



**PRO-LIFE RIDERS:  
*PROTECTING THE CONSCIENCE RIGHTS OF THE AMERICAN TAXPAYER***

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***INTRODUCTION***

Contrary to what the pro-abortion community would like us to think, most Americans are opposed to abortion. In fact, a large majority of Americans “find abortion morally wrong in all or some circumstances.”<sup>1</sup> That being the case, Congress simply should not force Americans to violate their consciences by appropriating their tax dollars to pay for abortions and other morally controversial medical procedures. Fortunately, over the past thirty years, Congress has enacted yearly appropriations legislation that contains various pro-life measures, or “riders,” prohibiting federal tax dollars from being used to fund abortions, sterilization and human embryo experimentation. In addition to protecting the conscience rights of the American taxpayer, these pro-life riders have also been used to protect the conscience rights of the American health care professional. As Congress considers appropriations in the days to come, it is vital – to a majority of Americans and to every unborn child – that these pro-life riders be retained in appropriations legislation for FY2009.

***AMERICANS ON ABORTION***

Recent polls and studies indicate that Americans, in large part, are morally opposed to abortion. For instance, in 2005, the Pew Research Center for the People & the Press found that “40 percent of Americans believe abortion should be mostly or completely illegal and 71 percent of Americans back legislation to limit abortions.”<sup>2</sup> A 2006 Zogby poll revealed that 59 percent of Americans believe that abortion ends a human life and that 45 percent of Americans do *not* believe that the Constitution guarantees the right to an abortion.<sup>3</sup> A 2007 poll conducted by CBS News showed that “54 percent of Americans take one of three pro-life positions opposing all or

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<sup>1</sup> Steven Ertelt, *Another Poll Shows Most Americans Back Abortion Limits*, LIFENEWS.COM, Aug. 4, 2005, <http://www.lifenews.com/nat1510.html>.

<sup>2</sup> *Id.*; see The Pew Research Center for the People & the Press, *Abortion and Rights of Terror Suspects Top Court Issues*, PEOPLE-PRESS.ORG, Aug. 3, 2005, <http://people-press.org/report/253/abortion-and-rights-of-terror-suspects-top-court-issues>.

<sup>3</sup> Steven Ertelt, *New Zogby Poll: Americans are Pro-Life on Numerous Abortion Issues*, LIFENEWS.COM, Mar. 22, 2006, <http://www.lifenews.com/nat2164.html>.

almost all abortions and another 16 percent want *more* restrictions on it.”<sup>4</sup> Steven Ertelt explains that “[w]ith the Planned Parenthood-affiliated Alan Guttmacher Institute showing that less than two percent of all abortions are done in cases of rape, incest or to save the mother’s life, the CBS News poll shows *54 percent of Americans oppose 98 percent of all abortions.*”<sup>5</sup>

In light of these statistics, one cannot be surprised that a large percentage of Americans also have a problem with their tax dollars being used to pay for abortions. In addition to demonstrating the pro-life nature of most Americans, the 2006 Zogby poll revealed that 69 percent of Americans disagreed with federal funds being used to pay for abortions and that 69 percent favored the Mexico City Policy—the ban on providing federal funds to groups that provide or promote abortions overseas. Importantly, Americans’ feelings towards taxpayer funding for abortion have not changed in the intervening three years: a recent Gallup poll reveals that 58 percent of Americans disagree with President Obama’s recent decision to repeal the Mexico City Policy.<sup>6</sup>

### ***PRO-LIFE RIDERS***

To prevent Americans from being forced to financially support a practice they find morally repugnant, Congress has passed various pro-life riders on appropriations legislation to ensure that federal funds are not used to pay for morally controversial medical procedures such as abortion, sterilization, and human embryo experimentation. These pro-life riders have also been crucial to protecting the conscience rights of health care professionals.

Last year, Congress passed fifteen pro-life riders on appropriations legislation for FY2008. They include the following:

#### **1. Abortion Funding Ban for Federal Prisoners<sup>7</sup>**

This particular measure prohibits federal funds from being used to pay for abortions for federal prisoners. It also provides conscience protection for employees of federal prisons.

#### **2. Legal Services Corporation<sup>8</sup>**

This measure prohibits funds from the Legal Services Corporation, a non-profit organization established by Congress to give “civil legal assistance to low-income Americans,”<sup>9</sup> from going to any organization that engages in abortion-related litigation.

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<sup>4</sup> Steven Ertelt, *CBS News Poll: 54 Percent of Americans Take Pro-Life Position on Abortion*, LIFENEWS.COM, Oct. 19, 2007, <http://www.lifenews.com/nat3389.html> (emphasis added); see *Abortion and Birth Control*, POLLINGREPORT.COM, <http://www.pollingreport.com/abortion.htm> (last visited Feb. 12, 2009).

<sup>5</sup> Ertelt, *supra* note 4 (emphasis added).

<sup>6</sup> Dan Gilgoff, *Poll: Americans Oppose Obama Ending Ban On Funds to Overseas Groups Backing Abortion*, USNEWS.COM, Feb. 3, 2009, <http://www.usnews.com/blogs/god-and-country/2009/2/3/poll-americans-oppose-obama-ending-ban-on-funds-to-overseas-groups-backing-abortion.html>.

<sup>7</sup> See H.R. 3093, 110<sup>th</sup> Cong. (2007); see S. 1745, 110<sup>th</sup> (2007).

<sup>8</sup> *Id.*

<sup>9</sup> Legal Services Corporation, LSC: What is LSC?, <http://www.lsc.gov/about/lsc.php> (last visited Feb. 12, 2009).

### **3. Patenting Human Organisms (“Weldon Amendment”)<sup>10</sup>**

Under this provision, federal funds may not be used to issue patents on claims directed to or encompassing a human organism. It has been enacted every year since 2004.<sup>11</sup>

### **4. Federal Employee Health Benefits Abortion Funding Ban (“Smith Amendment”)<sup>12</sup>**

Enacted nearly every year since 1984,<sup>13</sup> this measure prohibits funds from the Federal Employee Health Benefits program from being used to pay for abortions, except in cases of rape or incest, or when the life of the mother is endangered.

### **5. D.C. Funding Ban (“Dornan Amendment”)<sup>14</sup>**

The D.C. Funding Ban prohibits both federal and D.C. funds from being used for abortions in the District of Columbia.

### **6. Embryo Destructive Research Funding Ban (“Dickey-Wicker Amendment”)<sup>15</sup>**

This provision prohibits federal funds from being used for destructive research on human embryos. It has been enacted every year since 1996.<sup>16</sup>

### **7. Domestic Funding Ban (“Hyde Amendment”)<sup>17</sup>**

Under the Hyde Amendment, federal funds may not be used to pay for domestic abortions, except in cases of rape or incest, or when the life of the mother is endangered. The Hyde Amendment has been enacted every year since 1976.<sup>18</sup>

### **8. Coercive Abortion Funding Ban (“Kemp-Kasten Amendment”)<sup>19</sup>**

This measure allows the President to discontinue funding to organizations that support or participate in the management of a coercive abortion program. It has been enacted every year

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<sup>10</sup> H.R. 3093, 110<sup>th</sup> Cong. (2007); S. 1745, 110<sup>th</sup> (2007).

<sup>11</sup> See National Right to Life, Congress Bans Patents on Human Embryos, [http://www.nrlc.org/Killing\\_Embryos/Human\\_Patenting/Weldonamendmentsurvives.html](http://www.nrlc.org/Killing_Embryos/Human_Patenting/Weldonamendmentsurvives.html) (last visited Feb. 12, 2009).

<sup>12</sup> H.R. 2829, 110<sup>th</sup> Cong. (2007).

<sup>13</sup> See National Committee for a Human Life Amendment, Abortion Related Federal Policies, <http://www.nchla.org/datasource/ireports/report9596.pdf> (last visited Feb. 12, 2009); see also NARAL Pro-Choice America, Federal Profile, [http://www.prochoiceamerica.org/choice-action-center/in\\_your\\_state/who-decides/federal/index.html?templateName=allfederallawdetails](http://www.prochoiceamerica.org/choice-action-center/in_your_state/who-decides/federal/index.html?templateName=allfederallawdetails) (last visited Feb. 12, 2009).

<sup>14</sup> H.R. 2829, 110<sup>th</sup> Cong. (2007).

<sup>15</sup> H.R. 2764, 110<sup>th</sup> Cong. (2007).

<sup>16</sup> Genetics & Public Policy Center, Dickey-Wicker Amendment, [http://www.dnapolicy.org/policy.international.php?action=detail&laws\\_id=36](http://www.dnapolicy.org/policy.international.php?action=detail&laws_id=36) (last visited Feb. 12, 2009).

<sup>17</sup> H.R. 2764, 110<sup>th</sup> Cong. (2007)

<sup>18</sup> National Committee for a Human Life Amendment, The Hyde Amendment, <http://www.nchla.org/datasource/ifactsheets/4FSHydeAm22a.08.pdf> (last visited Feb. 12, 2009).

<sup>19</sup> H.R. 2829, 110<sup>th</sup> Cong. (2007)

since 1985.<sup>20</sup> Importantly, President Bush invoked this provision to discontinue funding to the United Nations Populations Fund (UNFPA) in FYs 2002 to 2006.

### **9. International Involuntary Family Planning Programs Funding Ban (“Tiahrt Amendment”)<sup>21</sup>**

The Tiahrt Amendment permits population control funds to be used only in programs certified as voluntary in every respect. It has been enacted every year since 1998.<sup>22</sup>

### **10. International Abortion Funding Ban (“Helms Amendment”)<sup>23</sup>**

The Helms Amendment, enacted every year since 1973,<sup>24</sup> prohibits foreign aid from being spent on abortion as a method of family planning or to motivate or coerce anyone to practice abortion or involuntary sterilization.

### **11. Peace Corps Family Planning Funding<sup>25</sup>**

This measure prohibits Peace Corps funds from being used for abortions. It has been enacted every year since 1979.<sup>26</sup>

### **12. Conscience Protection for Health Care Professionals<sup>27</sup>**

This provision expressly protects the conscience rights of health care professionals in the Federal Employee Health Benefits program.

### **13. Conscience Protection for Health Care Entities (“Hyde-Weldon Amendment”)<sup>28</sup>**

The Hyde-Weldon Amendment prohibits discrimination against health care entities that refuse to provide, pay for or refer for abortion. It has been enacted every year since 2004.<sup>29</sup>

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<sup>20</sup> National Right to Life, *National Right to Life Response to Reports that the Bush Administration Will Enforce Kemp-Kasten -Coercion Law and De-Fund UNFPA, Due to the UNFPA’s Support for China’s Pervasively Coercive Program*, <http://www.nrlc.org/Federal/ForeignAid/UNFPAResponse.html> (last visited Feb. 12, 2009).

<sup>21</sup> H.R. 2764, 110<sup>th</sup> Cong. (2007).

<sup>22</sup> USAID, USAID Health: Family Planning, Policy, Voluntarism and Informed Choice, [http://www.usaid.gov/our\\_work/global\\_health/pop/voluntarism.html](http://www.usaid.gov/our_work/global_health/pop/voluntarism.html) (last visited Feb. 12, 2009).

<sup>23</sup> H.R. 2764, 110<sup>th</sup> Cong. (2007).

<sup>24</sup> USAID, USAID Health: Family Planning, Policy, Restrictions on Abortion, [http://www.usaid.gov/our\\_work/global\\_health/pop/restrictions.html](http://www.usaid.gov/our_work/global_health/pop/restrictions.html) (last visited Feb. 12, 2009).

<sup>25</sup> H.R. 2764, 110<sup>th</sup> Cong. (2007)

<sup>26</sup> NARAL Pro-Choice America, *Discriminatory Restrictions on Abortion Funding Threaten Women’s Health*, <http://www.prochoiceamerica.org/assets/files/Abortion-Access-to-Abortion-Women-Government-Discriminatory-Restrictions.pdf> (last visited Feb. 12, 2009).

<sup>27</sup> H.R. 2829, 110<sup>th</sup> Cong. (2007).

<sup>28</sup> H.R. 2764, 110<sup>th</sup> Cong. (2007).

<sup>29</sup> See National Right to Life, Congress approves broad shield to protect pro-life health care providers, <http://www.nrlc.org/Federal/ANDA/hydeweldonwebnrlnews.html> (last visited Feb. 12, 2009).

#### **14. Medicare Advantage Conscience Protection<sup>30</sup>**

This particular provision protects the conscience rights of health care entities operating under the Medicare Advantage program by prohibiting discrimination against such entities that refuse to provide abortions.

#### **15. D.C. Conscience Protection<sup>31</sup>**

This measure states that it is the express intent of Congress that any D.C.-imposed contraceptive mandate must include a conscience clause. It has been enacted every year since 2000.<sup>32</sup>

#### ***CONCLUSION***

With a pro-abortion Congress and White House in 2009, the conscience rights of the American taxpayer and the American health care professional are at stake. Pro-life riders that prohibit federal funds from being used for abortions and that provide conscience protections for health care personnel must be retained in appropriations legislation for FY2009. Otherwise, the federal government runs the risk of forcing Americans to violate their consciences by making them pay for – or perform – abortions.

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<sup>30</sup> H.R. 2764, 110<sup>th</sup> Cong. (2007).

<sup>31</sup> *Id.*

<sup>32</sup> U.S. Conference of Catholic Bishops, Current Federal Laws Protecting Conscience Rights, <http://www.usccb.org/prolife/issues/abortion/crmay08.pdf> (last visited Feb. 12, 2009).