

HYDE ABANDONS CONSISTENCY IN ABORTION DEBATE

by
Richard Cohen

Rep. Henry J. Hyde, R. Ill., the author of the Hyde amendment, may well have out-smarted himself. To the surprise of many, his amendment prohibiting the use of federal funds for abortion passed again this year -- but with a significant change. Federal funds now could be used to end pregnancies caused by rape or incest. The House has, well, adopted "choice."

In excluding rape and incest from its ban, the anti-abortion forces thought they were only being politically realistic. After all, for the first time in 12 years, a Democrat was in the White House and Bill Clinton stood opposed to the Hyde amendment. So the amendment was itself amended in expectation that some more votes would be picked up. Apparently they were. After a vituperative debate earlier this month, the Hyde amendment passed 255 to 178. The anti-abortion forces claimed a signal victory.

But in a way, it was also a cataclysmic defeat. Up to that moment, Hyde and his allies had logic, or at least consistency, on their side. They argued that the fetus was a human life and so abortion -- the termination of that life -- was tantamount to murder. This is hardly a difficult argument to understand.

There is nary a person in the pro-choice camp who has not, on occasion, wondered when life does indeed begin or winced at reports of abortions performed in the latter stages of pregnancy. If you think long enough about abortion, doubts seep in like damp in a cellar.

Moreover, years of anti-abortion activity has taken its toll. To see people risk arrest and jail for anti-abortion activities makes an impression: Maybe -- just maybe -- the government ought not to use tax money to pay for a procedure that many people equate with murder.

But the fundamental principle of those who want to see abortion remain legal is contained in that much abused word "choice." For all their qualms about abortion, many Americans can envision a time when they might seek one -- either for themselves or someone they care about. For each and every person, those circumstances might be different -- anything from the termination of a simply inconvenient pregnancy to preventing the birth of a doomed child, say a Tay-Sachs baby whose life would be one of agony and whose fate is always early death.

Now, though, the anti-abortion forces in Congress have said they, too, endorse that principle. Their important exception is rape. But why? Is the fetus conceived via rape any less innocent than one conceived through consensual sexual intercourse?

Is there a spiritual, moral, religious or even logical reason to make such an exclusion? Would not such an abortion also be tantamount to murder? C'mon guys, you're doing what you always accused your opponents of doing: Sanctioning what you call "murder" for reasons having nothing to do with a threat to the life of the mother.

Rape, of course, has a power unto itself. It is freighted with all sorts of cultural baggage, some of it associated with race and racism. It suggests something more than a truly unwanted pregnancy -- truly unwanted sexual intercourse as well. The woman in other words, can be held harmless. The pregnancy is not her fault. The inferred logic is inescapable and so, too, is what follows: Other sorts of pregnancies are the consequences of the woman's sexual behavior. She did it and she ought to pay for

it.

That reasoning, while sexist and repugnant, does have a certain appeal. After all, most pregnancies are the all too predictable consequence of sexual activity. One can empathize a bit with abortion opponents who bristle at having to underwrite the consequences of behavior they loathe in the first place. But, while that reaction might well be rooted in morality -- "moralism," is probably the more accurate term -- it smacks of a desire to punish: You had your fun, now here's your baby.

Henry Hyde is such a nice fellow that it's hard to excoriate him for what he's done to poor women who need federal assistance for abortions. But he surely must realize that by permitting the federal government to fund abortions for rape or incest victims, he has vitiated his moral argument against abortion and done nothing more than countless women have and will do: Decide that under certain circumstances they will terminate a pregnancy. That, Mr. Hyde, is called "choice"

Glad to have you aboard.

Published in the Daily Herald, Saturday, July 24, 1993 from the Washington Post Co.

URL is

<https://www.highbeam.com/doc/1P2-956445.html>



HENRY HYDE'S HARD CHOICE

July 29, 1993

It is flattering to be the subject of one of Richard Cohen's recent columns {op-ed, July 20} -- even if he takes me to task for illogic in adding rape and incest as exceptions to the Hyde amendment forbidding the use of federal funds to pay for abortions. Until now, the sole exception has been when the life of the mother would be endangered if the fetus were carried to term.

Mr. Cohen is quite on the mark. If one believes (as I do) that the unborn child in the womb is an innocent member of the human family, the fact that his or her conception was the result of a crime should not result in execution by abortion of that defenseless, innocent pre-born life.

As a matter of fact, the Supreme Court, in *Coker v. Georgia* (1976), in striking down a Georgia statute providing capital punishment for a rapist, said: "We have concluded that a sentence of death is grossly disproportionate and excessive punishment for the crime of rape, and therefore forbidden by the Eighth Amendment as cruel and unusual punishment." It's sad and ironic that the innocent pre-born child of a rapist enjoys no such protection.

But as Oliver Wendell Holmes famously said, the "life of the law has not been logic, but experience." Those responsible for counting votes convinced me that without the rape and incest exceptions we could not prevail. Because only about one percent of abortions are performed because of rape and incest, I was faced with the awful judgment of trying to save the 99 percent at the expense of the one percent.

Because the purpose of the pro-life movement is to save as many pre-born children as possible, I chose to do what was possible. So, yes, Mr. Cohen, I suppose that decision makes me pro-choice, but my choice was for life, not extermination.

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https://www.washingtonpost.com/archive/opinions/1993/07/29/henry-hydes-hard-choice/8d786517-d875-411d-a094-0308b0f3e5ee/?utm_term=.30033f6ca323