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Jess: Friends, fellow nerds. Our end of year fundraising campaign is still going on. We've raised money, but we haven't quite met our goal yet.

Imani: Jess and I put everything we've got into each and every one of our episodes because we know that these stories matter. We work hard for your money and for your money. So hard for it, right?

Listen. In all seriousness, we're making a real difference in the national narrative on reproductive freedom and the law. And we're making a real difference in the lives of our listeners.

Jess: This work matters. And the best part is that it's made possible by the people we serve. So please, could you help us close the gap and raise \$40,000 by December 31st? It's an ambitious goal, but we think we can do it. If we do, we can keep doing what we do best keeping you informed. Your donations will help keep our content free and accessible to everyone. So visit rewirenewsgroup.com/donate.

Imani: We work hard for your money. Boop boop boop boop. So hard for it honey. So please donate.

Hello, fellow law nerds. Welcome to a very special episode of Boom Lawyered, a Rewire News Group podcast hosted by the legal journalism team, half of which is recovering from foot surgery. I'm Imani Gandy, Rewire News Group's editor at large. And today I'm joined by Andrea Grimes.

Andrea: Thanks for having me. Appreciate it. It's good to see you and hear you. Yeah, it sucks. There are. There are no, like, gift baskets and fun freebies. It's all just hellscape the nightmares. Pretty much. 24 seven. But there's certainly no lack of content so that, you know, it's not boring. Indeed. But first of all, that would not be fair to Mexico.

And also, there are also plenty of indigenous groups here in Texas that should get their land back. Anyway, sorry, that's a whole other conversation. Not that I've had it a thousand times on the Internet in the last five days. Right. So, you know, I mean, the vast majority of coastal reporters are doing an okay job. And, you know, it's really just sort of your average chuckle.

What can I cuss on this podcast? Okay. It's really like your average smug coastal liberal chuckle fuck with the why doesn't Texas secede? Why don't we chop it off? Why don't they why, why, why do any women live in Texas? Yada, yada, yada. Right. There are 30 million people who live in Texas and we have kids and families and schools and jobs and all of the reasons that anybody lives anywhere.

30 million of us live in Texas. Right. And it is exceedingly rude, ablest, presumptuous, smug, snarky to suggest that the best alternative is for us to spend, what, ten, 20, 30, 40, \$50,000 moving? Where to California. Where housing prices are triple What? They are here right. You know, I these same coastal liberals are not exactly breathing down our doors to invite us to come stay in their capacious guest rooms and, you know, hire us for the same jobs that we have here.

Right. They're just like, you know, it's a really simplistic approach to sort of just roll your eyes and say, why don't you just move? And I do want to give credit to the folks in blue states and ostensibly abortion friendly geographies who don't do this shit because the people who are actually working every single day to make sure that in California and Oregon and Washington and Illinois and New York that abortion access stays possible there.

Those people are not the people talking shit to people like me, right? It's the people who are, you know, just posted on the Internet all day long. Right. Who come in there and say, you know, there's nothing we can do. You should just move. But there's plenty of shit to do. You can donate to candidates here. You can donate to campaigns, You can donate to abortion funds.

You can literally just give us some money right? Look, shutting the fuck up is 100% an option. And I always advise that to basically anyone on the Internet for any reason. But yeah, so it's frustrating. It's shitty to hear. It's not helpful, it's not insightful, it's boring. And like, I like, I don't know, like, I think I've been hearing it for, like, ever since I was on the Internet covering this stuff, you know, 17 years, almost 20 years.

So, like, it's not new, it's not original. It's a snooze rape. Yeah, well, and not for nothing. Texas is majority Latino state. The South is majority black area, Right? Even the Midwest, right. Like highly diverse. So so the folks that, you know, are being written off are not folks with historically a lot of resources right there. Folks who like, are already battling voter disenfranchisement and disenfranchisement, gerrymandering.

Right. Just your regular old poverty and nonsense like systemic oppression. Right. Like, it's just it's really like shitting on people when we're down and it is boring and it's up.

Yeah, it's like, Well, I mean, I think, like. Okay. Yeah, sure. Right. Right.

Andrea
Okay.

Yeah. I mean. Right. So. So you certainly can't. Like, it is extremely fucking notable that abortion is banned in Texas, right? Like, that is a massive fucking change. You cannot get a clinical abortion here, right? Even if you're at that store, nobody's getting an abortion in Texas, right? Very, very, very few people are getting clinical abortions in Texas.

Right. So that on its own, of course, just like massive difference, of course. But I was thinking this the other day, like I the first interview I think I ever remember doing on the subject of reproductive rights would have been in like 2010 with comms person from the Planned Parenthood in Dallas. Right. And she is walking me through their beautiful center with all of their things and their waiting room and their daughter that had died, you know, And she's telling me she's like, you know, we're really trying to get ahead of some of this legislation because we're looking at what's coming on the pipeline.

Like some of this stuff could be, you know, really dangerous for access. Like we could we could go to having only like 30 or 40 clinics in Texas and that's going to be a really long drive for people. Right. And I was like, Wow. Well, I guess. But I don't know, like, maybe like that seems like a little much, right?

And this was me after having written a feminist blog for, like, five years. Right? And then, you know, stuff really started kicking off in 2011 with that legislative session here with defunding Planned Parenthood, the mandatory ultrasounds, all of this stuff really had really started coming to the forefront. Of course, antis had tried iterations of it for years, and that's really when the momentum built up.

And then again, I remember talking with Amy Hagstrom Miller of Whole Women's Health, and I think some polls from the Lilith Fund at the time, you know, and they were just like, you know, we are really looking at folks having to drive out of their towns for care. You know, we're looking at maybe a quarter of clinics may close.

Right? And and it was an emergency then. Right. And it was an emergency then, because that emergency pre-staged this emergency where we have no clinics, where you can't even drive to Oklahoma or Louisiana. Arkansas. Right. So you know, it's a different kind of emergency now. But if folks had believed people raising the alarm in 2011, we wouldn't be having this emergency because they are the same emergency right there.

It's a it's a continuum. Right? It's not a stop and start right. So, yeah, when I when I think about like but I mean, I do have moments where I think like, gosh, that was that. What a fun time when I could like when, when the problem was mapping out the abortion clinics in Texas and identifying where they are and calling abortion clinics to see what are your hours, Are you doing Right. Like when there were people to call and report on instead of the just absolute decimation to access here that we have now and yeah, yeah, man. I have to say, like, you know, whenever I see the sort of like frothy tweets from the person that's just like lives to fantasize about how much worse it could get or like, whatever, like within five tweets of whatever they have tweeted, There is A Handmaid's Tale reference.

And I'm like, I see you're one of those. You want the TV to be in the real life because you like the TV part of it, right? So, like, it's shit is really, really fucking bad. It is. It's been bad for years, right? The Bounty Hunter law in Texas went into place in 2021, right? That's how the before Roe fell, right?

Like I said, it's been an emergency in Texas across the south and parts of the Midwest for years. Right. And folks who I think want this like magical catalyst. Right. I think they're waiting for it because they want it for themselves. They are waiting for the excuse for the time when somebody comes and knocks on their door and says, now is the time that you can do something.

Right. Because until then, they don't want to do something. They want to tweet, right. And tell people to move and hand-wringing and fantasize. Right. But like the the dystopian fantasy is here now and, you know, it's not the you know, I think folks are looking for a response apparatus that is as dramatic as the fantasy nightmare that they have.

Right. They imagine that when the time comes right, they will build the tunnel under their home and shuffle pregnant people under the border to New Mexico. Right. Or or they're going to be like the clearing house in Portland, Oregon, where people are flying in from Idaho. And and they're going to have a checklist and stand at the door and pet the pregnant women on their hands and hold them and tell them.

And it will it will be okay. Right. That's not what pro-abortion activism looks like, right? Like it's just not it's about reading and writing and staying up on your shit. It's about calling your representatives. It's about donating your money. It's about maybe volunteering as a clinic escort. If you have a need for that in your area. Lots of those places are overrun with volunteers, right?

The actual work of pro-abortion activism can be pretty boring because it looks like a lot of the rest of activism, which is, you know, spurts of action, right? Maybe a protest, maybe a boycott, this sort of stuff. Right. But like, for the most part, it's staying educated, voting, you know, creating mutual aid apparatuses, donating money and time. And it's not that you get to go out in the middle of the street and wave your ladies flag and be celebrated as like the queen, like mayor of saving people's lives.

Right. Exactly. Like, I mean, there are moments that have felt like that to me, right? Like, you know, the Wendy Davis filibuster in Texas. Right. Was incredible. It did feel like the flame is moment. Right. But also like that was about you know, I mean, really ultimately even with that was like three or 4 hours of like true drama.

And on either side of that was about a month and a half of sitting and watching legislative hearings. Right. Right, right, right, right. Yeah. I mean, the whole apparatus is different. And the the the concept of, you know, the aid and about abortion T-shirt, loud and proud thing. I get it. But, you know, I think for me, when I look at folks like that, you know, and absolute like you're totally fucking right.

Right. Like they're on trial. It's going to be like the prosecution's going to print that out on a billboard and put it like over the courthouse. Right. Like showing the the person with that t shirt,

which sucks for them, but maybe they think that they're entitled to take that risk and they're prepared to, you know, to take that risk.

Right. But who are you? Yeah, right. Well, and there's a there's a sort of a something there on that, which is that if you have aid and abet aided and abetted an abortion, there's going to be an investigation into said abortion. Right. And I think that folks who imagine themselves these heroes of other people's abortions don't take into account that they're not entitled to make a risk.

Risk assessment for the people they have assisted. Right. So, you know, being out there loud and proud, I will aid in a bad I'm doing pills, I'm done. And I'm not talking about activists who know what they're doing, who are making political statements. I mean, you're like auntie, right? Who's out there like jibber jabber, right? Like the folks who are going to be actually criminalized for having abortions.

And in some states, you still can be criminalized for having an abortion. And also, abortion doesn't have to be literally illegal for people to be prosecuted and criminalized for having abortions. You know, the trail leads back from you to them at some point. Right. And so I think that's where it really gets me, is that I don't think that these people who I'm sure have great intentions and want to be the heroes of these abortion stories are not thinking about the folks down the line who've had abortions, who are connected to the right, who could be connected to them.

Right. Like, that's just not a risk assessment you can make for another person. Maybe demonstrably false.

Yeah. I mean, I you know, I this is really been on my mind, right? Because I do think that SBA, the Texas Bounty Hunter law, sets that precise present precedent.

Right. Of not literal legal precedent, but like idea. Right. As you're saying that, like any motherfucker anywhere is entitled to feel that way and not just feel way, but profit off of feeling the way. Right. And I it seems to me and I like you're the actual expert here, but it seems to me that there are some Supreme Court judges who are very into that idea.

Right. Who I'm thinking of Clarence Thomas. Right. Who just like, really seems to feel like whatever he feels about a thing entitles him to whatever, you know, decision, right. To control over other folks lives. Right. And obviously, that's at the root of his wife's entire history in anti-abortion activism. Right. So, like it is, I think the idea is certainly compelling to a possible majority of the Supreme Court.

I don't know. But I think that the you know, the message behind the idea of sort of the fundamental concept certainly is at the heart of everything the anti-abortion movement has ever done. Right. If you didn't feel entitled to project your feelings and pathologies and weirdness and controls and religious beliefs onto other people, the anti-abortion movement wouldn't exist in the first place, right?

So this whole thing is is really you know, it's it's the logical outcome of all like, you know, decades and decades of anti-abortion activism. I think it's it is, you know, in in the same way that abortion criminalization is the logical outcome of all of of the anti-abortion movement. I think that the roots of this control. Right. Is also embedded in this, you know, sort of presumption that your beliefs and feelings trumped anybody else's beliefs and feelings.

Right. And that you have and that you're entitled to their time, their body and their resources because of that, the right right, right. Yeah, right. Sure. Right. Yeah. I you know, I think there's two points in response to that, which is, number one, the I mean, the the hypothetical of harm from the gay wedding website thing is so odious.

I in light of the fact that the actual harm that two dozen women in Texas have been through in the zero skills lawsuit. Right. Where they're saying this was the harm that was visited upon me and the courts are saying, no, that's sort of like never. Right. But then this couple fucking Colorado who, like had to think one time about maybe building a square space for some gays is like being, you know, systematically oppressed.

Right? That is super fucked up. But the second point and this is actually this is a new thought that is occurring to me. Thank you, Imani, for bringing this into my in my brain is, you know, this creation of hostility between abortion providers and patients I felt was really, really strong in the court hearing at the Texas Supreme Court, where I went and watched the hearing a couple of weeks ago in this, ah, Wolski case.

Right. Where? Yes, sure. So there's Roski case is two dozen Texas women who were denied abortions at mostly ish later ish terms in their pregnancies, folks who had untenable fetuses on viable diagnoses or who had life threatening complications from their pregnancies have banded together and are suing the state of Texas basically to not to like entirely overturn the whole shebang.

Right. But to say we want the we want these medical exemptions clarified just so this harm doesn't happen to anyone else. Right. So at this point, there's like two dozen women and doctors and their doctors have joined this suit. Right. So, of course, a noted asshole, Ken Paxton, our Texas attorney general, criminal asshole, Ken Paxton is appealing this and all of the nastiness.

So there was a hearing at the Texas Supreme Court a couple of weeks ago. I went and watched, and it's all Republican nine judge panel. And, you know, the judges kept asking the Molly Duane, the lawyer for the Center for Reproductive Rights. Yeah, yeah, yeah. But why don't these women just sue their doctors? Because their doctors are the ones who denied them the abortions, Right?

Why don't they sue the hospital? Because the hospitals are the ones who are risk averse, and they didn't want to do the abortions. What is the state of Texas? Have to do with any of this? Right. And it was really like trying to create this opposition and hostility between people and their doctors, between pregnant Texans and their doctors and their hostility simply doesn't exist.

Right. These doctors are in these lawsuits with their patients. And in one very notable case, there is a doctor who herself was denied an abortion when she needed one. Right. And, you know, at the press conference afterward, you know, two of the women stood together, one of the one of the formerly pregnant women and her doctor. And she said they kept asking why?

I don't know. Why don't I sue this woman standing next to me like, why don't I SEWER Because we've both been through this, right? And so just like this creation of hostility between doctors and patients and the the demonization of abortion providers, which of course goes back since, you know, anti-abortion time immemorial, but just really, really continues. And they're having to work even harder, I think, to demonize providers, because I think the public is really catching on to the fact that, you know, if you're facing \$100,000 in fines and life in prison and the loss of your medical license, it kind of makes you sympathetic as an OB gynecologist or an abortion provider.

Right. So it's just it's so nasty. And I just hate it's not fair. Yeah, right. It's like. Right. It's not the remedy. Right. Like, and it's not going to stop anything. It's not like even that, right? Like, it's just not it's not the remedy. The problem is the law. The state of Texas is responsible and they at every turn, they are issuing the responsibility that they have to ensure that folks can get the health care they need.

And it's just shameful. Yeah. Well, I. Right. I mean, but, you know, the key Cox has demonstrated that she's noncompliant right. That's the problem, right? It's okay if white women who will go die at home like mother in the 19th century, Right? Cough, cough, coughing themselves to death. Right. That's the sort of woman that they would like to sort of have.

That is their ideal woman. Right. Bonus if she's white, especially. Right. But like Kate Cox has demonstrated that she's not compliant, that she privileges her life, her body over, you know, sacrifice thing herself and leaving her children without a mother. Right. Like and so it's the you know, they Ken Paxton and Greg Abbott don't want women like Kate Cox raising children because those children might learn that you can stand up to the state, that you don't have to do what you're told.

Right. And no. Yeah, it's nasty. It's everything bothers me. No, the number one thing that I always want to close with and stuff like this is don't tell people in red states to just move. The best thing that folks can do to support abortion access anywhere is donate to abortion funds, donate to mutual aid funds in red states.

Right. But also, like get involved in your own abortion friendly community. Right? Because we have seen Republicans in New Hampshire just proposed a 15 day abortion ban in New Hampshire. Right. Okay. We know like the city of Beverly Hills is going after a like multi term

abortion provider there. Right. Like there are places all over the country where you think abortion access is safe and it's absolutely fucking not.

And it won't remain safe and protected unless folks get involved. So don't become complacent. Figure out what's happening in your community. Make sure that what happens there is positive, you know, and not don't you know? Because if you give these anti-abortion motherfuckers an inch, they will take light years. They just will, Right? So that's my call to action.

Absolutely. Yeah. Yeah. It's home with the Armadillo Dot blog. And so it's my newsletter. I send out a weekly update on abortion issues is just like a sort of a digest of what's going on with abortion stuff. I also do a bit of a holler. Everyone once in a while. So yeah, Home with the Armadillo Dot blog. Thank you.

Right that gotcha. The I have been enjoying their posts so much. A true delight a true delight. Yes. And see you on the tube right.