

A Protection of Choice on Both Spectrums: Federal Birth Control Funding

Joseph St. Pierre

Privacy. We all need it. ‘You mind your business and I’ll mind mine.’ For individuals, it is a blissful contract which creates an opportunity to relax and exercise a little creativity or expression, even ‘bending’ the rules as we see fit. No doubt, there are many private affairs we all harbor that should remain private. But does the defense of privacy necessitate federal funding? After all, if it is a private matter in which two consenting parties partake in an act, should are they not consenting to the consequences of such an act? With the cost of living constantly increasing, the need for contraceptives like condoms and the “morning after pill” are used to prevent unwanted pregnancies, which could throw a couple into fiscal chaos. However, as said before, a consenting choice to have sex does have consequences and, more importantly, is a private affair.

In the 1965 landmark *Griswold v. Connecticut* case, privacy was cited as the principle reason for married couples to purchase contraceptives¹. Thus, the right to purchase contraceptives for married couples was ruled a violation of the fourth amendment, which protected the privacy of marriage and the home. Such a decision was later extended to unmarried couples through the *Eisenstadt v. Baird*¹. Justice William Brennan accurately voiced the court’s opinion, saying “‘if the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.’”¹ Later, President Johnson would apportion federal funds to the organization Planned Parenthood under Title X of the Public Health Service Act under the premise that “no American woman should be denied access to family planning assistance because of her economic condition.”² Such funding covered preventative services like cancer screenings and HIV testing, as well as pregnancy counseling and testing. In addition, funding was also apportioned to fund to contraceptives provided. Coverage for contraceptives was later extended to Medicaid and government employee health plans².

Alas, in this current time and day, the question is not whether the government should fund birth control, but rather whether or not it should stop. As aforementioned, current government funding for birth control today comes from two sources: Title X funding for the organization Planned Parenthood, and the insurance policy Medicaid, all traced back by the right to privacy. It should be remembered

that privacy frees a party from federal or private regulation. However, it is one thing to allow one perform a controversial act. It is a completely different situation when such an act demands federal funding. By funding birth control, government goes beyond the private sector and makes what was initially a private act into a federal undertaking.

Examining Planned Parenthood, it should be noted that it is a private organization. It extends services regarding charitable interests and receives private funding to achieve such ends, receiving 363 million federal funding in 2009 alone⁴.

Regardless of the morality of using such contraceptives, the fact remains that Planned Parenthood, is a private organization. Many organizations struggle everyday to further their message, be it for civil rights, institutional change, or aiding the disadvantaged. However, the government

is not one of these organizations. As much as we want it to be, the government will not and cannot be a charity. By using tax payer dollars to fund birth control, not only are citizens subject to paying for services they might be against, but they also proceed to pull their country further into debt. In the same way a choice to perform a private act is respected and protected in this country, so too must the choice to choose how and when to perform an openly beneficent act. Taxation to charity destroys that choice to be independently benevolent (or immoral, as some would argue), bring us to the point of charity. If charity is mandated, is it still charity?

Morality aside, there are also many unresolved legal issues that, until they are definitively addressed, continue to make government fund birth control a shady undertaking. Birth control is defined as the “control of number of children born by lessening the occurrence of conception”³. However, many popular forms of birth control like the “morning after pill” take affect following fertilization². Consequently, they often labeled by some conservative opponents as “abortifacants”². To date, there is no specific distinction between abortion and contraception. Thus, if one cannot implicate the difference then the procedure should not be funded, as it would violate federal law.

Understand that organizations like Planned Parenthood should not be dismantled. They are private organizations that offer services that are completely legal. However,

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as with other charitable organizations, they should receive government tax breaks, not actual federal funding.

Ultimately, use of contraceptives is a private choice that stands on a variety of moral issues. If government funds it, it takes a stance; ushering in a slippery slope in which future policies enforce that stance, infringing upon the beliefs of its citizens simply for the sake of a whimsical few. Privacy and freedom of choice is a sacred attribute we all take pride in. However, choices have consequences, and a private choice warrants a private consequence. If I choose to buy a piece of pizza, I am agreeing to pay for it. In that same, if a couple agrees to have sex, so too should they pay for any addition materials, contraceptive or not.

But what of the instance of rape? In such an engagement, one party is forced to engage in sexual activity due to a maleficent outsider. Many proponents of government funded birth control cite this reason for continued funding. However, such proponents make the mistake as classifying a situation with two consenting parties and one that involves a perpetrator and a victim as the same situation. Once again choices have consequences. If there are financial costs to the victim, they should be supplied by the perpetrator via a mandatory fine in addition to legal costs. If the perpetrator is unable to pay the required fine, then, and only then should the government provide money to the victim. From there, the government is not openly funding birth control, as the victim now has the resources to make the choice herself. Once again, the choice is a private affair.

In a world of full of freedom and opportunity, we sometimes forget that criminal choices are not the only actions that warrant consequences. Like it or not, freedom is responsibility.

REFERENCES

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3. 3 Birth Control (n.d.) In Merriam Webster's Collegiate Dictionary. 11th ed.
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AT A GLANCE: BIRTH CONTROL PILLS

- COMPOSED OF SYNTHETIC HORMONES TO REGULATE THE MENSTRUAL CYCLE

- HOLDS ONE OF THE HIGHEST EFFECTIVE RATES AMONG CONTRACEPTIVES: 95%- 99% PREVENTION RATES

- ADVANTAGES: REDUCED RISK OF DEVELOPING OVARIAN AND ENDOMETRIAL CANCER, REDUCED MENSTRUAL FLOW

- DISADVANTAGES: INCREASED RISK OF HEART ATTACKS, MOOD SWINGS AND DEPRESSION, MUST BE TAKEN ON A STRINGENT SCHEDULE, DOES NOT PREVENT STD'S

Information courtesy of www.familyplanning.org



Image courtesy of www.news.discovery.com

BIRTH CONTROL: A RECURRING THEME

For more information about the government's role in family planning, check out the Winter 2011 edition of TuftScope. Read Emily Chapman's report on the opposing reactions to the "Program of Action" drafted at the 1994 International Conference on Population and Development.