



Policy Paper on The Role of Government When Regulating Abortion
Produced by the Policy Subdivision with supervision from the Political Director

Abortion Government Policy From a Youth Perspective

Introduction

Abortion has always been a strongly partisan issue that has been growing in the general consciousness in recent years, especially now as we move closer toward a ideological equilibrium between both pro-life and pro-choice camps. It was because of this that we decided to hold this important policy discussion examining the role that youth and members of the YACU want the government playing when regulating abortion.

Realizing this discussion helped us uncover many details surrounding what young people really want from their government; something that implicates not just abortion but many other topics as well

According to the results of our discussion, our population sample did lean toward pro-choice policies (83%) based on our first question of whether you consider yourself pro-life or pro-choice, but even as that may be true, it leaves behind many of the nuances of the responses that members of our audience voted in favor, meaning they also agreed with. The greatest testament to this was the fact that the second most popular response was surprisingly pro-life leaning (83%), most likely stemming from the idea held by many of our youth that even as abortion may be considered “necessary” in many instances like in the case of rape and incest, their perspective is

generally that an abortion is a negative action that should be kept rarely used under most common circumstances.

The following is a dissection of the history of abortion in the U.S. along with common arguments against and in favor of abortion and government intervention. Opinions expressed in this policy paper do not represent those of their writers, but rather the common ideas found between both viewpoints in an unbiased form.

History of the US Government Regulating Abortion

Prior to the 1880s, abortion was largely unregulated leading up until the occurrence of “fetal quickening”,¹ when the mother felt a kick from the baby, “which can happen anywhere from 14 weeks to 26 weeks into pregnancy.”²

- By 1910, after campaigning by the American Medical Association (formed in 1857), all states but Kentucky had made abortion illegal, except in cases in which the mother’s life was threatened.³
- “In 1959, the American Law Institute (ALI), a group of legal experts, released a draft proposal that would make abortion legal in cases of fetal abnormality, rape or incest, or when there was a threat to the woman’s health.”⁴
- In 1973, landmark supreme court case *Roe v. Wade* judged that safe and legal abortion was a constitutional right. This case created the trimester framework, giving the judgement to the medical professionals instead of the government in the first trimester.⁵

¹ Mary Ziegler, “A Brief History of US Abortion Law, before and after Roe v Wade,” *HistoryExtra*, June 21, 2019,

<https://www.historyextra.com/period/20th-century/history-abortion-law-america-us-debate-what-roe-v-wade/>.

² Ranine Dine, *Scarlet Letters: Getting the History of Abortion and Contraception Right*,” *Center for American Progress*, August 8th, 2013,

<https://www.americanprogress.org/issues/religion/news/2013/08/08/71893/scarlet-letters-getting-the-history-of-abortion-and-contraception-right/>.

³ Mary Ziegler, “A Brief History.”

⁴ Ibid.

⁵ Ibid.

- In 1992, *Planned Parenthood v. Casey* upheld the ruling that abortion was protected under the constitution, but also removed the trimester framework while allowing state regulation of abortion given the absence of undue burden on a woman's choice.⁶
- In 2019, modern anti-abortion legislation has been passed in the states of Ohio, Louisiana, Georgia, Kentucky, Mississippi, which restrict the window for abortion to before the detection of a fetal heartbeat. Alabama passed a law which would have completely banned all abortions.⁷

Arguments Against and in Favor of Abortions

Abortion is a topic heavily debated upon and from a secular standpoint there are various arguments against the legality of abortion. Many of this stems from a simple question: where does life begin?

Arguments Against Abortions

- After sexual intercourse, when both a sperm and an egg fuse, a zygote is formed. This zygote is a cell and we consider a cell to be the basic building block of life.
- As a result of fertilization, the cell contains half of the mother's DNA and half of the father's DNA, This often serves as an argument in order to support the claim that men should also have a say in the abortion debate.
- Though the zygote isn't an organism as it doesn't have organ systems which are composed of a multitude of cells and tissues, most experts agree.⁸

⁶ Ibid.

⁷ "Louisiana's Democratic Governor Signs Abortion Ban into Law," *Associated Press*, May 30th, 2019, <https://www.nbcnews.com/news/us-news/louisiana-s-democratic-governor-signs-abortion-ban-law-n1012196>.

⁸ Family Research Council. (2011). *THE BEST PRO-LIFE ARGUMENTS* [Brochure]. Author.

- Many people equate being human to have mental characteristics and a personality, but that doesn't mean that the being in the womb can not be considered to be alive; in fact, many people believe that simply having the ability to begin the process to eventually reach that state is a symbol of a living organism.
- Naysayers of abortion maintain the stance that all human beings have human rights and therefore killing one is unjust.⁹
- If a woman is knowingly taking part in unprotected sex and gets pregnant, they should be accountable of the consequences that follow.

Arguments in Favor of Abortions

Just as there are arguments against abortion, there are also many arguments supporting the pro-choice movement which argues that women should have the right to choose whether they want an abortion. Abortion was legalized in the Supreme Court Case of Roe V. Wade, however certain states have enacted gestational age bans. Among the central claims of people on the pro-choice camp is that having the freedom to choose whether or not you have an abortion isn't forcing abortion upon anyone, rather it is simply allowing woman to have the choice to deal with their own body.

- Rape. Some people tend to shy away from the word, but it's a very real and atrocious thing that happens all over the world. If a rapist impregnates a woman, does it make sense to force that woman to keep the baby reminding her of that horrible time in her life? It's a form of torture.
- It's a woman's body and therefore she should have the right to choose. It's a baby growing inside of her womb. She has to alter her lifestyle for nine months in order to ensure the well-being of this baby.
- In some cases, a woman is simply going through a tough time and she doesn't have the income, help, or resources to raise a child and she should have the option to abort it.

⁹ "Why Pro-Life? The Case for Inclusion." MCCL. Accessed August 6, 2020. <https://www.mccl.org/whyprolife>.

- The unborn baby may be diagnosed with a condition that will kill the child in future years or harm the mother or require long term care in a hospital attached to multiple tubes. In these cases, a woman should have every right to choose.
- In many instances Pro-lifers claim that they are okay with abortions in cases of rape, but they are only contradicting themselves. They are ultimately saying the lives of children who were conceived by rape are worth less than the lives of children who were conceived willingly.
- Pro-lifers also believe that adoption is an alternative to 'killing' the fetus, but having a child is a big responsibility and is costly before even giving birth. In fact, it can cost up to thirty thousand dollars. A woman may not have the means to go through with the pregnancy.¹⁰

Arguments in Favor and Against the Use of Government Funding for Abortion Programs

In 1976, the House of Representatives passed the Hyde Amendment. To this day, this piece of legislation prohibits the federal government from funding abortions with the exception of cases in which the woman's life is at risk, or the pregnancy resulted from rape or incest. Moreover, the amendment excludes abortion from the health care services provided by the federal government through Medicaid to low-income individuals.¹¹ As of now, public funding for abortions is granted through a joint federal-state Medicaid program for low-income women. However, currently there are only seventeen states that fund abortions for low-income women on similar terms to pregnancy-related health services.

Looking on the results of our fifth policy problem discussion, (80%) of participants agreed that abortion should be federally funded.

¹⁰ Hoffower, Hillary. "How Much It Costs to Have a Baby in Every State, Whether You Have Health Insurance or Don't." Business Insider. Business Insider, December 9, 2019. <https://www.businessinsider.com/how-much-does-it-cost-to-have-a-baby-2018-4>.

¹¹ American Civil Liberties Union. "Public Funding for Abortion." American Civil Liberties Union, www.aclu.org/other/public-funding-abortion.

Arguments in Favor of Federal Government Spending on Safe Abortion Clinics

- The federal government could provide women whose pregnancies could otherwise threaten their health, the coverage they need for an abortion. (Bans on abortion discriminate against certain health conditions as well as income status)
- Given that childbirth and prenatal care greatly exceed the cost for an abortion, public funding does not cost taxpayers money nor drain resources from other health-related services. In other words, the money that is so-called “saved” by banning abortions in some states will be spent several times over when having to pay for childcare and maternity expenses.
- Nondiscriminatory funding for abortions would place the profoundly personal decision on how to treat a pregnancy back into the hands of the woman who must live with the consequences of that decision.
- Putting federal funds towards abortions does not necessarily compel women to seek out abortions.
- In several cases, federal funding for abortions would save countless women from having to seek illegal abortions that are not properly executed with certified medical equipment or personnel.
- Federal funding for abortions would also grant low-income women with the choice to terminate their pregnancies instead of being forced to carry their pregnancies to term and try to care and support for a child without enough money to support themselves.
- Federally funded programs such as Planned Parenthood can continue to provide women with the reproductive healthcare and resources they need.

Arguments Against Government Funding For Abortions

There have been several cases made arguing against the investment of federal funds into abortion clinics. When asked whether it is fair that federal funds go towards safe abortions, considering that some taxpayers disagree with this practice, 17% of participants in the policy problem discussion agreed that it is not fair “because taxpayers never have a direct say” on where “their tax dollars go.” The following are common arguments made in opposition to federally funded abortion clinics:

- Many argue that federal funding should be invested into better sexual education programs instead in order to take more preventative measures in educating younger generations on the risks of being sexually active at a young age.
- If the woman’s life/health is not at risk and the pregnancy was not a result of rape or incest, there should be no reason to consider an abortion.
- Abortion is an immoral practice that ceases the prenatal development of a human being, destroying its chances of life.
- Policymakers should redirect taxpayer funds more effectively and put their money towards centers and clinics that provide women with more comprehensive care and that prevent women from seeking abortions.
- Others argue that there is no constitutional basis for federal government funding towards non-profit organizations such as Planned Parenthood, saying that that type of spending does not fall within the powers granted to the Federal Government by the U.S. Constitution.¹²

¹² comments, Abby Attia 151. “7 Reasons Why Planned Parenthood Should Not Get Government Money.” MyHeritage, www.myheritage.org/news/7-reasons-why-planned-parenthood-should-not-get-government-money/.

- It would not be wise to mix money into an issue that is so heavily divided among the public. Therefore, state legislatures should do as they please but leave federal funding out of abortion care.
- If the federal government uses tax dollars to fund abortion clinics, it is violating the first amendment in that it is forcing those who have religious convictions against abortion to participate in funding practices that they are against morally.¹³

As seen above, the various competing perspectives are evidently polarized. The argument taken on the side of pro-federal government funding for abortion would grant low-income women with the choice to terminate their pregnancies without having to put their health or financial income at further risk. The benefits of greater federal spending for abortion clinics has been proven to cost taxpayers far less than the cost of maternity and childcare that would have to be funded if a mother was forced to carry her pregnancy to term. On the other hand, others argue that the federal government's ability to fund organizations such as Planned Parenthood, is not explicitly granted in the U.S. Constitution. Additionally, the hotly contested perspective that the unborn being is actually considered a living person continues to lead polarizing debates, some arguments backed by scientific evidence, others disputing or disregarding that evidence in their claims.

Conclusion

In conclusion, the issue of abortion is one that although may not seem pertinent to those below the age of 18, it in many ways is. Even as the amount of pregnancies between people age 15 to 19 has been steadily falling since the 80s, abortion is still an issue that effects many youth regarding the decisions that they have upon them to tackle the issue of having a teen pregnancy.¹⁴ Furthermore, with contraception becoming more and more common among all age groups, especially in the younger age groups, the decrease in teen pregnancies has prompted a big debate on how we should regulate

¹³ "Roundtable: Should Public Pay for Abortions?" Daily Review Atlas, Daily Review Atlas, 14 June 2019,

www.reviewatlas.com/opinion/20190614/roundtable-should-public-pay-for-abortions.

¹⁴ "Teen Abortions." Child Trends. Accessed August 6, 2020.

<https://www.childtrends.org/indicators/teen-abortions>.

abortions in the future.¹⁵ With teen abortions on the downward trend, as well as abortions in other age groups, what the government should decide to do now is a contentious issue not just stemming from the moral fog surrounding this issue but also who exactly are we trying to benefit through this endeavor: should it be the young mother who simply is not ready to have a baby or the baby itself who deserves a chance to live? Lastly, what role does the government even have when trying to equilibrate between these two distant views?

Throughout this policy paper, we have tried to give unbiased arguments and views that lend themselves into answering those specific questions, and we have tried to elucidate these perspectives because it is not just important to understand your own perspective but also the counter-argument.

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¹⁵ "Abortion and Young People in the United States." Advocates for Youth. Accessed August 6, 2020. <https://advocatesforyouth.org/resources/fact-sheets/abortion-and-young-people-in-the-united-states/>.