Obama signs anti-abortion executive order

Kate Randall
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Barack Obama signed an executive order on Wednesday that upholds severe restrictions on the legal right to abortion. The event sealed a deal reached by the president and House Democratic leaders with a group of anti-abortion Democrats who had threatened to vote against the Obama health care plan.

The signing ceremony, closed to the news media, was the culmination of a series of concessions to these anti-abortion forces throughout the year-long congressional debate on the health care overhaul. In attendance to witness the event was Rep. Bart Stupak of Michigan, the leader of the anti-abortion group, along with 12 of his similarly minded colleagues.

The signing of the order and its reactionary content demonstrate not only the shameless pandering of the White House to this right-wing anti-abortion bloc, but also the regressive character of the health care plan as a whole. The legislation—hailed as a landmark social reform—will have the effect of denying large numbers of working class and poor women access to abortion.

Rep. Stupak is the co-author of an amendment included in the version of health care legislation passed by the US House last November. The amendment prohibits the use of federal funds "to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion," except in cases of rape, incest or danger to the life of the mother.

The Stupak-Pitts amendment was interpreted to mean that abortions not included in the exceptions would not be covered in the "public option" proposed in the House bill or in any of the private plans included in the insurance "exchange." Critics charged that women whose insurance policies currently cover the procedure could lose that coverage.

After Senate Democrats lost a seat to the Republicans in January's special election in Massachusetts, they no longer had the votes to avoid a Republican filibuster blocking the health care bill. Obama and Democratic House leaders then moved to approve the legislation by a process called reconciliation, which required the House to approve the Senate bill by a majority vote, followed by a simple majority vote in the Senate.

The Senate version of the health care bill, passed last Christmas Eve, contained similarly restrictive language barring the use of federal funds for abortions—not, however, as stringent as Stupak and his cohorts would have liked.

In the wrangling leading up to Sunday night's vote, they threatened to vote against the legislation, at one point demanding a separate vote on additional anti-abortion restrictions. They finally agreed to vote for the bill if Obama agreed to sign an anti-abortion executive order they drafted in collaboration with White House officials.

The presidential order stipulates that the health care legislation signed into law by Obama on Tuesday and all of its provisions and mechanisms enforce existing laws barring the use of federal funds for abortions.

The presidential order states: "[I]t is necessary to establish an adequate enforcement mechanism to ensure that federal funds are not used for abortion services (except in cases of rape or incest, or when the life of the woman would be endangered) consistent with a longstanding federal statutory restriction that is commonly known as the Hyde Amendment."

The Hyde Amendment, passed by the House in 1976 and named for its chief sponsor, Rep. Henry Hyde, Republican of Illinois, bars federal funds allocated to the Department of Health and Human Services to be used for abortions. It was passed in the wake of the 1973 Supreme Court decision in *Roe v. Wade* legalizing the right to abortion.

The amendment is not a permanent law, but a "rider" that has been reauthorized for the past 33 years and attached to annual appropriations bills. Its primary

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effect has been to block poor women from obtaining abortion services under the Medicaid program. Obama's executive order states that the health care legislation "maintains the current Hyde Amendment restrictions governing abortion policy and extends those restrictions to the newly-created health insurance exchanges."

The order also states that the legislation "prohibit[s] discrimination against health care facilities and health care providers because of an unwillingness to provide, pay for, provide coverage of, or refer for abortions."

According to the presidential order, numerous government agencies—including the Department of Health and Human Services (HHS), the Office of Management and Budget (OMB), and the Office of Personnel Management (OPM)—"have a role in ensuring that these restrictions are enforced."

The order confirms stipulations in the Senate legislation that ban tax credits and federal subsidies for people required, under the new law, to purchase private insurance from being used to pay for abortion services (except in cases of rape, incest or threat to the life of the mother). The order also provides for the auditing of provisions in the bill that call for segregating funds that cover abortions in private insurance plans to be sold on exchanges.

This means that all those who buy a policy that covers abortions—not only those receiving tax credits—will have to separate their monthly premium payment into two parts: one small part ($1 minimum) to cover the plan's projected costs for covering abortions, and a second, much larger part for the remainder of the premium.

This mechanism will have the likely effect of discouraging insurers from offering plans that cover abortions. The executive order calls for the secretary of HHS and the director of OMB to audit and enforce this complex set-up.

In practice, virtually all insurance plans available to working class and poor people will, as a result of the health care bill and Obama's executive order, exclude coverage for abortions.

The presidential order also confirms that funds allocated to Obama's new Community Health Center Fund established under HHS will not be used for abortions. Anti-abortion Democrats had objected that the Senate bill did not specifically state that the Hyde Amendment restrictions would apply to these funds.

President Obama and House Speaker Nancy Pelosi, Democrat of California—both professed defenders of abortion rights—worked assiduously to reach an agreement with Stupak and his supporters to get the majority vote in the House to pass the health care legislation.

This assault on a vital democratic right puts the lie to the longstanding argument of liberal and middle class "left" organizations that it is necessary to vote for the Democrats because a Republican president will appoint anti-abortion judges and Supreme Court justices who will weaken or eliminate abortion rights.

The biggest blow to women's access to abortions is being carried out by a Democratic White House and a Congress with large Democratic majorities in both chambers. It is, moreover, contrived to impact low-income and working class women and exclude affluent women, who will have no problem obtaining access to the procedure.

Many supposedly "left" promoters of Obama's health care bill have cynically dismissed the attack on abortion rights. In column published March 18 in the *Nation*, Katha Pollitt wrote, "If health care reform becomes law, you can thank pro-choicers. In the end, forced to decide between sacrificing abortion coverage and voting down coverage of everything else for 30 million people, abortion-rights supporters took the hit."

The likes of Pollitt did not take a "hit" by abandoning the defense of abortion rights in support of a health care bill that slashes hundreds of billions of dollars from Medicare and encourages the rationing of care along class lines. They helped Obama impose the "hit" on the democratic rights of millions of working class women.

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