

US House of Representatives passes anti-abortion bill

Evan Blake
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The US House of Representatives voted largely along party lines last Wednesday to pass the anti-abortion Pain-Capable Unborn Child Protection Act, by a wide margin of 242-148. The bill bans abortions after 20 weeks of pregnancy, in direct and unconstitutional defiance of the Supreme Court's *Roe v. Wade* decision.

The bill is unlikely to pass the Senate, where it will face a filibuster, and even if did, would be vetoed by President Obama, whose press secretary Josh Earnest called the legislation "disgraceful." The bill is a political state of the ultra-right majority in the new Republican-led Congress, and was originally set to pass symbolically on the anniversary of the 1973 *Roe v. Wade* decision in January.

Female Republican representatives delayed passage, however, objecting to a provision that denied abortions to pregnant victims of rape unless they had immediately reported the attack to police.

The bill now contains modified language that requires rape victims seeking exception to the ban to receive counseling or medical care in the 48 hours prior to their abortion, and which makes no exceptions for fetal abnormalities often detected in the later stages of pregnancy that can threaten women's lives.

Having missed the 42nd anniversary of *Roe v. Wade*, House Republican leaders provocatively decided to pass the bill during National Women's Health Week.

The ban on abortions at 20 weeks after fertilization—well before viability—is a clear violation of the precedent set in *Roe v. Wade*, which affirmed the right to have an abortion before viability, when the fetus is "potentially able to live outside the mother's womb, albeit with artificial aid," which the Court has since set to 24 weeks.

The proponents of the bill, which is based on equally unconstitutional bills already passed by at least 10 state

legislatures, make the scientifically dubious claim that the nervous system of the fetus has developed sufficiently by 20 weeks to experience pain during an abortion.

Women who have abortions this late in the pregnancy in most cases wanted to carry the fetus to term, but change their minds because of the discovery of rare and severe fetal abnormalities which threaten their lives or make long-term survival of the baby after birth unlikely.

According to Planned Parenthood, "Nearly 80 percent of the American public wants to ensure that abortion remains safe and legal; and three in 10 women have had an abortion at some point in their lifetimes," while "60 percent of voters oppose 20-week bans when they understand the real-world impact these laws would have."

Ever since the *Roe v. Wade* decision, the Republican Party has cultivated and exploited religious backwardness among a minority of the US population as a base of support for its right-wing agenda, as part of a broader effort to eviscerate democratic rights as a whole. The First Amendment's primary clause mandating the separation of church and state has been substantively dismantled over the course of this decades-long campaign.

The first attack came with the passage of the Hyde Amendment in 1976, which barred federal funding for abortions through Medicaid, specifically targeting the program's low-income recipients. Thus, the cost of abortion has always been highly burdensome to working class women, with the present estimated charge averaging \$470.

While the *Roe v. Wade* decision legalized abortion, the federal government continued to deny funding for abortion clinics nationwide. According to the

Guttmacher Institute, roughly 60 percent of abortions are paid for out of pocket, 12 percent by private insurance, and 20 percent by Medicaid in the few states that provide state funds to cover medically necessary abortions.

The 1992 Supreme Court ruling in *Planned Parenthood v. Casey* permitted some state regulation of abortion, such as requiring waiting periods and imposing arbitrary licensing rules on abortion clinics, whose cumulative impact has been devastating. The Guttmacher Institute notes that “As of January 1, 2014, at least half of the states have imposed excessive and unnecessary regulations on abortion clinics, mandated counseling designed to dissuade a woman from obtaining an abortion, required a waiting period before an abortion, required parental involvement before a minor obtains an abortion, or prohibited the use of state Medicaid funds to pay for medically necessary abortions.”

Since January this year, Republicans in the House of Representatives have already introduced 29 separate measures attempting to limit women’s access to safe and legal abortion, tacking on abortion restrictions to legislation ranging in scope from aid to education to prohibition of human trafficking.

The Democratic Party shares responsibility for these attacks, despite its nominal defense of abortion rights, one of the few issues on which the two corporate-controlled parties actually disagree.

The right-wing Supreme Court justices who have spearheaded the campaign against abortion rights owe their seats to the Democrats, most notably Antonin Scalia, the leader of the ultra-right bloc on the court, confirmed by the US Senate 98-0.

The Hyde Amendment was enacted by a Democratic-controlled Congress, and the Democrats have never attempted to repeal it during the years they have controlled Congress since (1976-1994, 2006-2010). Democratic health care reform plans—the failed Clinton plan of 1993-94 and the Obamacare plan enacted in 2010—have extensive exemptions from payment for abortion and even contraception by employers who object on religious grounds.

Democrats at both the federal and state level have stood by haplessly as the right to abortion has become all but impossible to obtain in the rural areas of many states, and altogether in some states, due to a

combination of state legislative sanctions and fascistic violence, including the assassination of abortion doctors.

More fundamentally, under conditions where the US ruling elite is engaged in a frontal assault on democratic rights, in the guise of waging the “war on terror,” there is no constituency in either party for the defense of the democratic right to abortion, despite the election-year posturing of Democratic Party candidates.

As always, class considerations prevail. The politicians of both big business parties represent the multimillionaires whose access to abortion is in no way threatened by the reactionary proposals of the Republican Party. As before *Roe v. Wade*, women of the upper classes have the resources to travel anywhere in the world to receive the highest quality medical care, while working class women face immense hurdles and even incrimination when exercising their right to an abortion.



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