

Term Paper

If abortion is legal in the US why do official government policies deny some US women access to abortions, abortion counseling and even birth control?

This paper discusses the issue of abortion in relation to women in the military and the spouses and dependents of military personnel and what the US government is doing with abortion rights.

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Introduction

Women have been having abortions for as long as women have been able to get pregnant. It was just hidden from society and many women died from the improper procedures.¹ Abortion is legal in the entire USA ever since Roe v Wade² made the headlines in 1970's and it was determined a woman's rights would be violated as defined by the Constitution under the Fourteenth Amendment. This case did not say a government installation has different rules. US government installations adhere to US government policies and jurisdiction no matter where they are located. Therefore it must be said that a safe abortion must be allowed at any hospital or healthcare facility run by the government. The insurance industry should also provide medical coverage for free choice abortions also.

The current administration and others in the past who are against abortions feel they can manipulate the processes that have been put into place in our country. They have not made abortion illegal, but have removed all facilities within a military base hospital, have not allowed birth control and abortion literature to be available, are manipulating the FDA, allow insurance companies to not cover abortion and have cut funding through indirect methods.

It seems extremely unjust to have women as soldiers defending and representing our Constitution, yet the government chooses to backhandedly not support our own laws. If abortion is legal it should be offered at hospitals our government establishes.

A female spouse or dependent is another person who needs to be considered as they also suffer from this unjust system. These women too are denied abortions at the facilities they are made to use for their primary healthcare. These women are not even in the military and are merely citizens who deserve all their rights also.

Body

Recap of abortion banning for women in military

Historically the military has tried to paternalistically control the rights of women in the services. Many in the military didn't even want women to serve. They required the highest moral standards to be applied to a woman, even above and beyond what was required of a man for the most part and it was deemed unmarried and pregnant was behavior from someone immoral and lacking discipline. This of course could be a true statement, but it should be agreed that all circumstances are different and each person should be viewed independently of this negative narrow definition. If a woman was married or unmarried and became pregnant, she was treated different than if a man was married or unmarried and had a baby on the way. If a woman was pregnant or had an illegitimate child they could be discharged.³

A woman use to be able to get abortions at military facilities until in 1970 President Nixon changed Defense Department policies and required all facilities to follow the laws of the states they were located in. These policies were reversed several years after Roe v Wade, but then in 1978 Congress banned the use of federal funds for free choice abortions. The Reagan administration again banned military abortions. They were reinstated in 1994 only to be banned again in 1996. In 2004 Congress again was called upon to address the issue. They were requested to allow military doctors to perform abortions on military women who were going to pay for the procedure on their own. This was denied.

A person in the military is putting their own life on the line to serve our country and protect our rights as defined in the Constitution and the Bill of Rights. The current military personnel are citizens of the USA and live by the rights as established in the Constitution. If our government has established a military base, there is usually some type of healthcare facility. If it has a hospital on the base it is usually the primary hospital a military person is to use as defined by their benefits. If a woman in the military or a spouse of someone in the military desire to get an abortion, they should have safe easy access and psychological support from our government. They should not have to take the government to court to assist them in a time of need and urgency.⁴

FUNDING, INSURANCE and Training

Abortion funding is an issue. This would include paying for the procedure and also having money to properly train and educate the staffing of a practice. If medical schools are not allowed to train doctors appropriately through denial of federal funds, they will have to get the money elsewhere. Why shouldn't federal funds be spent on something that is legal our country? The various problems related to money, and education of staff has become a serious hindrance to whether or not a doctor will perform abortions as part of their practices.⁵

Doctors require being paid also. Insurance companies are allowed to deny coverage for free choice abortions and to charge exorbitant liability fees to doctors who perform abortions. The government does not allow Medicaid reimbursement except in the case of rape or incest and the DOD's national healthcare coverage for military personnel and their families TRICARE, does not even allow payment except for if the life of the mother is at risk, and currently as defined in the TRICARE handbook - abortion is not covered in cases of incest or rape.⁶ How will it be paid for? The military has a lot of low salaries and its personnel are dependent on their benefits.

Doctors also have to fear for their lives if performing abortions. There have been cases of people shooting doctors who perform abortions. They may have no problem performing one, but they may also not be able to control their fear of retaliation from psychos.

If you don't believe in abortion, abhor it, think it is the most unethical immoral thing a person can do – you will have strong feelings as to how an abortion is paid for. One may feel if you allow money that came out of your pocket as in your hard earned tax money, to pay for an abortion, then somehow you are indirectly supporting abortions.

Unless you know of any unknown donations to the US military paycheck fund, the government of the USA is paid for with taxes. A person in the military most often will be paying for an abortion out of their pocket and they are still denied an abortion, this is even in the case of rape or incest. Imagine a woman serving in a country where there are no legal abortion services offered and now imagine this woman becoming pregnant as a result of a rape. It does happen and unfortunately rape is all too

common especially in times of war. Military insurance can cover liposuction, nose surgery and breast implants yet not abortion.⁷

FDA – Food and Drug Administration

The FDA has authority over a variety of women's reproductive health matters including birth control pills and emergency contraception pills. President Bush has in the past appointed as the head of the FDA someone who is anti-abortion and ultra religious in their ethics. He has also managed to appoint a person to this position when Congress has been on vacation or recess. One such person was Dr. W. David Hager,⁸ whose views towards sexuality and birth control are antiquated and against a woman's freedom to choose. He has stated abstinence and praying are the best methods for birth control. Currently acting chairman Andrew C. von Eschenbach is a questionable choice for women's rights and he has actively been involved in lawsuits pertaining to the Plan B emergency contraceptive.⁹ President Bush I feel has his own agenda at hand, not the agenda chosen by the majority of the American public.

Other Current Abortion issues

It seems every year abortion is attacked from many different angles. With technology and morality about pregnancy and abortion changing quickly it is true many things need to be continually addressed. Upon going to whitehouse.gov site and searching on abortion a new bill addressing pain for an unborn "child" is supported by the administration¹⁰. In press briefings the white house spokesperson sometimes plays dumb to specific questions regarding the President's views on Plan B abortion and other issues.

Some states are requiring mandatory delays in the name of protecting a woman's right to know information. Many feel it is a tactic to enable time to pass so the woman will not be in the first trimester anymore.¹¹ The government is allowing states to place anti-abortion messages to be put on license plates that people pay extra for with the funds raised going to anti-abortion organizations.

All issues at hand pertaining to abortion the Bush administration has its hands in. He has been appointing anti-abortion advocates at all levels of the government and judiciary system. Issues pertaining to parental notification laws, prosecution of people who help transport minors across state lines to get abortions, and promotion of faith-based groups to “assist” with women in a pregnancy crisis. I worry about these faith-based initiatives being a smoke screen for private money to be unethically handled within the government to promote “social” issues as defined by private agendas. President Bush calls these issues Promoting a Culture of Life¹².

Many specifics for every case should be addressed and defined, but we must not let them sneak narrow views in by weakly defining what is at hand. Late term abortions that involve the life of the mother or to abort a child that will die are currently in the superior court to be heard¹³. Most abortions should be performed within the first 3 months of pregnancy and what happens to “failed” abortions where the fetus lives also need to be addressed fully.

Conclusion

A person in the military may seemingly sign away most of their rights upon entering. Even though they are in the military they are still independent unique individuals deserving of rights as US citizens. They are at the beck and call of our leaders to protect and advocate for the rights of our country as defined by our Constitution. All rights as represented in the Constitution need to be taken into consideration and a woman’s right to have an abortion is one of them.

The US government should not allow nor facilitate private agendas against abortion by denying women soldiers and dependants and spouses of soldiers something as personal as an abortion. If a woman is going to allow herself to become a mother, carry and bring something to life and be responsible for it for the rest of her life as a good mother would, she also may decide not to do this. It can be an impossible thing, for some women to be a mother. They may know they don’t have the strength. They also may not have the support of the father. It is not just single women that do not have the proper support from a father of their fetus. Women are raped and forced to have incestuous sex. Women are raped in wars on a regular basis. With more women serving in our deployed armed

forces, this awful action unfortunately will happen more. A woman can die in childbirth; a woman can also die from an improper unsafe abortion.

Of course the father's rights need to be considered. A man may also question if he can be father, but his body is not going through the types of physical changes a woman goes through to produce a child. When a woman questions if she can be a mother, it is physical and mental and they both affect each other. It is also possibly life and death and the responsibility begins the instant a fetus is formed. A woman is responsible immediately; a man is responsible after 10 months of thinking about it. She puts her life at risk and a man does not.

A woman soldier puts themselves in a different position than other women in our country. A woman soldier should not be penalized for becoming pregnant by not allowing her to get an abortion at a military base hospital especially if that woman is serving in a foreign country. Healthcare benefits are also one of the enticements to join the military and these benefits should include free choice abortions.

An abortion and carrying a fetus is something a male soldier cannot do. This is where the line is crossed between the sexes. Our government though should treat the sexes equally and therefore provide each sex with all their rights.

The government of the US is clearly defined and there are processes in place to make changes. All these backhanded measures described are used by the various administrations over the years to manipulate the system to deny abortion is extremely disconcerting. What will they try to "pull" next? Clearly the rights of women in the military are being denied here. Is the government going to continue to push this agenda and deny abortions to all women? We have additionally begun to see our rights being eroded in the name of homeland security. What will be the next private agenda and where will it all end?

ENDNOTES

¹ http://en.wikipedia.org/wiki/History_of_abortion Citation made 12/10/06

The history of abortion, according to [anthropologists](#), dates back to ancient times. There is evidence to suggest that, historically, [pregnancies](#) were terminated through a number of methods, including the administration of [abortifacient](#) herbs, the use of sharpened implements, the application of abdominal pressure, and other techniques.

² <http://www.tourolaw.edu/Patch/Roe/>

Roe v Wade decision

³ <http://www.army.mil/cmh/books/wac/chapter9.htm#b7>

Army regulations still provided that women would be involuntarily discharged as soon as they became pregnant. If an unwed woman had an abortion before her discharge date, she was mandatorily discharged; a married woman could request retention on duty. General Hoisington became deeply interested in the abortion issue when it appeared that the new waiver policies would allow any woman who had had an abortion to request retention. In February 1971, she asked Judge Advocate General Kenneth J. Hodson for an opinion on whether the Army could prohibit abortions for unmarried WACs under 21, could require their parents' consent to the operation, or could deny a woman an abortion if her pregnancy predated her entry into the Army. General Hodson decided that after parents had given their consent to the initial enlistment, a woman could make her own medical decisions. A woman who was pregnant upon entry, however, could be discharged and denied an abortion because she did not meet one of the basic qualifications for enlistment. That same month the Army's surgeon general disseminated that information as guidance to hospital commanders.

⁴ http://seattlepi.nwsource.com/local/217156_janedoe23.html

Wife of sailor battles U.S. over abortion

Navy won't pay for procedure for woman who carried severely brain-damaged fetus

Wednesday, March 23, 2005

"This young woman didn't have the money to pay for it herself," Power said. "Her husband is an enlisted man, and she was essentially earning minimum-wage working at the Navy Exchange, and the procedure becomes more expensive and risky to the mother the further along the pregnancy is carried. We essentially asked the court to force the government to stop withholding payment."

U.S. District Judge Thomas Zilly in Seattle agreed, issuing a strongly worded decision in February 2003 and ordering the military's Tricare medical system to pay for the abortion.

⁵ <http://www.ms4c.org/update/505lead.htm>

Barriers to Abortion Practice – May 2005

⁶ <http://www.tricare.mil/TricareHandbook/results.cfm?tn=1&cn=8>

Chapter No. 8 - What's Covered

Abortions

TRICARE covers abortions only when the life of the mother would be endangered if the fetus were carried to term. In this instance, covered services are limited to medical service and supplies. A physician certification indicating the necessity of the procedure to save the mother life is required. Services provided in the case of spontaneous, missed or threatened abortions or abortion related to ectopic pregnancy may also be covered.

⁷ <http://www.freechoicesaveslives.org/campaign/military/explanation#>

What's At Stake? Stop Mistreating Women in the Military!

⁸ <http://www.snopes.com/politics/bush/hager.asp>

⁹ <http://www.lambdaletters.org/women.html>

The Center for Reproductive Rights (CRR) has filed a lawsuit against the Food and Drug Administration (FDA) over its policies restricting the sale of Plan B.

After a prolonged struggle, this emergency contraceptive that can prevent pregnancy up to 72 hours after unprotected sex was recently approved by the FDA for over-the-counter sales to women 18 years of age and over. Such sales are expected to begin by the end of the year.

However, when the FDA entered into an agreement last August with Barr Laboratories, the maker of the Plan B drug, it retained its prohibition on the sale of the drug to anyone under 18 without a prescription.

Dissatisfied with this outcome, the CRR—which had previously brought a suit alleging the FDA had dragged its feet on approving over-the-counter sales due to interference from the Bush administration—has brought a new lawsuit challenging the remaining ban.

The struggle between the parties continues on both fronts. Attorneys representing the FDA in the original suit, *Tummino v. von Eschenbach*, appeared in a Brooklyn federal court in October in an attempt to stop the CRR from getting access to any more government documents. Lawyers for the CRR are seeking to subpoena the White House for records of its contacts with FDA officials about the drug. The CRR claims that witness testimony has suggested that the FDA succumbed to political pressure from the Bush administration when it decided to restrict sales of the medication.

The FDA maintains that its sales rules for Plan B were made on solid scientific and legal grounds and should be upheld even if the agency did receive input from the White House.

¹⁰ <http://www.whitehouse.gov/omb/legislative/sap/109-2/hr6099sap-h.pdf>

December 6, 2006 (House)

STATEMENT OF ADMINISTRATION POLICY

**H.R. 6099 – Unborn Child Pain Awareness Act
(Rep. Smith (R) NJ and 93 cosponsors)**

¹¹ http://www.crlp.org/pub_fac_manddelay2.html

Access to Abortion: Mandatory Delay and Biased Information Requirements

¹² <http://www.whitehouse.gov/infocus/achievement/chap15.html>

Promoting A Culture of Life

"In the debate about the rights of the unborn, we are asked to broaden the circle of our moral concern. We're asked to live out our calling as Americans. We're asked to honor our own standards, announced on the day of our founding in the Declaration of Independence. We're asked by our convictions and tradition and compassion to build a culture of life, and make this a more just and welcoming society."

- President George W. Bush, November 5, 2003

¹³ http://www.crlp.org/crt_pba.html

THE FEDERAL ABORTION BAN: AT THE SUPREME COURT

The U.S. Supreme Court heard argument in the Center's case *Gonzales v. Carhart* November 8, 2006

Additional BIBLIOGRAPHY and Citations (made Dec. 10, 2006)

http://www.crlp.org/pub_fac_military.html

The Ban On Abortion For Women In the Military - June 2003

<http://query.nytimes.com/gst/fullpage.html?sec=health&res=9D0CEED91338F930A25752C1A967958260>

Abortion Rights? Not in the Military

http://seattlepi.nwsourc.com/opinion/294658_familyed.html

Tuesday, December 5, 2006

Family Planning: Slap in the face

The president seems to have an instinct for using sex to help him act as a divider rather than a uniter. Last month, a physician long associated with a group that calls contraceptives "demeaning" to women took over as head of federally funded family planning programs. Bush's new deputy assistant secretary of the Department of Health and Human Services, Dr. Eric Keroack, spent more than a decade as medical director for A Women's Concern, which opposes abortion but incongruously disapproves of promoting birth control.

The extremist appointment was a move straight out of the opening pages of the Bush-Rove playbook. On his first full day of work as president in 2001, Bush blocked U.S. money from going to overseas family planning groups that give patients information about abortion.

<http://forums.military.com/eve/forums/a/tpc/f/69719858/m/5470093790001>

As America recognizes its veterans Saturday, a small but steadily growing number are women - some 28,000 of the 274,000 service members currently deployed. While still officially relegated to support positions and barred from infantry or armored divisions, such distinctions mean little when even the enemy isn't clear and any position can be a target.

<http://www.va.gov/healtheligibility/coveredservices/GeneralExclusions.asp>

VA cannot provide the following services or benefits: Abortions and abortion counseling

<http://www.army.mil/cmh/books/wac/chapter9.htm#b7>

WAC entry and retention standards came under examination in 1970. The commander of the Army Recruiting Command, Maj. Gen. Donald H. McGovern, wrote in May 1970, "The movement for more liberal moral standards and the rising emphasis toward equality of the sexes require that this command be prepared to answer an increasing number of questions and charges concerning the validity of allegations of discrimination against female applicants for enlistment."³⁹ He asked the DCSPER why waivers could not be considered for women who had illegitimate children or a record of venereal disease (VD) when these factors did not bar men from enlistment or even require submission of a waiver.

The director of the WAC and the director of procurement and distribution, ODCSPER, Brig. Gen. Albert H. Smith, Jr., prepared the reply to General McGovern. Arguing that American society demanded higher moral character in women, they wrote, "Having a history of venereal disease or having had a pregnancy while unmarried is an indication of lack of discipline and maturity in a woman." WAC enlistment standards, their reply continued, were designed to ensure that the Corps accepted as few risks as possible in mental, physical, and moral qualifications. Employers in industry tailored employment qualifications to fit job requirements, and the WAC established enlistment qualifications "based on our requirements for service, wearing the uniform, and the necessity to maintain an impeccable public image." ⁴⁰

APPENDIX:

Interviews:

I spoke with someone currently in the military to get a feel for their opinion on this issue. My nephew, 21 years old Army, healthcare specialist.

He has grown up on army bases, and in our society as always knowing women can have abortions. I asked him how does he feel about the government not allowing the women and spouses of the men he is currently enlisted with to get an abortion if they want to get one at a military hospital. He was made aware that these people would be paying for it on their own.

His quick reply was “the army promotes family values. That is one of the most important things. “ He felt an abortion is the opposite of this. He is not against abortion. He stated that he felt anyone who wants an abortion should be able to get one. He also pointed out that basically when you join the military you sign away all your rights on the first day, you uphold what you are told so basically not being allowed an abortion on a base was not big deal to him.

He also said none of the military hospitals are equipped to give an abortion properly so the patient has to go to a better hospital that would have the facilities.

“We don’t take lives - they are our own people and we fight and kill only in defense. The army follows rules of engagement to bring peace to society. “ He felt a female soldier going through an abortion is a stressful situation, and it will affect their ability to carry out their assigned duties. He felt the army does offer good benefits for pregnant female soldiers. He discussed their maternity uniforms and that they can come back after the birth.

Personal belief

In general I do not like abortions, yet I don't think abortion should be illegal or unsafe. I have numerous friends that have had abortions and I also have some friends that have given children up for adoption. I have known women who had to carry a fetus full term after being told it will die upon birth. I have known women who had a child with spinal bifida or mental retardation. I have also seen women who can barely take care of themselves mentally or abuse drugs and alcohol who have gotten pregnant.

I have been to an abortion clinic with a girlfriend and seen many women and very young girls get an abortion that day. I think of how many days there are and how many clinics around the world. Yes, it is something they will remember and will always have to live with. I don't think women should use abortion as a method of birth control, which some do.

I feel I understand the decision of a woman getting an abortion. It is not something to be decided by a government. It is a woman's choice and when her time comes and she meets her maker – it is between God and her – all the decisions she has made in her life. A simple man or woman cannot be acting as God and definitely a government should not be acting as one.

When I was younger, I knew and felt if I got pregnant I would be strong enough to raise the child by myself if I had to. I thought about if I got pregnant would I have an abortion at that time and . I felt I would not have an abortion. Presently, if I got pregnant now at this point and age in my life, I don't think I would have the strength or wherewithal to not only carry the fetus to term, but to raise this child after being born. Older women have a higher probability of multiple births; birth defects and their bodies are more at risk to handle a new life growing within them for an entire pregnancy as well. Some women have no problem having a baby older in life. I have four children already, I would most likely have an abortion if pregnant now and I worry that this freedom to make and carry out my own decision will be taken away from me.