

News From The States

REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



*Former U.S. Sen. Jesse Helms (R-North Carolina) with conservative activist Phyllis Schlafly and former Sen. Orrin Hatch (R-Utah) at an anti-Equal Rights Amendment dinner in 1979. A provision named after Helms bans the use of U.S. foreign aid for abortions.
(Warren K. Leffler/U.S. News & World Report Magazine Photograph Collection/Library of Congress)*

Sunday marked the 50th anniversary of a provision that prevents U.S. foreign assistance funds from being used for abortions.

The Helms Amendment, [signed](#) into law by former President Richard Nixon, does not include exceptions for terminating pregnancies that stem from rape or incest or to save the life of the mother. “To me, this is a clear violation of multiple human rights treaties,” according to Dr. Anu Kumar, president and CEO of Ipas, an international reproductive rights organization.

Kumar and several global health experts held a press conference last week discussing the fallout in the year and a half since the U.S. Supreme Court overturned *Roe v. Wade* and reflected on the ramifications of the Helms Amendment.

"The result of this policy has meant that millions of people who live around the world, people who live very far away from the United States, are impacted by what has been a total ban on abortion," she said.

Named after U.S. Sen. [Jesse Helms](#), a conservative North Carolina Republican, **the law took effect on Dec. 17, 1973, the same year the nation's high court established a federal right to an abortion.**

Roe's upheaval last year puts the U.S. in line with other countries that ban abortions, such as Nicaragua and Poland, Kumar said. She said the Helms Amendment further stigmatizes abortion.

Helms' granddaughter agrees. Dr. Ellen Gaddy told [NC Newsline](#) editor Rob Schofield she has lobbied with Ipas against the provision. "Basically it's an example of my grandfather, this older man living in the South who was controlling women's bodies globally," Gaddy said in a recent interview.

The [Abortion is Health Care Everywhere Act](#), which could repeal the measure, was reintroduced in Congress this year and could allow federal funds used in foreign aid to cover abortions upon passage. But the bill didn't move this session.

The Helms Amendment's domestic counterpart is the [Hyde Amendment](#). U.S. Rep. [Henry Hyde](#), an Illinois Republican, sponsored the 1977 provision included in annual spending bills, which bans Medicaid funds being used to pay for abortions unless pregnancy stems from rape or incest, or the patient's life is at risk. Democrats [reintroduced](#) a bill this year that would strike down that prohibition, but it also stalled.

THE BEAT *States Newsroom coverage*

Ohio reproductive rights advocates ask court to strike down six-week ban



*Supporters of the reproductive rights ballot measure Issue 1 celebrated on election night. Abortion rights advocates are urging the courts to strike down a six-week ban.
(Graham Stokes/Ohio Capital Journal)*

The American Civil Liberties Union, Planned Parenthood Federation of America and the WilmerHale law firm filed a request last week seeking to amend their lawsuit against Ohio's six-week ban. **They said a reproductive rights amendment that officially took effect Dec. 7 means the restriction should be taken off the books,** [Ohio Capital Journal](#) reports.

“The Ohio Constitution now plainly and precisely answers the question before the court — whether the six-week ban is unconstitutional — in the affirmative,” a statement released by the state’s abortion providers and other advocacy groups said. A Hamilton County judge indefinitely blocked the ban in October 2022.

Abortion rights groups also asked the court to keep the pause in place until they get a permanent injunction on the abortion law. **Still to come is a decision from the Ohio Supreme Court,** which heard arguments in September on whether the ban should stay in place while the lawsuit continued. The state said the pause was judicial overreach.

Idaho women and physicians seek clarity as state asks for abortion lawsuit dismissal



Jennifer Adkins, center, is a plaintiff in a case asking Idaho to clarify if abortions stemming from pregnancy complications are allowed. Adkins had to travel to Oregon for abortion care after doctors said her fetus had a fatal diagnosis.

(Mia Maldonado/Idaho Capital Sun)

An Idaho judge said he will decide within the next month whether to dismiss a lawsuit filed by four women and two physicians who are challenging the scope of medical exceptions in the state's abortion ban, [Idaho Capital Sun](#) reports. **Abortions in Idaho can only be performed to save a person's life or in documented cases of rape and incest.** Lawmakers passed [legislation](#) this year that declares abortions needed for ectopic or molar pregnancies are not abortions. This spring, lead plaintiff [Jennifer Adkins](#) first told States Newsroom she had to get an abortion in Oregon after she received a fatal fetal diagnosis. The Center for Reproductive Rights [sued](#) Idaho on behalf of patients and doctors in September.

During a hearing last week, Adkins told reporters that she and the other women were not backing down. "Many countless Idahoans and patients and physicians across the country are dealing with the same issues," Adkins said. "We're here to let people know that this is not a hypothetical situation. This is happening every single day to many families, and we need to be able to provide care to patients without the intrusion of politics."

Jim Craig, a lawyer for the state attorney general's office, told a judge Thursday that the state Supreme Court already determined there's no fundamental right to an abortion. Craig said physicians must exercise **good faith judgment** to prevent a pregnant patient's death. He dismissed doctors' claims that they fear providing abortion care.

The plaintiffs' attorney, Marc Hearn, said they're seeking **clarity on what abortions are allowed** and don't want the state to rewrite the entire law. "All Idahoans have the right to enjoy and defend life, pursue happiness and pursue safety," Hearn said. "Any law that interferes with those rights is subject to be challenged."

Parties reiterate abortion stances at Wyoming court hearing

A Wyoming judge is considering whether to grant either party in an abortion lawsuit a summary judgment in their favor or move forward with a trial set for April, [WyoFile](#) reports. Ninth District Court Judge Melissa Owens heard arguments Thursday in a case over Wyoming's two blocked abortion restrictions — a near-total ban and a medication abortion ban.

Peter Modlin, a lawyer for the plaintiffs, said the bans are unconstitutionally vague and violate patient autonomy and equal protection clauses, among other rights. "First and foremost, the statutes would have a devastating impact on women's health in Wyoming," Modlin said. He said the laws don't mention certain pregnancy complications, such as premature rupture of the membranes, and compared the state's bans to Texas restrictions.

Special Assistant Attorney General Jay Jerde defended the state, saying abortion was largely outlawed in Wyoming before Roe v. Wade took effect in 1973 and the U.S. Supreme Court's Dobbs v. Jackson Women's Health Organization ruling validates the new bans. Jerde also argued that a section of the [state Constitution](#) allowing people the right to make their own health care decisions without government interference doesn't protect abortion. Owens has previously ruled that abortion is health care. But Jerde contended that termination isn't a woman's own choice. "It's going to kill the unborn baby," he said.

THE PULL *Commentary from Kansas*

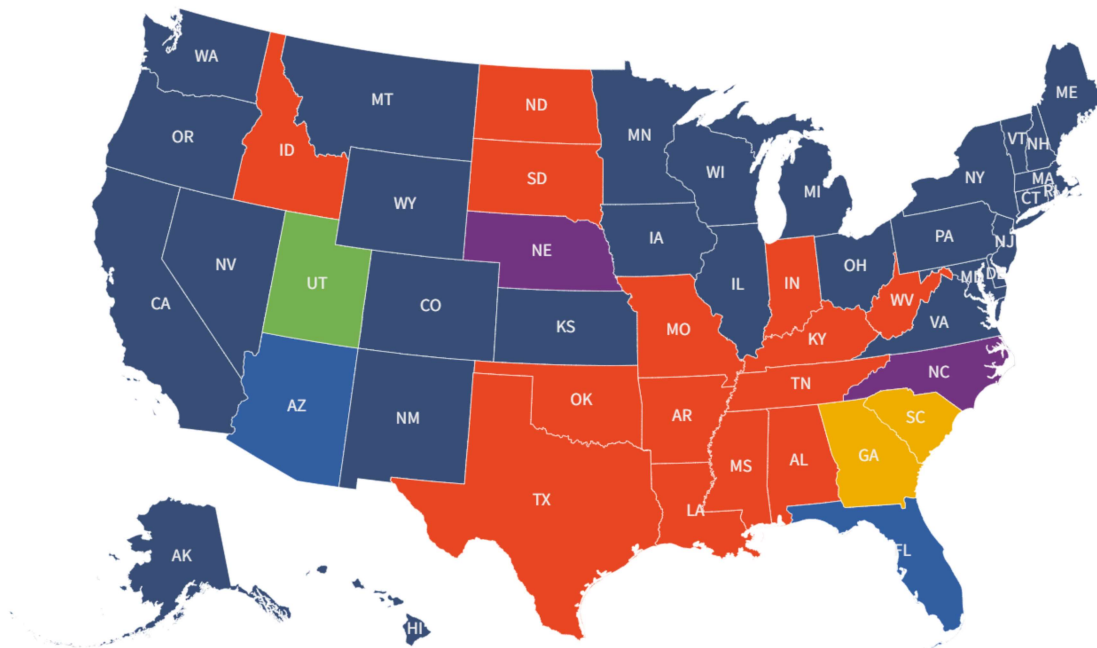
"If the Catholic Conference wanted poor Kansans to have access to health care, its officials could speak with a powerful voice. They could lend lobbying and financial resources to the cause, much as they did to the anti-abortion amendment. That kind of effort has a way of making even the most recalcitrant lawmakers sit up and pay attention. It heightens the stakes. It might even push the bill over the finish line." — **Clay Wirestone**, opinion editor, [Kansas Reflector](#)

THE PULSE *Reproductive rights news across the country*

- The Oregon Supreme Court heard arguments in a case brought by Republican senators seeking to run for reelection — they walked out earlier this year in protest of abortion and firearms legislation, but 10 unexcused absence bars lawmakers from serving subsequent terms in the state. ([Oregon Capital Chronicle](#))

- Authorities charged an Ohio woman who had a nonviable pregnancy and miscarried in her bathroom with abuse of a corpse. ([The Washington Post](#))
- Floridians Protecting Freedom has collected more than 1 million signatures for an abortion rights petition. ([The Messenger](#))
- New federal data shows that roughly 20% of American women used IUDs for birth control between 2015 and 2019, up 12% from 2006 to 2010. ([The New York Times](#))
- Researchers discovered that a single hormone causes nausea and vomiting during pregnancy. ([The 19th*](#))

STATE BY STATE *Abortion access in the U.S.*



Open this interactive map in your browser

Track state-level developments on reproductive rights anytime at [News From The States](#). Send tips and thoughts to ebrown@statesnewsroom.com, and follow her on Twitter [@elishacbrown](#).

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