



## White House Tries to Define Contraception As Abortion

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In a spectacular act of complicity with the religious right, the Department of Health and Human Services Monday released a proposal that allows any federal grant recipient to obstruct a woman's access to contraception. In order to do this, the Department is attempting to redefine many forms of contraception, the birth control 40 percent of Americans use, as abortion. Doing so protects extremists under the Weldon and Church amendments. Those laws prohibit federal grant recipients from requiring employees to help provide or refer for abortion services. The "Definitions" section of the HHS proposal states,

Abortion: An abortion is the termination of a pregnancy. There are two commonly held views on the question of when a pregnancy begins. Some consider a pregnancy to begin at conception (that is, the fertilization of the egg by the sperm), while others consider it to begin with implantation (when the embryo implants in the lining of the uterus). A 2001 Zogby International American Values poll revealed that 49 percent of Americans believe that human life begins at conception. Presumably many who hold this belief think that any action that destroys human life after conception is the termination of a pregnancy, and so would be included in their definition of the term "abortion." Those who believe pregnancy begins at implantation believe the term "abortion" only includes the destruction of a human being after it has implanted in the lining of the uterus.

The proposal continues,

Both definitions of pregnancy inform medical practice. Some medical authorities, like the American Medical Association and the British Medical Association, have defined the term "established pregnancy" as occurring after implantation. Other medical authorities present different definitions. Stedman's Medical Dictionary, for example, defines pregnancy as "[t]he state of a female after conception and until the termination of the gestation." Dorland's Medical Dictionary defines pregnancy, in relevant part, as "the condition of having a developing embryo or fetus in the body, after union of an oocyte and spermatozoon."

Up until now, the federal government followed the definition of pregnancy accepted by the American Medical Association and our nation's pregnancy experts, the American College of Obstetricians and Gynecologists, which is: pregnancy begins at implantation. With this proposal, however, HHS is dismissing medical experts and opting instead to accept a definition of pregnancy based on polling data. It now claims that pregnancy begins at some biologically unknowable moment (there's no test to determine if a woman's egg has been fertilized). Under these new standards there would be no way for a woman to prove she's not pregnant. Thus, any woman could be denied contraception under HHS' new science.

The other rarely discussed issue here is whether hormonal contraception even does what the religious right claims. There is no scientific evidence that hormonal methods of birth control can prevent a fertilized egg from implanting in the womb. This argument is the basis upon which the religious right hopes to include the 40 percent of the birth control methods Americans use, such as the pill, the patch, the shot, the ring, the IUD, and emergency contraception, under the classification "abortion." Even the "pro-life" movement's most respected physicians cautioned the movement about making these claims. In 1999, the physicians -- who, like the movement at large, define pregnancy as beginning at fertilization -- released an open letter to community stating: "Recently, some special interest groups have claimed, without providing any scientific rationale, that some methods of contraception may have an abortifacient effect...The 'hormonal contraception is abortifacient' theory is not established fact. It is speculation, and the discussion presented here suggests it is error...if a family, weighing all the factors affecting their own circumstances, decides to use this modality, we are confident that they are not using an abortifacient."

As the HHS proposal proves, the absence of fact or evidence does not slow anti-abortion movement attempts to classify hormonal contraception as abortion. With HHS' proposal they have struck gold. Anyone working for a federal clinic, or a health center that receives federal funding -- even in the form of Medicaid -- and would like to prevent a woman from accessing most prescription birth control methods has federal protection to do so. As the HHS proposal details,

Because the statutes that would be enforced through this regulation seek, in part, **to protect individuals and institutions from suffering discrimination on the basis of conscience, the conscience of the individual or institution should be paramount in determining what constitutes abortion**, within the bounds of reason. As discussed above, both definitions of pregnancy are reasonable and used within the scientific and medical community. The Department proposes, then, to allow individuals and institutions to adhere to their own views and adopt a definition of abortion that encompasses both views of abortion. (emphasis mine)

So HHS proposes that anyone can enforce his or her own definition of abortion "within the bounds of reason." And, it would seem the bounds are pretty far flung. Most dangerously, perhaps, this new rule establishes a legal precedent that may

eventually be used as a basis for banning the most popular forms of birth control along with what is, in fact, abortion.

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