

Paraphrased Remarks

American Poverty and Gender: Government Control and Neglect of Women Living in Poverty

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On February 27, 2018, Melissa Torres-Montoya participated as a panelist at an event titled American Poverty and Gender: Government Control and Neglect of Women Living in Poverty, hosted by NYU School of Law's Center for Human Rights and Global Justice, CUNY School of Law's Human Rights and Gender Justice Clinic, the UC Berkeley School of Law's Center for Reproductive Rights and Justice, the SIA Legal Team, National Advocates for Pregnant Women, and the Center for Reproductive Rights. Below are her paraphrased remarks in response to questions posed by the moderator, Cynthia Soohoo (CS).

CS: Henry Hyde, who served in the US House of Representatives representing Illinois from 1975-2007 once said “I certainly would like to prevent, if I could legally, anybody having an abortion, a rich woman, a middle-class woman, or a poor woman. Unfortunately, the only vehicle available is the...Medicaid bill.” What was he talking about, and how have resourceful communities come together to help?

I want to start by noting very clearly that he [Congressman Henry Hyde] spoke about the different socio-economics of women and specifically said Medicaid, which equated to women with low incomes as they often rely on Medicaid for their source of health coverage. The (Hyde Amendment) basically means that through Medicaid, unlike every other health services like prenatal care, pregnancy delivery, & pap smears, abortion is carved out and federal funds cannot be used to cover that service.

This is not a codified law. It is not a law that we need to pass another law to remove. It's actually added into the budget every single time the budget is passed. Every time the budget comes up, we have a chance not to include this restriction, but our legislators choose not to [drop this restriction out of the budget]. It was included in the budget for first time, three years after we gained the right to access abortion.

It really speaks to 1) the driving force behind abortion funds, and 2) the reproductive justice lens. The Supreme Court said we just need to give you the right, or rather we we'll make it so it's not illegal for you to engage in obtaining an abortion but we don't care if you can actually access an abortion. That basically translates to a person's income dictating whether they really have access. This is particularly problematic in a time period where we have states like Texas, where 96% of

counties do not have an abortion clinic, and almost 50% of Texas women live in those counties. It's a big state so it means that they often have to go to other states, potentially. That's why Abortion Funds started, in no small part as a response to the Hyde Amendment.

The National Network of Abortion Funds has more than 70 member funds in over 38 states. They are mostly volunteer-based, and 80% of them are entirely volunteer-run. They rely on one of our big fundraisers, the National Abortion Access Bowl-A-Thon. You can check it out and [support your local fund](#). It really relies upon individuals' donations to ensure that people who don't have access, who don't have health coverage, [can have an abortion]. An abortion can cost anywhere from \$500 to \$1,000, and more, which is a big chunk of change for most people and it's definitely not something that you can plan out far in advance.

You have to find out about your pregnancy, you need to know how to access resources, how to make your appointment, and to make matters more difficult, the majority people seeking abortion already have children. Many work in low wage jobs so they don't have vacation; they don't have access to transportation, and for some, in states like Texas, they might have to fly to New Mexico or California to access an abortion. And so funds and communities came together, to fundraise, not necessarily always to cover the full cost but to help take the pressure off, to help with child care services, or interpretive services, or doula services, that's really one of the ways that communities have rallied around to ensure that meaningful access can occur.

CS: Even in the face of increasing hostilities toward rights and access to abortion, there have been some victories in terms of ensuring abortion access for low- income people. Tell us more about these wins and what other states might learn from them?

The one I really want to highlight is, interestingly, based in the state of Henry Hyde - Illinois. While nationally he sought his opportunity to control the autonomy of the sexual health of those who are seeking abortion, Illinois is a state that has started to lead the way when it comes to making abortion access a reality. The state of Illinois passed a law last year, becoming around the 15th state to cover abortion with state funds. The law also protects the state of Illinois and those living in the state of Illinois who may become pregnant and seek an abortion in the face of attacks and threats and concerns around Roe v Wade. When Roe v Wade was passed, there were some states like California and New York that had already legalized abortion to a certain extent but a lot of those laws need to be updated should Roe v Wade be overturned and Illinois made sure to update their law as well as increase access not only for people on Medicaid but also people with disabilities.

The Hyde Amendment has crept beyond its boundaries, so it includes Medicare and CHIP, and there are similar policies for those in the armed forces and Peace Corps. But in the state of Illinois, they expanded access to abortion coverage for government workers. For most people seeking an abortion, it's rare that they themselves are not contributing to part of the costs. Also, if they want a medication abortion, that has to happen pretty quickly, they have to find out their pregnant and then within six weeks they have to have an appointment, medication abortion is three pills instead of a surgical abortion.

It was incredibly invigorating and exciting to see for the first time in two decades, a state like Illinois voluntarily expand access. Most states have had court orders or the laws haven't changed at all. We

want to elevate the understanding of the Hyde Amendment and that it's included every time in the budget.

We really want to make sure that our partners who are in the legislature, those that we vote into the legislature, know that we want to expand and really truly give meaning to reproductive justice and a full range of reproductive health options, understand that this is a problem and as it stands now that full access to reproductive health care really depends on people's income.

One of the major things that other states can learn, from: Illinois passed this law with a Republican governor, a self-proclaimed pro-choice Republican governor, but one of the keys was, this particular political moment is a great reflection of the National Network of Abortion Funds motto "fund abortion, build power." The fund abortion part is pretty clear, the build power, is we are trying to elevate the voices of people who are having abortions, who have had abortions and we are trying to note the intersectionality around that.

The issues around the Hyde Amendment, income inequality, racial justice, and the barriers that people seeking abortion, particularly women of color and people with low incomes, face when those different identities come together to make it challenging to actually obtain an abortion. Something that was really key to the decision in Illinois was that people who had abortions came and shared their stories with the governor. If you look up articles, [Gov. Rauner] actually notes some of the talking points around how access to reproductive rights and health and choices should not be purely dependent on ones' income. That's pretty exciting to see a politician, in general, and in particular a Republican governor. Local organizations like the Illinois Caucus for Adolescent Health did things like float balloons up to his office with different phrases. They got creative and made sure their presence was known.

That was before I was on board at the National Network of Abortion Funds. Our Executive Director was in Chicago, and there was a Black-women led abortion fund in Chicago [Chicago Abortion Fund] that was integral to making sure that this wasn't an issue without faces and that people's stories and people's stories from all walks of life were represented. The governor was able to see what access to reproductive justice and all the different barriers it takes to overcome to get an abortion when you don't have health coverage, or when you do have health coverage and you're working two-part time jobs and you have children. All those barriers come to play when you are not actually funding abortion as someone's health coverage.

Additional Resources

- National Network of Abortion Funds Political and Cultural Agenda
<https://abortionfunds.org/political-cultural-agenda/>
- All Above All Hyde Amendment Fact Sheet
<https://allaboveall.org/resource/hyde-amendment-fact-sheet/>