



Written by [William F. Jasper](#) on March 24, 2010

## Abortion Lobby Agrees: Obama Executive Order Is a “Symbolic” Fig Leaf

In an Oval Office ceremony closed to the press, President Barack Obama on March 24 signed the executive order he had promised to Rep. Bart Stupak (D-Mich.) and a bloc of Democrats in order to obtain their votes for healthcare legislation passed three days earlier. Rep. Stupak provided the critical flip-flop, claiming he could switch and vote for the "Obamacare" bill because President Obama had promised to sign an executive order to ensure that no federal money would be used for elective abortions under the insurance system created by the new law.



Major pro-life organizations had warned Stupak and members of Congress that an Obama executive order would provide little, if any, restriction on the flow of federal funding to abortion. Planned Parenthood, one of the world's leading abortion providers and abortion promoters, confirmed that assessment in a [press statement](#) shortly after the House vote, calling the promised executive order merely a "symbolic gesture" aimed at placating "anti-choice" elements in Congress.

"Today is a truly historic day for the American people who have long demanded affordable, quality health care coverage," said Planned Parenthood President Cecile Richards. "For more than a year, Planned Parenthood has worked tirelessly for a health care reform bill that would fix our broken health care system, strengthen women's health, and achieve quality, affordable health care for all Americans."

The Planned Parenthood President's statement also said:

Nonetheless, we regret that a pro-choice president of a pro-choice nation was forced to sign an Executive Order that further codifies the proposed anti-choice language in the health care reform bill, originally proposed by Senator Ben Nelson of Nebraska. What the president's executive order did not do is include the complete and total ban on private health insurance coverage for abortion that Congressman Bart Stupak (D-MI) had insisted upon. So while we regret that this proposed Executive Order has given the imprimatur of the president to Senator Nelson's language, it is critically important to note that it does not include the Stupak abortion ban.

Many people falsely believe that the [Hyde Amendment](#), which has been routinely applied to appropriations bills since 1976, prevents federal funding of abortions. However, the Hyde Amendment applies only to funds appropriated to the Department of Health and Human Services. Even with the current Hyde restrictions, abortion groups such as Planned Parenthood receive hundreds of millions of federal tax dollars every year. According to Planned Parenthood Federation of America's (PPFA) [annual report](#) for fiscal year 2007-2008, the total government grants and contracts received by PPFA affiliates from government sources including state, local and federal governments, increased to \$350 million, up from \$337 million in FY 2006-2007. During that same 2007-2008 period, the annual report notes, PPFA performed 305,310 abortions, up from 289,750 in 2006-2007.



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Abortion is big business, and Planned Parenthood is looking forward to capturing a significant portion of the massive funding to be provided under the new Obamacare system, perhaps most immediately focusing on the \$7 billion for Community Health Centers (CHCs). The newly enacted bill "directly appropriates \$7 billion for Community Health Centers (CHCs), unconnected to any restriction on the use of these funds for abortion," notes a March 19, 2010 [analysis](#) by the National Right to Life Committee (NRLC). The new law "quite deliberately creates a new direct-appropriation funding pipeline outside of the annual appropriations process, and therefore untouched by the Hyde Amendment."

As Dr. Robert Destro, dean and law professor of the Columbus School of Law at Catholic University of America, explained to Rep. Stupak in a [March 20 letter](#), under the CHC provisions of the new legislation: "It's not even a close question. *Abortions will be covered.*" (Emphasis in the original.)

Prof. Destro's analysis noted:

Questions have surfaced in the past few weeks about whether the billions of dollars the Senate health care reform bill appropriates for Community Health Centers (CHCs) will be used to pay for abortions. I have been asked by several interested parties to give my opinion on Secretary Sebelius' recent statement asserting that abortions will not be covered.

It's not even a close question. *Abortions will be covered.*

For nearly forty years, the courts have held that there are no medical or economic reasons to distinguish elective abortions from any other medical service. The basic argument is that health care coverage for women cannot be truly "comprehensive" unless - and until - elective abortions are covered just like any other medical procedure.

Federal appeals courts have been unanimous in their holdings that when Congress provides funding for "comprehensive" services, it must *explicitly* prohibit the use of federal dollars to pay for abortions. If there is no explicit prohibition, the courts will order the federal government to pay.

This is why we needed the Hyde Amendment in 1976. This is also why the Senate bill, unamended, will provide a very large appropriation that can - and most assuredly will - be used to fund elective abortions.

CHCs and other federally funded primary health care providers such as migrant, tribal, rural, and public housing health centers are required by law to provide "comprehensive" primary care services. The statutory term "comprehensive health care services" is broad enough to include reproductive health services, family planning services, and gynecology services. And the courts are unanimous in holding that - in the absence of the Hyde Amendment - this statutory term *necessarily* includes federal funding for elective abortions.

Without the Hyde Amendment, abortions not only *may* be covered, abortions *must* be covered.

For once, the the National Right to Life Committee and Planned Parenthood agree; the March 21 vote for passage of the Obamacare legislation was indeed historic. However, whereas Planned Parenthood sees the passage as cause for celebration, NRLC sees cause for political retribution. "A vote for the Senate-passed health bill (H.R. 3590)," said the NRLC's March 19 letter to Members of the U.S. House of Representatives, "is a vote for the most expansively pro-abortion legislation ever to come before the House of Representatives, since *Roe v. Wade*, and will be accurately so described in the NRLC congressional scorecard for the 111th Congress."



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