



Secretariat of Pro-Life Activities

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Reality Check: The Extreme Campaign Against the Hyde Amendment

Beginning in 1976, the Hyde amendment and similar measures have prevented the federal government from forcing pro-life Americans to support abortion with their tax dollars. Now the 40-year-long bipartisan consensus on this issue is under attack.

Pro-abortion groups are campaigning to rescind Hyde, replacing it with the so-called “EACH Woman” Act (Equal Access to Abortion Coverage in Health Insurance Act, H.R. 2972). This extreme measure would require every federal health program to cover, and every federal health facility to provide, elective abortions. It would even nullify state and local policies against abortion coverage, rescinding the abortion policy agreed to by President Obama and congressional Democrats in the Affordable Care Act.

The “EACH” campaign uses claims developed by public relations strategists to overcome widespread public objections to publicly funded abortion. Here are those claims with a response.

Do Hyde and other abortion funding restrictions contradict the “right” to abortion the U.S. Supreme Court claimed to find in *Roe v. Wade*?

The court itself has repeatedly said they do not. Even if there is a “right” to be free from undue government interference in the decision whether to have an abortion, that does not create an “entitlement” to active government subsidies for abortion. Upholding the Hyde amendment in 1980, the court cited its own 1977 statement that when government funds childbirth but not abortion, it “has imposed no restriction on access to abortions that was not already there.” *Harris v. McRae*, 448 U.S. 297, 314 (1980), citing *Maher v. Roe*, 432 U.S. 464, 474 (1977).

By insisting that the alleged “right of privacy” demands *public* financing, abortion advocates depart from *Roe* – and they ignore the right of others to choose *not* to promote and support abortion.

Does Hyde discriminate against women?

No, in federally funded medical care for women it “discriminates” between live birth and abortion. In 1980 the Supreme Court said government has a perfectly legitimate reason to do so: “Abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life.” *Harris*, 448 U.S. at 325. Later the court dropped the confusing phrase “potential life,” citing government’s legitimate interest in promoting “respect for life, including life of the unborn.” *Gonzales v. Carhart*, 550 U.S. 124, 158 (2007).

Does Hyde discriminate against the poor?

No, obviously that is *not* what Hyde is about. It covers all health programs funded through appropriations bills for the Departments of Labor, Health and Human Services, and Education – not only programs covering the poor. And Hyde supporters have worked to enact the same policy in programs for the military, federal employees, and others who are not poor. Moreover, low-income Americans are *more* likely than others to oppose abortion.¹ As Grace Olivarez, the only Latina on the 1972 Rockefeller commission on population growth, said in dissenting from this presidential commission’s pro-abortion

conclusions: “The poor cry out for justice and equality and we respond with legalized abortion.”² *That is discrimination against the poor.*

Does Hyde discriminate against women of color, because they are disproportionately poor?

No, for the same reason that it does not discriminate against the poor. Black Americans, for example, are more against abortion than whites.³ Yet they are especially targeted by the abortion industry and the challenges they face are exploited by abortion advocates to promote public funding. *Without* federal funding of abortion, black pregnant women are already five times more likely to have an abortion than their white counterparts.⁴ It is the effort to increase this tragic disparity further, by channeling funds towards a demographic that includes a high amount of black Americans, that could be suspected of racism.

Do restraints on abortion funding “force” poor women to carry their children to term?

Of course not. Even with public assistance for *some* costs of parenthood, anyone who equates the financial cost of an abortion with the lifetime expense and responsibility of raising a child is living in a fantasy land. Economic pressure makes many women consider abortion – and by funding abortion itself, government adds to that pressure. Laws like Hyde, especially if combined with generous support for the needs of pregnant women and their children, help relieve that pressure, so many women who would have had abortions allow their children to live.⁵ Hyde has an *influence in encouraging* childbirth over abortion – and the Supreme Court says that is a legitimate goal. *Harris*, 448 U.S. at 325.

Does Hyde endanger women by driving them to “unsafe” or illegal abortions?

This is an old and discredited claim. When Hyde took effect, pro-abortion doctors predicted it would lead to “excess mortality” among poor women – but follow-up studies instead found a *reduction* in abortion complications.⁶ The pro-abortion Guttmacher Institute’s own studies also show that very few abortions are performed for any identifiable health reason.⁷ The chief effect of abortion funding restrictions is fewer abortions, and ultimately fewer unintended pregnancies.⁸

Do Hyde and similar laws “impose” some Americans’ views on others who disagree?

The opposite is true: Forcing taxpayers to fund abortions they find abhorrent imposes the abortion industry’s views on all of us. Many abortion advocates now admit that abortion is the taking of a human life – yet they would force those who oppose killing of the innocent to promote what even *they* admit is killing.⁹ Nothing could be more intolerant. By contrast, laws like Hyde leave everyone, *including* those who want to pay for other people’s abortions, free to act on their own convictions.

Do such laws reflect one religious doctrine about life, contrary to the Constitution’s ban on an establishment of religion?

The Supreme Court has said no. Moral concern about abortion reaches far beyond any one religion, and these laws have the legitimate *secular* purpose of encouraging childbirth over abortion. The fact that some religions oppose abortion doesn’t change this. “That the Judaeo-Christian religions oppose stealing does not mean that a State or the Federal Government may not, consistent with the Establishment Clause, enact laws prohibiting larceny.” *Harris*, 448 U.S. at 319.

Abortion advocates claim that, “however we may feel about abortion,” we should not impose our views on others. But they do not hold themselves to this standard. How we feel about abortion – or what we recognize it to be – is the whole issue. If abortion is a wrongful attack on life, as millions of American women and men believe, it is wrong to use government funds to promote it – and many times more wrong

to force objecting taxpayers to be involved in this injustice. Hyde and similar laws do not fully protect the unborn; but they protect all of us from being forced to treat abortion as a positive good for women and society.

Shouldn't pro-life Americans be forced to pay taxes for abortion, just as people who object to a war still have to pay taxes for it?

Actually, when most Americans object to a war, the government finds that it needs to stop pursuing it, as in Vietnam. That is the case here: Most Americans – including millions of Americans who identify as “pro-choice” – object to use of their tax dollars for the war on innocent human life that is abortion.¹⁰ The war analogy is not meant sincerely by pro-abortion groups in any case, since Americans certainly have a right of conscientious objection against actually taking part in wartime killing – and these groups fiercely oppose recognizing that right for hospitals, doctors, and nurses who object to abortion.

¹ L. Saad, “Majority of Americans Still Support Roe v. Wade Decision,” at *Gallup*, Jan. 22, 2013, <http://www.gallup.com/poll/160058/majority-americans-support-roe-wade-decision.aspx> (citing “low-income” Americans as among “the least ‘pro-choice’” in the country).

² Separate Statement of Grace Olivarez, *Population and the American Future: The Report of The Commission on Population Growth and the American Future* (1972), http://www.population-security.org/rockefeller/018_separate_statements.htm.

³ F. Newport, “Blacks as Conservative as Republicans on Some Moral Issues,” *Gallup*, Dec. 3, 2008, <http://www.gallup.com/poll/112807/Blacks-Conservative-Republicans-Some-Moral-Issues.aspx>.

⁴ Z. Dutton, “Abortion’s Racial Gap,” *The Atlantic*, Sept. 22, 2014, at <http://www.theatlantic.com/health/archive/2014/09/abortions-racial-gap/380251/>.

⁵ See M.J. New, “Hyde @ 40: Analyzing the Impact of the Hyde Amendment,” in Charlotte Lozier Institute, *On Point*, Issue 12 (Sept. 2016), https://lozierinstitute.org/wp-content/uploads/2016/09/OP_hyde_9.28.3.pdf. This study cites 19 other studies concluding that laws like the Hyde amendment significantly reduce abortion rates.

⁶ R.M. Selik, W. Cates, and C.W. Tyler, “Effects of restricted public funding for legal abortions: a second look,” 71(1) *Am. J. Public Health* (Jan. 1981): 77–81, at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1619707/>.

⁷ In surveys conducted in both 1987 and 2004, “[s]even percent of women cited health concerns for themselves or possible problems affecting the health of the fetus as their most important reason” for having an abortion. L.B. Finer et al., “Reasons U.S. Women Have Abortions: Quantitative and Qualitative Perspectives,” 37(3) *Perspectives on Sexual and Reproductive Health* (Sept. 2005): 110–118 at 113, <https://www.guttmacher.org/sites/default/files/pdfs/pubs/psrh/full/3711005.pdf>.

⁸ P.B. Levine, A.B. Trainor, and D.J. Zimmerman, “The effect of Medicaid abortion funding restrictions on abortions, pregnancies and births,” 15 (5) *J. Health Econ.* (Oct. 1996): 555-78.

⁹ See M.E. Williams, “So what if abortion ends life?,” *Salon*, Jan. 23, 2013, http://www.salon.com/2013/01/23/so_what_if_abortion_ends_life/; J. Schaeffer, “Abortion Provider: We Should Admit ‘It’s Violence, It’s a Person, It’s Killing’,” *Newsmax*, Nov. 2, 2015, <http://www.newsmax.com/Newsfront/abortion-providers-violence-killing/2015/11/02/id/700238/>.

¹⁰ For example, a recent national poll showed: “Taxpayer funding for abortion is opposed by 62 percent of Americans. This includes 65 percent of African-Americans, 61 percent of Latinos, and 45 percent of those who say they are pro-choice, as well as 84 percent of Republicans, 61 percent of Independents and 44 percent of Democrats.” Knights of Columbus, “Marist Poll: Americans Support Abortion Restrictions” (2016), at www.kofc.org/en/news/polls.html#.