surgical abortion. If individuals in Northern Arizona need a surgical abortion they are left to decide to either drive 6 hours to Nevada or California, where abortion is legal up to 24 weeks of pregnancy or drive two to three hours to central Phoenix not once but twice due to the 24 hour heartbeat law that I mentioned.

Viehe:

So that's why this moment is so important. They have already stripped us of so little. We just have these threads of services available to us. These little tethered threads.

So it is so important that we come out and we represent, especially in our rural communities. We need to represent ourselves and we need to make representation for the other rural communities that we are here to serve.

Emma Weaver:

Crieghton spoke at the protest about the importance of voting in this upcoming election. Especially when two of the Arizona Supreme Court justices, Associate Justice Kathryn H. King and Associate Justice Clint Bolick, who voted to uphold the 1864 abortion ban are up for reelection.

Crieghton:

I know it seems like our vote isn't doing anything, but I promise you that it is. I promise you.

If you didn't know we get to vote for our justices here in Arizona, so when you see their names on the ballot, get them out of there.

When you see the names of anti-choice people in your legislator, vote them out. And when you see the names of pro-abortion candidates like myself, who are dedicated to fighting not only for AAA but beyond that. For access to abortion, for comprehensive sex education, for free contraception, vote them in.

[vote them out]

Emma Weaver:

Don't worry that is not where this story ends.

[Breaking news clips]

Emma Weaver:

As of May 1, the Arizona House of Representatives and Arizona Senate passed a bill that will officially repeal the 1864 ban. On May 2, House Bill 2677 was signed by Governor Hobbs, reverting the state back to its 15-week abortion ban.

If registered voters in Arizona want to sign the AAA ballot initiative, they can go to www.ArizonaforAbortionAccess.com and search for petition signatures in their area.

We may have won the battle but the war is still to come. Arizona's 40 TRAP laws are still in place. There is still no access to surgical abortions in Northern Arizona. Individuals in the state seeking an abortion whether it is medical or surgical are subjected to a time constriction. And if they miss that 15 week window, they have to travel out of state to receive care.

I want nothing more than to wrap this story up in a nice ribbon and bow ending but the truth is there is no ending to this story.

Even if the AAA ballot initiative gets on the November ballot and passes, Arizona is only one out of fifty states. Only eight states and Washington D.C. have passed legislation that protects abortion until fetal viability. 41 states passed legislation that restricts abortion after a certain point in pregnancy. Florida and Texas, for example, have a six-week abortion ban and Alabama's Supreme Court deemed that frozen embryos from in vitro fertilization or better known as IVF treatments are considered "unborn children."

So there is no ending because abortion is here to stay and will get debated on every and all playing fields.

[Fade out music- Right song]

Emma Weaver:

Plan Roe was written and created by me, Emma Weaver. Special thanks to members of the Flagstaff Abortion Alliance and community members who took the time to talk to me. Thank you to my capstone professor, Rachel Cox, for helping me complete this project.

If listeners want to learn more about Arizona TRAP laws and how they impact individuals in rural communities, they can visit my website and read my investigative article, Trapped in Arizona.

Music By:

Intro - One Last Breath by Tommee Profit

We Won't Go Back by MILCK BIIANCO

Right by Morgan St. Jean

Outro - Eye of The Untold Her by Lindsey Stirling