In This Issue
With the goal of creating new and equal opportunity for women and girls, SWLC keeps a close eye on these social justice matters.

Lovelace Women’s Health
Lovelace Women’s Health screening is discriminatory against Native American mothers and babies and the State should investigate.

June Medical Services v. Russo
SWLC applauds the June Medical Services v. Russo decision.

Black Lives Matter
The Southwest Women’s Law Center stands in solidarity with the Black community and supports Black Lives Matter.

Meet the Team
The Southwest Women’s Law Center is committed to addressing systemic inequities and protecting all reproductive rights, including informed birthing choices, for New Mexico’s women and girls. A New Mexico In Depth report recently brought to light allegations of a secret policy at Lovelace Women’s Hospital that has unfairly singled out Native American mothers for COVID19 testing, leading to the separation of Native mothers from their newborns during the immediate postpartum period. This critical developmental period is essential for new mothers to bond with their babies, establish their breastfeeding relationship, and develop secure attachment. The World Health Organization affirms that closeness between mother and baby during this early period should be supported even when the mother is COVID-19 positive. This is particularly important for communities that have experienced historical trauma, including violence, inequities, nonconsensual medical procedures, and children being separated from their families. For centuries, Native American communities have faced injustices and systemic racism that have contributed to health disparities, including the current disparate impacts of COVID-19. Now we learn that Lovelace has unjustly and systematically disrupted the critical postpartum experience for Native American mothers and newborns through racial profiling in the midst of a pandemic. Although this policy is reportedly intended to limit the spread of COVID-19, it is clear that Native American mothers are being targeted based on their appearance and zip code. This “racial redlining” is unacceptable, discriminatory, and a violation of medical ethics. We call upon the Governor’s office to investigate this policy and its impact on Native American families. Not only is this a continuation of long-standing injustices perpetrated against indigenous women, but this also harms future generations as the first crucial moments of their new lives are already being impacted by unjust and racist policy. We stand with Native American Mothers and with all mothers of color who face these continuing injustices. If you are a mother who has been impacted by Lovelace Women’s Hospital’s COVID-19 policy of separating mothers and newborns based on their race and home zip codes please contact the Southwest Women’s Law Center for assistance at 505.244.0502 or info@swomenslaw.org.
Today, in June Medical Services, LLC v. Russo, the United States Supreme Court (“the Court”) found that Louisiana’s Act 620, requiring physicians performing abortions to have admitting privileges at a hospital within 30 miles of the facility in which an abortion is being performed, was an undue burden in accessing abortion care. This finding reinforces the Court’s 2016 decision in Whole Woman’s Health v. Hellerstedt, where the Court found that a Texas law nearly identical to Louisiana’s Act 620, presented an undue burden to those seeking abortion care. The Southwest Women’s Law Center (SWLC) applauds the Court’s decision! While the decision in June Medical Services goes squarely in the “win” category and is something to celebrate, we in the abortion rights community cannot let up for even one second in the fight to protect access to abortion.

The Court’s majority decision can be divided roughly into three parts. The first is an analysis of the “undue burden” standard, established in Planned Parenthood of Southeast PA v. Casey and relied on in Whole Woman’s Health. In June Medical, a plurality of the Court found that Act 620 did not serve the stated purpose of the law—to protect women’s health and safety, and found that Act 620 placed a substantial obstacle in the way of a woman seeking abortion care because requiring providers to have admitting privileges at a local hospital would result in the closure of most, if not all of Louisiana’s abortion clinics. Putting those together, no benefit and a substantial obstacle, required a finding that Act 620 is unconstitutional. The second part of this decision is the reinforcement of the long-standing use of third-party standing in abortion rights and other cases. Finally, Chief Justice John Roberts, who provided the fifth vote in June Medical, wrote in a separate concurring opinion about reliance on precedent, or stare decisis.

The legal doctrine of stare decisis requires us, absent special circumstances, to treat like cases alike. The Louisiana law imposes a burden on access to abortion just as severe as that imposed by the Texas law, for the same reasons. Therefore[,] Louisiana’s law cannot stand under our precedents.3

Chief Justice Roberts noted that he believed that June Medical was wrongly decided, but joined the majority due to the ruling in Whole Woman’s Health in 2016. This was a narrow victory, but a victory nonetheless.

The Court’s decision in June Medical is an important affirmation that abortion access is a right. It is also an affirmation that thinly veiled statutory schemes placing obstacles to accessing abortion care, dressed up as paternalistic concern for the health and safety of women, will not be tolerated.

The admitting privileges statutory scheme in Louisiana creates a substantial obstacle to abortion access and, as such, is an “undue burden” on patients. Notwithstanding the window dressing, Louisiana lawmakers imposed this restriction to stigmatize abortion care and create obstacles for patients, not out of concern for anyone’s health and safety.

The Louisiana legislature’s use of the health and safety pretext in Act 620 is a cover for yet another obstacle to accessing abortion care, clearly unsupported by any set of facts, especially given that abortion is one of the safest medical procedures being performed today. Abortion is much safer in fact, than childbirth, where there is an average of 700 deaths per year.4 Compare that with induced abortion, with an average of 10 deaths each year.5 The SWLC trusts women and their healthcare providers to know what is best for themselves and their families.

Unfortunately, the Court’s holding in June Medical is not the end of the war on the right to reproductive choice. While it is true that we have won this battle, there are presently numerous abortion rights cases making their way through the lower courts and some will end up in the Supreme Court. And simply because the Court has found Act 620 to be an undue burden on accessing abortion care does not mean that reproductive choice is a reality for most people. Black and brown communities, and people struggling financially still face tremendous challenges in accessing not only abortion care, but all healthcare. The Court’s decision does not change that reality.

The decision in June Medical comes in the midst of a national uprising against police violence, a global pandemic, and an economic crisis which disproportionately affects Black and brown communities who already face health inequities and barriers to care. People are rising for racial justice all over the country and fighting for a future in which we can control our own bodies, safely care for our families, be free from violence and systemic racism.

The SWLC shares this vision of a more just future and we are committed to making it a reality for all New Mexicans. But we cannot do this alone. We need the support of those who are dismayed at the continual erosion of the rights we hold dear and the rights that some have never enjoyed. We are living in troubled times, but we are also living in an exciting time where an opening has been created where hope lives, hope for a better future for all New Mexicans, where every single person can reach their individual potential and live their best life, which includes if and when to parent.
The Southwest Women's Law Center stands in solidarity with the Black community and supports Black Lives Matter

June 15, 2020

The video of a Minneapolis police officer killing an unarmed Black man pleading for his life while being held down has been heart wrenching and infuriating to watch. This scene is vivid in all our minds. And then there is another. Two white men with guns in a truck chasing down an unarmed Black man whom they attacked and shot. Then, there is the story of a young Black medical worker sleeping in her bed and getting shot by policemen without any warning. All these events show a pattern that racism is alive and well in our country. Ahmaud Arbery, Breonna Taylor, and George Floyd are not the first Black people killed because of their skin color. Unfortunately, it will probably not be the last time Black people are killed due to racism. These senseless killings have caused us to reevaluate what is important to us as a society, community and as individuals. Not only that; it has made us evaluate what more we can do.

For the Southwest Women's Law Center, since our founding in 2005, our non-profit organization has advocated for women and girls. We have advocated for reproductive rights, economic security for women and their families, and to address gender discrimination, including equal pay, and other workplace rights. We reaffirm our commitment to working in these areas, in honor of Black women and girls. We also commit to the following acts and actions:

- We will honor women of color, including Black women, in local businesses, professional fields, and those who are engaged in advocacy work, and we will further encourage our community members to support these women and their efforts.
- While we cannot support candidates for office as a 501(c)3, we will support policies and positions that support and enhance the lives of Black women and girls as part of our commitment to the #BlackLivesMatter movement.
- Our team will also take part and engage in discussions, forums, and training's on race so that we can enhance our understanding and knowledge of racial equity, and thereby increase our efforts for social justice and social change.
- We will partner with others in the #BlackLivesMatter movement and provide support to efforts that improve the lives of Black communities.

We stand in solidarity with the Black community and support Black Lives Matter.
I am 38 years old, married and have two children. My children are separated by a 10 year age gap. I have a master’s degree in Psychology and have been working the last five years for my husband’s family owned business. This business helps health centers across the U.S. get federal funding so they can provide health care to the under-served population. I have many years of experience in office related work. I have never worked for a non-profit organization, but I am very excited to start this journey with SWLC.

Kearney Coglan

Kearney Coglan (she/her) is a summer legal intern from Harvard Law School. After 5 years working in the reproductive justice field with ACCESS WHU and the Ryan Residency Training Program, she began law school in order to be a more effective advocate for bodily autonomy. During quarantine, you can find her making complicated recipes, cycling, avoiding Zoom trivia-nights, and occasionally trying to figure out how running works.

Terrelene Massey

Terrelene Massey is the Executive Director for the Southwest Women’s Law Center. She has been serving in this capacity since January 2019. Terrelene has been focusing on strengthening and expanding the SWLC. She has been involved in policy development, program expansion, providing limited legal services, fundraising, and ensuring the continued operation and administration of the SWLC. In addition to English, Terrelene speaks Navajo and she learned French in high school and college (although she doesn’t remember much of it). Terrelene is a licensed attorney in New Mexico and the Navajo Nation. She also has years of policy development and analysis experience having worked within state and tribal governments.

Tracy McDaniel

Tracy McDaniel, MPH, is a long-time advocate for women, families, and communities. She currently serves as Policy Advocate at Southwest Women’s Law Center, where she focuses on promoting economic security policies like Paid Family & Medical Leave and Pregnant Worker Accommodations. Previously, she coordinated a large coalition focused on improving the health and well-being of young children and their families in central New Mexico. Her past professional experience has focused on early childhood development, health promotion, birth work, lactation support, and working with survivors of sexual and intimate partner violence. She holds a BA in Psychology and Women’s Studies from Miami University, a graduate certificate in Maternal Child Health Epidemiology from University of Arizona, and a Master of Public Health degree from University of New Mexico.

Wendy Basgall

Wendy holds a Juris Doctorate from Drake University Law School in Des Moines, Iowa and a B.A in Philosophy from California State University in Fullerton. Wendy is licensed to practice law in New Mexico and Missouri (currently inactive status). Wendy most recently held the position of Internal Worksite Organizer/Labor Representative at Service Employees International Union (SEIU), Local 721 in Ventura, California, where she represented public-sector employees in Ventura, Santa Barbara and San Luis Obispo counties. Prior to working with SEIU, Local 721, Wendy spent four years defending homeowners in residential foreclosure actions with United South Broadway Corporation in Albuquerque. Wendy has also worked for numerous non-profit entities including Senior Citizens’ Law Office, Legal Aid of Western Missouri, Lawyer Referral for the Elderly Program (nka Legal Resources for the Elderly Program) and Legal Aid Society of Albuquerque (nka New Mexico Legal Aid).