

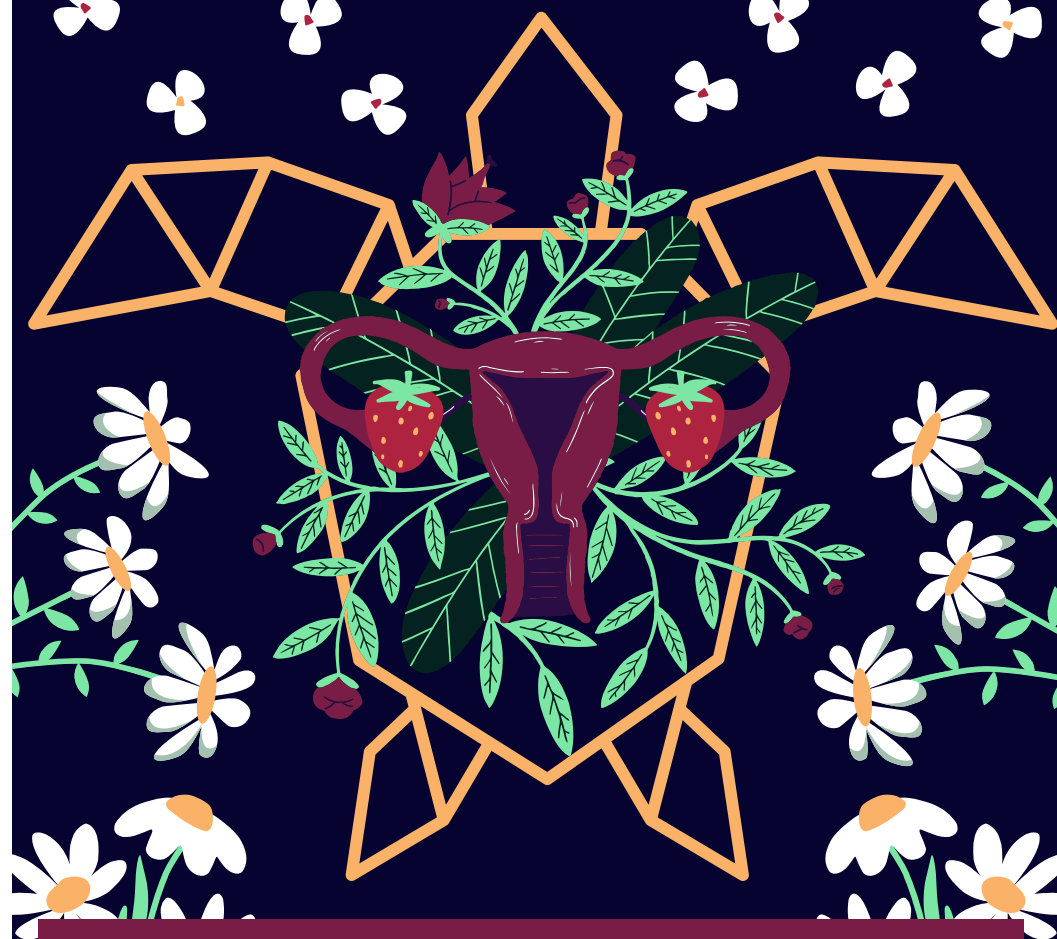
ABORTION ACCESS AND INDIGENOUS PEOPLE

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*First in the Protect the Sacred series
Written by Tobias Soudaly-Espinosa
Graphics by Tobias Soudaly-Espinosa*

PURPOSE

We are Great Plains Action Society, an Indigenous-led non-profit of folks living in the Great Plains region, resisting colonization and re-Indigenizing the land and the world around us. At Great Plains Action Society, our mission is to address the ongoing harm caused by settler-colonialism. One of the deepest harms that that colonization has brought is the disrespect of and violence against bodily autonomy, especially non-white, non-cishetero, non-male bodies.

The loss of abortion protections has been devastating for women and afab folks across the US, but many bipoc people saw it coming. That is because, truthfully, abortion has always been on this teetering foundation. Never truly accessible, especially to bipoc, rural, immigrant, and low-income peoples. Now with red states passing as many restrictive bans as they can get away with, people need to mobilize more than ever if we want to keep what rights we still have and gain back the rights we've lost.

SOURCES AND RESOURCES

I read every single one of these articles, reports, and webpages while making this zine. This is an incomplete list! Some of these resources are old, but that is to avoid any sources that may have been produced by AI and see the bias that existed at the time. In no particular order:

1. The Hyde Amendment and Access to Abortion for Native American Women Using Indian Health Service Facilities (2014)
2. Indigenous Women's Reproductive Rights: The Indian Health Service and It's Inconsistent Application of the Hyde Amendment (2002)
3. Abortion in Early America (1997)
4. History of Planned Parenthood
5. A Timeline of Contraception
6. The Hyde Amendment and Coverage for Abortion Services Under Medicaid in the Post-Roe Era (2024)
7. Abortion and Women of Color: The Bigger Picture (2008)
8. Scarlet Letters: Getting the History of Abortion and Contraception Right (2013)
9. Reproductive Rights Denied: The Hyde Amendment and Access to Abortion for Native American Women Using Indian Health Service Facilities (2014)
10. Comparing Immigrant and Native Abortion Rates (2015)
11. Historical Abortion Law Timeline: 1850 to Today (2021)
12. Supreme Court Overturns Roe v. Wade, Indian Country Responds (2022)
13. Abortion Clinics in Indian Country? (2022)
14. Emma Goldman: American Anarchist (2024)
15. Emma Goldman Clinic (UI Archive)
16. The Hatch Amendment Calling on Congress and Individual States (1982)
17. Planned Parenthood & Birth Control History: Collections (1966-1974)
18. The Racist History of Abortion and Midwifery Bans (2020)
19. The Founding of the National Medical Association (2007)
20. 1968: The Young Lords Organization (Library of Congress)
21. Abortion Funding Ban Has Evolved Over The Years (2009)
22. AMA Apologizes to Black Doctors for Racism (2008)
23. Unwanted Sterilizations and Eugenics Programs in the United States (2016)
24. 1976: Government Admits Unauthorized Sterilization of Indian Women (2011)
25. The Lost Generation: American Indian Women and Sterilization Abuse (2004)
26. Her Story: Denise Oliver-Velez (2020)
27. Dr. Helen Rodriguez Trias (National Park Service)
28. Racial and Ethnic Disparities Continue in Pregnancy-Related Deaths (2019)
29. Indigenous People Unite to Navigate Abortion Access After Roe (2023)
30. Biden's Budget Proposal Reverses A Decades-Long Ban On Abortion Funding (2021)
31. 'Reproduction on the Reservation': The History of Forced Sterilization of Native American Women (2019)

It's important to learn this history and do the work of sharing it. With everyone you trust. Share this zine, learn more about how groups like Planned Parenthood, the Young Lords Party, and National Birth Control League were able to make the wins that they did. Learn about how the conservatives have been able to seize power to learn how to combat it. The ACLU and Planned Parenthood Action Fund and groups like them have done the legal labor of suing unjust governing bodies. Give them all the support you can. Write your legislators, remember you have civic power when you choose to vote- and you can use it to vote out assholes who go after your rights. Organize with your community to determine whether your legislators are worth keeping, or if it's time to rally and find someone who is.

From us at GPAS, we have more zines like this coming out this year and opportunities to do that organizing coming soon. Check us out at www.greatplainsaction.org and keep an eye out for the rest of the Protect the Sacred Zine Series and So What Do We Do?: A Companion Zine in Getting into Organizing. Find your community and remember: knowledge is power, and we're strongest together.

At the foundation of every successful movement is information. "Knowledge is power" isn't just a cute cliché phrase to be taken lightly. You cannot fight what you do not understand and expect to win. This is the first in a trilogy of zines: "Abortion Access and Indigenous Peoples", "Missing and Murdered: An Introduction to the MMIR Crisis", and "The Intersectionality of Abortion Access and the MMIR Crisis".

In this zine, we're covering some brief histories, their impact on our communities, and warnings from the past to help people new to the cause get caught up, understand the dynamics that are at play, and maintain hope and care as we navigate what's to come. This zine is not intended to make you feel hopeless, though it's a daunting history to learn and an intimidating fight to take up. This zine is meant to inform you and hopefully motivate you to seek out your place in the cause. There are many roles that need to be filled in fighting for social justice. Be on the lookout for our companion Zine "So What Do We Do?" coming out later this spring 2025.

Our fight for reproductive justice is a fight for cultural sovereignty and also a fight for the safety and wellbeing of our communities. Keep learning, keep having hard conversations, keep your friends close, and remember that learning and speaking out ARE resisting.

With Love

The GPAS Team

Written in February 2025

This zine is also available on our blog with clickable links to sources! Find it by scanning this QR code:



WHAT NOW?

Right now there's a lot going on. There's good reason to be anxious, scared, or exhausted, at least at the time of publication. I sincerely believe there will come a day where someone finds this zine in a dusty attic or library archive, incredulous about the history we're living through. Disbelieving that anyone would let it get this bad, from the comfort of a future where abortion access is codified into our constitution, where reproductive health care is safe, consensual, destigmatized, and even free.

In the meantime, it's been 2 ½ years since Roe was overturned in 2022. The Comstock act resurfaced to target contraceptive access next. Fascists are in power stripping every regulatory agency we have of power and resources while Federal judges and organizations sue every executive order they can, if not to stop the current president, to at least slow him down and reduce as much harm as possible. It's difficult, but it's imperative to maintain watch over bills like HR722- a bill that would amend the constitution's 14th amendment to include "the right to life of each born and preborn human person." Such a bill would pave the way for banning abortion nationwide.

And he's right. There are many indigenous stereotypes, including this romanticized notion pervasive in leftist spaces that indigenous peoples were right about everything when it comes to living on this land and everything would be better with indigenous matriarchs running everything. While many indigenous practices are good for the environment—holistically living with the land, not just on it, and in community with all relatives, human and not— that doesn't mean that indigenous people have the responsibility to do all the work of providing access for everyone. Nor does it take into account how much hurt indigenous communities have gone through and the distrust still rampant in our communities for good reason.

We'd like to assert that this has to be a group effort; The weight of providing, fighting for, and protecting abortion rights must be a collective effort across all residents of Turtle Island. It is not solely the responsibility of Black or Indigenous women to save anyone, we must collectively save ourselves AND each other.

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A BRIEF HISTORY OF ABORTION

Abortion has not always been a legal issue as it is today. For the first century of colonization, abortion was legal in the English colonies, even though it was frowned upon. Black and Indigenous women were the main providers of reproductive care, followed by some white midwives. Smear campaigns by White, Christian male doctors were started in the 1860s and specifically targeted Midwives and Black women to be able to capitalize off of this care, control slaves, and control women during the suffragette movement. Lobbying campaigns successfully got abortion banned in every state by 1910 and passed other laws such as the Comstock Act, which banned anything “obscene” from being distributed in any way. One such group of white male doctors was the American Medical Association (AMA) who used their position as an organization to keep women and Black doctors out of work and without proper care, (they have since issued an apology for the group’s previous policies and actions in June, 2008).

A 2022 supreme court decision (Castro-Huerta vs. Oklahoma) gave states the jurisdiction to prosecute non-natives who commit crimes against Indigenous peoples. This opens the door for states to prosecute abortion providers. No tribe has yet to announce any plans to establish abortion clinics on tribal lands as of January 2025. Only one tribal leader has ever suggested opening a clinic on tribal lands: Cecilia Fire Thunder, who was Tribal President of the Oglala Sioux in South Dakota in 2006, and she was impeached for that specific remark, likely in no small part due to the fear and distrust many indigenous people still feel towards doctors because of forced sterilizations.

Darren Thompson wrote an excellent piece on the subject, entitled “Abortion Clinics in Indian Country?” He writes, “Author’s Note: The commentators, influencers, and assertions that tribes can provide a solution to providing abortions is harmful and false. Positioning Indigenous people and lands to be the savior of American rights is the continuation of the same story that has romanticized and misinformed people for centuries.”

Despite over half of Iowans polled (57%) showing support for maintaining abortion rights, all of these consecutive decisions— along with an oppressive state congress, state supreme court, and governor— paved the way for Kim Reynolds' 6 week ban passing in 2023, and its eventual implementation in 2024. With the Hyde amendment at play, and no abortion clinics on tribal lands, whatever access indigenous people have is dwindling, and for the first time in 40 years, white people are feeling the squeeze too.

In the immediate wake of Dobbs, there was a call from some people online for tribes to start providing services, but there's more than the Hyde Amendment to worry about on that front. If tribes were to attempt to open abortion clinics, they would need to be privately funded (Hyde amendment) and in compliance with local, state and federal regulations of health care— a massive undertaking that requires a ton of infrastructure, money, and time. Additionally, tribal doctors are licensed through the state. If doctors were to provide abortions on tribal lands in red states, where they're needed the most, they risk losing their medical licensure. Only doctors with completely unrestricted licenses are allowed to work with the IHS.

In response, many groups got to organizing. It's worth researching the origins of the National Medical Association, as they are the largest and oldest organization representing Black doctors and Black patients. In this zine, we're more focused on the women across the country who started the fight for abortion rights. Planned Parenthood is famous for their work in reproductive healthcare, so it shouldn't be a surprise that it was founded in the midst of that early organizing in 1916. This comes right after the women's suffrage movement was coming to a close.

Left: An anti-birth-control demonstrator outside a new Planned Parenthood center in New Haven, Conn., in 1963.





Photo: Margaret Sanger, her sister Ethyl Byrne and supporters on the steps of a courthouse in Brooklyn, New York, on January 8, 1917. This photo was taken during the trial accusing Sanger and others for opening a birth control clinic in New York. There is no identification of the photographer, Public Domain, Wikimedia Commons.

A nurse, Margaret Sanger, studied birth control methods in Europe while it was illegal to learn in the US. After returning, she and her sister, Ethel Byrne, and an activist, Fania Mindel, opened the first birth control clinic in Brooklyn, New York City on October 16th, 1916. They were open for 9 days under the name Planned Parenthood- providing birth control, abortions, and birth control education- before they were raided and shut down by police. In 1936, the United States vs One Package of Japanese Pessaries case won physicians the right to distribute contraceptives in New York, Connecticut, and Vermont.

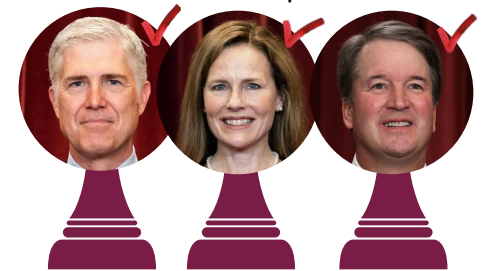
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PBS has an in depth timeline of contraceptives here:



DOBBS VS JACKSON ON TRIBAL LANDS

Dobbs vs Jackson Women's Health Organization is the name of the case that famously overturned Roe vs Wade. The impact has been felt across the country. In the year since Dobbs, sexual assaults nearly doubled, according to the National Domestic Violence Hotline (NDVH). Dobbs is actually not the first reversal attempt, there was a failed constitutional amendment in 1982 called the Hatch Amendment that would have federally banned abortion, clearly part of the legislative retaliation against abortion rights passing. With its failure, a more long term strategy seems to have been implemented.



Dobbs was a culminating chess play in that larger strategy, as seen through all 3 of Trump appointed justices voting against abortion rights, and the various trigger laws across 13 states all banning abortion the day the Dobbs decision came out. Not coincidentally, these states are home to some of the largest Indigenous populations. Even just in Iowa, exactly one week before the Dobbs decision, the Iowa supreme court ruled that the state constitution doesn't protect abortion rights, a reversal from a 2018 decision.

There have been exceptions where the Hyde Amendment was not included in several state budgets, but the Biden Administration was the first to federally omit the Hyde Amendment from their budget planning in 2021. An NPR article describes the amendment as a “rider” to an annual appropriations bill. This means that every year there is a chance to fight to omit this amendment, but most often it gets lumped together with other budget bills that are too important to postpone. While overturning the Hyde amendment is the ideal, current focus should be on preventing new restrictions and harm reduction under the current presidency until we can overturn abortion bans and funding restrictions entirely.

POLITICS

Biden's Budget Proposal Reverses A Decades-Long Ban On Abortion Funding

MAY 31, 2021 · 1:36 PM ET



Sarah McCammon



Before we return to the point, it's important to note that Sanger was a big believer in eugenics, and it was very popular among wealthier, educated White people at the time in both the US and Europe. Much of her other work, in Planned Parenthood's own words, “undermined her movement for reproductive freedom and caused harm to countless people.” She is not someone to be idolized, nor should any figure of history, but they are important to discuss and learn about because her tactics worked.

Groups like Planned Parenthood, clergies, and individual women organized protests, convenings with doctors, information campaigns, letterwriting, propagandizing, lobbying efforts, and law suits, ramping up intensity as time went on until 13 states repealed their abortion bans in the late 1960s.

Planned Parenthood's history is deeply intertwined with that of Margaret Sanger's and the fight for abortion rights. Planned Parenthood's account of their history is available here:



It should be noted that during this time, most of the names and faces you'll see as prominent figures of the movement, especially early on, are predominantly white and that's because this took place at the same time as the civil rights movement.

SOME NOTABLE WOMEN WERE:



Mary Ware Dennett, Jessie Ashley, and Clara Gruening Stillman (not pictured) who founded the National Birth Control League

Dr. Helen Rodríguez Trías, a public health expert, women's rights activist, and first Latina director of the American Public Health Association.



The 2002 Indigenous Women's Reproductive Rights report from NAWHERC goes in depth about how 85% of IHS service units that were surveyed were not in compliance with the Hyde Amendment, mostly by not providing abortions at all or by not providing covered abortions during the specific exceptions laid out in the current iteration of the amendment. This could largely be due to the IHS being chronically underfunded, thereby limiting what services they can provide. Even by 2022, there were no abortion clinics on tribal lands. Meaning for people whose only option or only affordable option for healthcare was the IHS, abortions might as well have been outright banned.

After the Hyde Amendment passed, a 2002 study from North Carolina showed that when public funding for abortion disappeared, 37% of the women who said that they would have had an abortion if it were paid for carried their pregnancy to term.



'Reproduction on the Reservation': The history of forced sterilization of Native American women

WXXI News | By Beth Adams
Published October 26, 2019 at 3:08 PM EDT

▶ LISTEN • 3:53

On Indigenous Peoples Day, recalling forced sterilizations of Native American women

by **Ellen J. Kennedy**

10/14/2019



Humanities > Issues > Race R

The U.S. Government's Role in Sterilizing Women of Color

Black, Puerto Rican, and Native American women have been victimized

By **Nadra Kareem Nittle**

Updated on February 04, 2021



Indian Health Service

The Federal Health Program for American Indians and Alaska Natives

The Indian Health Service is an Agency under the Department of Health and Human Services, it provides all indigenous peoples who are of a federally recognized tribe and their descendants with free health care and advocacy. This already poses problems, as many tribes aren't federally recognized and it can be difficult to prove descendancy under the Blood Quantum system (not all indigenous people, even descended from recognized tribes, are federally considered indigenous because of this system). That said, it's still the principal healthcare provider and advocate for many indigenous peoples, especially on reservations.



Professor Denise Oliver Velez, activist and community organizer, member of the Young Lords Party. Instrumental in engaging the YLP in the fight for abortion rights.

Norma McCorvey or "Jane Roe", the "Roe" of Roe v Wade and her attorney, Gloria Allred.



Mary Calderone, whose work overturned an AMA policy that dissuaded physicians from giving information about birth control to their patients.



Emma Goldman, the renowned American anarchist, also famous for her work fighting for women's right to vote



The downfall of Thalidomide, a medication meant to ease pregnancies, was a pivotal point in shifting public opinion. The drug was popularized in the 50s but was found to cause major birth defects. *Griswold v. Connecticut* established a constitutional right to the use of contraception in 1965, making the Comstock Act irrelevant. After Norma McCorvey and Gloria Allred won the famous *Roe vs Wade* case, abortion became legalized in all 50 states and immediately was subject to retaliation from anti-abortion organizers and legislators. The Hyde Amendment was the first successful attempt to restrict *Roe* (more on that later). Extremists put together campaigns to intimidate patients, assaulted and murdered abortion providers, and bomb and arson health centers. 1992's *Planned Parenthood vs Casey* allowed states to put limits on abortion, like mandatory 24+ hour waiting periods between initial counseling and receiving an abortion.

Learn more about Medication Abortions in our other zine:



These are called Abortion Funds. This grassroots fundraising popped up in various places around the US. It's hard to pin where and when the first Abortion Fund was created, but they started gaining a lot of traction back in 1993 when the National Network of Abortion Funds was founded. Today there are hundreds serving Americans across the country.

WE HIGHLY RECOMMEND BOTH SUPPORTING AND USING ABORTION FUNDS. CHECK OUT THESE:



Secondly, the IHS has a historically bad reputation around providing abortion care services and other health care (See *Forced Sterilizations*, pg. 13), which is exacerbated by the Hyde Amendment.

From the same article: "The legislation was created by Rep. Henry Hyde. 'I would certainly like to prevent, if I could legally, anybody having an abortion: a rich woman, a middle class woman, or a poor woman,' he said. 'Unfortunately, the only vehicle available is the [Medicaid] bill.'" Fucked up.

In addition to blocking Medicaid, it also limits care that can be received through government run programs like the Indian Health Service (IHS) and everything else under the Department of Health and Human Services (such as public hospitals and some state run health insurance programs).

Firstly, Medicaid disproportionately serves Black, Latino, Indigenous, and LGBTQIA+ communities, and therefore the Hyde Amendment specifically blocks a majority of these communities from access to abortions even when they were legal. This financial barrier sucked, so local groups started grassroots fundraising to pay for local people to receive reproductive care services.

Henry Hyde



With the turn of the century, the first medication abortion, invented and researched throughout the '80s by French researchers, finally became available in the United States. Over half of abortions these days are done through medication abortion, primarily Mifepristone.

With the ebb and flow of these wins and losses, it's important to note where the pitfalls were in the original wins. It's publicly acknowledged by the Native American Women's Health Education Resource Center (NAWHERC) in their Indigenous Women's Reproductive Rights report in 2002 that "the pro-choice movement in the 1970s was primarily led by white feminists and did not address the issue of providing funding for abortion. Therefore, the cost of abortion services remains a major barrier for many women, in particular for low-income, immigrant, minority, and Indigenous women." It's a good report, you should read it. Those circumstances DID NOT change policy wise between 2002 and the overturning of Roe v Wade. These gaps in access left anyone who fit into any of those categories vulnerable to targeted efforts of legislative retaliation, such as forced sterilization.

FORCED STERILIZATION



Native American girls march in Santa Fe, N.M., on Jan. 19, 2019.

Forced sterilization was an attack on bodily autonomy and part of a huge eugenics effort rooted in white supremacy. While we're going to focus on the forced sterilization of Indigenous people here, it should be noted that many "undesirable" groups of people were targets of these efforts, including Black, Latino, and disabled communities. PBS has an article about it entitled "Unwanted Sterilization and Eugenics Programs in the United States" from 2016, should you want to read further.

THE HYDE AMENDMENT (1976)

The Hyde Amendment was passed in 1976, implemented officially in 1980 after being ruled as constitutional. From Planned Parenthood's "Historical Abortion Law Timeline: 1850 to Today" - "The Hyde Amendment is a discriminatory and racist policy that prevents federal dollars from being used in government insurance programs like Medicaid for abortion services (except in instances of incest, rape, or life-threatening risk to the pregnant person)." It should be pointed out that these exceptions exist in the current iteration of the Amendment, but as it was passed, the Hyde Amendment was an outright ban with no exceptions. It should also be noted that you have to PROVE the pregnancy qualifies for one of the exceptions, which is EXTREMELY DIFFICULT. So difficult, abortion bans today with the SAME exceptions have killed dozens of women who contracted sepsis after complications in pregnancy and miscarriages in near total abortion ban states.



Canada has been forcibly sterilizing indigenous women since their Sexual Sterilization Act in 1928 and has continued to do so even as recently as 2018, as seen in Harvard International Review's article "Coerced Sterilization of Indigenous Women in Canada" by Skylar Smith. Smith wrote, "The eugenics movement, based on the objective of advancing a "superior" white, Christian way of life, attempted to limit Indigenous populations threatening their ideals." Indigenous peoples challenge white supremacists ideals just by existing. This eugenics culture, which inspired the Nazi regime and their eugenics movement, is still present and very much alive today.



Left: Young marchers protest the forced sterilization of Latina women, 1971.
Right: ICI Saskatchewan, 2019

After the US shoved as many Indigenous people as they could onto reservations, reservations became public health nightmares-- with no infrastructure, resources, or support. It was at about this time (1870s to 1900s) that the US government was switching gears from outright killing Native Americans to assimilating us through banning our cultures, language, and ceremonies.

Sterilization was a perfect way to genocide indigenous people without direct physical violence. It also had the added bonus of potentially washing the government's hands of the responsibility for the public health crises they caused as soon as indigenous people no longer existed. Eugenecists believed that society can be improved through breeding for "desirable traits". It is inherently racist and ableist as the "desirable traits" include things like "intelligence", skin, hair and eye color, and "attitudes". In tandem, this also means breeding out "undesirable traits" and by extension "undesirable people", which was the inciting idea behind forcibly sterilizing minorities; To limit the amount of "undesirable" people in society, as determined by white supremacist standards. Instrumental in this was the Indian Health Service (IHS).

Instances of forced sterilization of indigenous people were not limited to 1970-1976 but this 6 year period is when the most sterilizations took place and is usually what people are talking about when referring to this topic. In 1970, the Family Planning Services and Population Research Act was passed, kicking off the sterilization of somewhere between 25-50% of AFAB indigenous people of childbearing age. Almost all without informed consent. Doctors and physicians would administer sterilizations sometimes unnecessarily alongside other routine procedures or would coerce patients by not telling them what forms they were signing, among other manipulative tactics. Women would wake up after giving birth, knowing something was wrong, and find out much later that doctors had taken her uterus. Young indigenous and BIPOC girls would go under for an appendix removal and doctors took the liberty of also, completely unnecessarily, taking the uterus with the excuse of using these young women as practice for med students. A complete violation of bodily autonomy. Time Magazine has an excellent article about it called "A 1970 Law Led to the Mass Sterilization of Native American Women. That History Still Matters".



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I must emphasize again that forced sterilization was NOT limited to 1970-1976 in the United States, nor was it limited to indigenous peoples, or even contained to the US. Indigenous people have been forcibly sterilized by the US government since the 1930s. California started their eugenics efforts back in 1909. Black, Latina, and other BIPOC peoples experienced similar targeted efforts, as did disabled people, neurodivergent people, and those with mental health issues. These eugenics efforts were so well known at one point, Hitler praised the US and modeled his holocaust efforts after what the US was doing to BIPOC and disabled communities here.

The United States still sterilizes inmates and those incarcerated by ICE. Getting sterilized is not part of these women's sentences, and is a human rights violation. With current attacks on all of the same groups of people by the current president, it's imperative to keep an eye on abortion laws both locally and federally. Deborah Reid of the National Health Law program writes: "The concept of reproductive justice, which is firmly rooted in a human rights framework that supports the ability of all women to make and direct their own reproductive decisions. These decisions could include obtaining contraception, abortion, sterilization, and/or maternity care. Accompanying that right is the obligation of the government and larger society to create laws, policies, and systems conducive to supporting those decisions."