



November 7, 2009

**RE: Vote No on Stupak-Pitts Abortion Ban Amendment in
Health Care Reform Legislation (HR 3962)**

Dear Representative:

On behalf of the American Civil Liberties Union (ACLU), a nonpartisan public interest organization dedicated to protecting the constitutional rights of individuals, and its hundreds of thousands of members, activists, and 53 affiliates nationwide, we urge you to **OPPOSE the Stupak-Pitts abortion ban amendment** that will be offered to HR 3962, the Affordable Health Care For America Act.

Contrary to statements made by Mr. Stupak and others, the amendment is significantly broader than the Hyde Amendment and represents an unprecedented expansion of existing law that will deny women access to the health care they need. Moreover, the amendment's suggestion that women can merely obtain a separate rider to receive care demonstrates an unfortunate misunderstanding of the reality of women's lives.

Throughout their lives, women access a broad continuum of reproductive health care services, including contraceptive services, prenatal care, and abortion. A principled approach to health care reform should have reflected that reality and would not have allowed reproductive health care, including abortion, to be treated differently than any other health care service. But politics and ideology have made that goal impossible.

Instead, the Stupak-Pitts amendment would prohibit federal subsidies from going to any private plan in the health care exchange that covers abortion and prohibits the public plan from offering abortion care even if only private dollars are utilized. This effectively creates an abortion ban within the exchange that denies women access to services many already have. Indeed, according to the Guttmacher Institute, 87% of typical employer-based insurance policies in 2002 covered abortion. The Kaiser Family Foundation reported that 46% of covered workers had coverage for abortion. Thus, without this ideological intrusion into the private marketplace, most insurers would continue to provide abortion coverage.

It has become abundantly clear that the Stupak-Pitts amendment is not an attempt to ensure that taxpayer dollars do not fund abortions under health care reform legislation. The Capps amendment, currently in the bill, unambiguously achieves that goal. Rather, the abortion ban agenda is hidden under the guise of "applying Hyde." The Hyde amendment prohibits

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funds appropriated for the Department of Health and Human Services from being used to pay for abortions except in cases of rape, incest and life endangerment. However, unlike the amendment offered by Representative Stupak and Representative Pitts, the Hyde Amendment does not reach non-federal funds. Indeed, the Hyde Amendment does not preclude partner states in the Medicaid program from paying for abortion care, as long as federal funds are not utilized for this purpose.

Finally, the assertion that women should merely purchase a separate rider that covers abortion is unfortunate and unworkable. More than half of all pregnancies are unintended; no woman plans to have an unintended or medically compromised pregnancy. It is illogical and dismissive of women's real life experiences to propose that they should insure against such an occurrence. Moreover, not only does this proposal raise very serious privacy issues but it also discriminates against women by imposing upon them an additional cost to purchase insurance coverage for a constitutionally protected service. Finally, the evidence suggests that the availability of such a rider could be severely limited such that women would not be able to access the health care they need.

We urge Members to reject the Pitts-Stupak amendment that attempts to ban coverage of abortion. This amendment goes far beyond the Hyde Amendment. Women seeking reproductive health services should not be in a worse position after health care reform than they were before Congress intervened. The current compromise language on abortion adequately meets the needs of those who oppose public funding of abortion.

Sincerely,



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