

An Investigation into PEPFAR and the Rumors Regarding Abortion

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By Shepherd Smith

Well before Heritage released a letter insinuating that the PEPFAR program was a source of funding for abortion, I had heard this rumor being discussed. Because we have never, in all our years of intimate involvement with PEPFAR, heard of such a thing happening in the program, or even heard allegations to that effect, I started an investigation of my own, since I was in the unique position of knowing all the principals in the program, as well as staff, grantees, contractors, and many supporters. This was a search for truth. If I found any truth to the rumor, I wanted to find it and have it exposed. If there was no basis for it, then I wanted that to be known as well.

I share many of the concerns of people who took this rumor as truth regarding the Biden Administration's push to make abortion happen wherever they can. Yet when it came to PEPFAR, it appeared that little due diligence had been done to confirm whether the allegations were actually true or not. First of all, the examples given in the allegations didn't even occur under the current Administration, but under the previous one when Mexico City policy was in place. Secondly, year over year funding to the organizations in question has been decreasing for years, including under the current Administration. Thirdly, I have heard no external analysis which finds that any of the examples constituted actual violations of U.S. laws or policies.

We became involved in the HIV/AIDS issue in 1985 when we felt called to address the issue from a medical/public health perspective. Among other things we helped shape President Reagan's Commission report on the HIV epidemic, testified before Congress numerous times, served on countless consultations and committees, and worked to unite the faith community's potential in promoting risk avoidance prevention messages and unleashing their capacity for caring for those who were suffering.

In our own experience in working with hundreds of pregnant women who were HIV positive, we never heard abortion raised as an issue because each woman saw their child as their legacy at a time when there were no lifesaving treatments and the likelihood of the child born HIV positive was significant. We cared for

these women when others didn't, as well as being the only supporters of a crisis pregnancy center in Africa at the time. When PEPFAR was established, we played an important part in getting the conscious provision amendment included in the legislation, with the leadership of Congressman Chris Smith and the significant help of President Bush.

Having had the opportunity to travel with Secretary Thompson in March of 2002 to examine what African health facilities might be capable of handling in a large response to their epidemic, it became clear that the faith community at the time easily had the best physical health infrastructure and the program was so structured to maximize their involvement. Never was abortion part of the conversation because of our own experience working with infected pregnant women, the fact abortion was illegal in most of the PEPFAR focus countries, and the AIDS activist community was focused solely on improving anti-viral treatments and virtually nothing else.

In the process of implementing the program, because we had already established clinics prior to any that were opened up under PEPFAR, we regularly interacted with those in leadership positions. Without equivocation, all of PEPFAR's leaders have been focused on the job ahead of them of ending the scourge of AIDS. All have overseen the spending of money, and none have found any dollars spent on abortions or the promotion of abortion. Ambassador Bix was particularly vigilant on the subject of abortion, and after her departure to head the Covid Task Force those under her continued to monitor any group that might possibly violate Helms. Nothing has ever been found.

Interestingly we, along with other pro-life faith-based organizations, also participate in AIDS-focused meetings with some of the groups who support abortion outside of PEPFAR, and their reaction to Congressman Smith's letter was revealing. Not one felt they were in any trouble because they hadn't violated the law and welcomed any and all investigations. More recently Ambassador Nkengasong has conducted an in-depth audit of any group that might have misused funds for abortion, issued a directive requiring all participants in PEPFAR to abide by the laws governing abortion, and assigned staff to continue to monitor and make sure there are no violations, particularly in the majority of countries where abortion is illegal.

Congressman Smith's argument fundamentally rests on fungibility. However, grants under PEPFAR have strict compliance requirements, and require close Congressional oversight. A total ban on funding to *any* entity that, with its private dollars, carries out activities contrary to moral teachings, would render it impossible to invest in anything, from infrastructure, to defense, to antipoverty programs, to lifesaving international assistance. Moreover, there are Constitutional limits to the fungibility argument; the Mexico City Policy, for example, cannot apply to U.S.-based institutions because it would constitute a violation of their first amendment rights.

In conclusion, there simply is no factual evidence to support the rumor that PEPFAR is funding, or has funded, abortion or promoted abortion. Unfortunately for the sake of his argument I was unable to find any evidence that such a misuse of funds occurred in any PEPFAR program.

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