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Protecting Reproductive Rights Under Donald Trump

By [THE EDITORIAL BOARD](#)

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A protest outside Trump Tower in Manhattan in October. Credit Brendan Mcdermid/Reuters

During his presidential campaign, Donald Trump sent mixed messages about his position on reproductive rights. Whatever his personal opinion may be, his appointees and their actions could put reproductive health care out of reach for millions of women, especially those living in poverty.

Mr. Trump has promised to appoint a Supreme Court justice who opposes *Roe v. Wade*, but overturning that decision would be a long process, probably requiring two new justices. Even without that change, there are many potent ways to restrict reproductive rights — including not defending them against legal attack.

The Obama administration has waged long battles against such attacks. The Justice Department supported abortion providers in their successful challenge against unconstitutional abortion restrictions in the 2016 Supreme Court case [Whole Woman's Health v. Hellerstedt](#). It defended the provision of the Affordable Care Act that requires insurers to cover birth control without a co-pay. It enforces the Freedom of Access to Clinic Entrances Act, which protects abortion providers and patients from violence and intimidation. After several states attempted to bar Planned Parenthood from receiving Medicaid reimbursements, the administration [warned](#) them that such measures could violate federal law. And the Department of Health and Human Services has [proposed a rule](#) that would bar states from cutting off federal family-planning funds to any provider for ideological reasons.

If Jeff Sessions, who opposes abortion, [is confirmed as attorney general](#), the Justice Department is unlikely to defend reproductive rights. While the fate of the Affordable Care Act rests with Congress, the Justice Department could stop fighting lawsuits challenging the contraceptive coverage requirement. Under Mr. Sessions, it could stop enforcing the FACE Act, leaving abortion providers with little recourse if anti-abortion extremists threaten patients or doctors or obstruct clinic entrances.

Vice President-elect Mike Pence, when he was a congressman, tried to prevent any federal money from going to Planned Parenthood. The Trump administration, under Mr. Pence's guidance, could stop enforcing the Medicaid reimbursement law that prohibits states from discriminating against Planned Parenthood. And [Tom Price](#), Mr. Trump's pick for secretary of health and human services and an unwavering opponent of the Affordable Care Act, could as head of that department [rescind the contraceptive coverage requirement](#). Such federal actions may well embolden some Republican-controlled state governments to further restrict reproductive rights.

While the picture is bleak, there are ways states can ameliorate the harm. State legislatures can require that insurers cover birth control without a co-pay; four states already have such a requirement. States can protect family planning by increasing their support for these programs. The Montana Legislature did so last year with a bipartisan bill that moved federal family-planning funds into an account controlled by the state health department, making it harder for future legislators to cut them. And states can pass their own clinic safety laws to protect women and abortion providers.

Recent years have seen real progress in reproductive health, from lower rates of teenage pregnancy to more effective contraceptive use. Those are gains for Americans to build upon, not undo.