

 DATA FOR *PROGRESS*

Accountable Allies: Unpacking Corporate Hypocrisy in a Post-*Roe* World

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Introduction

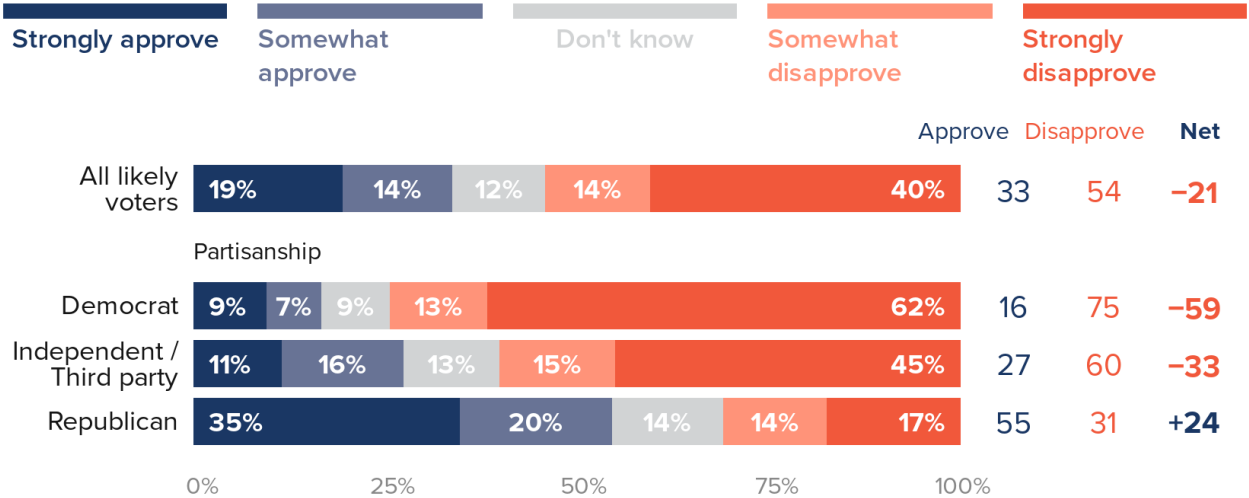
In June 2022, the Supreme Court decided *Dobbs v. Jackson Women’s Health Organization* and ended federal protection of the right to abortion. This ruling, which fully overturned both *Roe v. Wade* and *Planned Parenthood v. Casey*, led to total or near-total abortion bans being enforced in 14 states, with others potentially at risk.¹ Currently, abortion bans in 10 states² have been blocked by courts from taking effect. However, additional state bans on abortion are likely to be enacted in the near future.

New Data for Progress polling finds that the decision to overturn *Roe* is extremely unpopular with voters, and voters would like more, not fewer, federal protections of abortion rights. We find that a majority of voters (54 percent) disapprove of the *Dobbs* decision, including nearly a third of Republicans.

A Majority of Voters Disapprove of the Dobbs v. Jackson Supreme Court Decision

As you may have heard, the Supreme Court announced its decision on *Dobbs v. Jackson*. This decision effectively overturned the protected right to an abortion under the Constitution which was established by the 1973 Supreme Court case *Roe v. Wade*.

Do you approve or disapprove of this decision?



September 16–19, 2022 survey of 1,297 likely voters



Additionally, voters oppose nationally banning abortion by a -44-point margin (and Republicans oppose a national ban by a -5-point margin). Instead, a majority of voters (59 percent) support legally protecting abortion nationwide. These findings indicate significant support for abortion rights among likely voters, including Republicans.

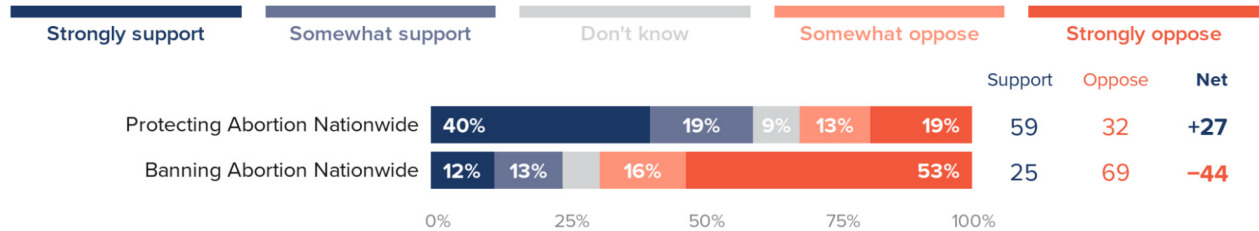
1 Total abortion bans are in effect in 13 states (SD, OK, TX, MO, AR, MS, AL, WI, LA, KY, TN, ID, & WV) and in GA there is a six-week abortion ban currently being enforced. FL and AZ currently prohibit abortions performed after 15 weeks of pregnancy.

2 Abortion bans have been blocked by courts in 10 states (UT, SC, MI, WY, ND, OH, IN, IA, MT, & AZ). AZ has a 15-week abortion ban in effect and a pre-Roe total abortion ban that is temporarily enjoined.

Voters Overwhelmingly Oppose Banning Abortion Nationwide, While a Majority Support Protecting Abortion in Every State

After the Supreme Court decision to overturn *Roe v. Wade*, some have said that the next step should be to [protect/ban] abortions nationwide.

Would you support or oppose a law to [protect/ban] abortion nationwide?



September 16 -19, 2022 survey of 1,293 likely voters

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The outcome of *Dobbs v. Jackson* was the result of a decades-long strategic plan executed by conservative donors, activists, and politicians to transform the political and judicial philosophies of the courts in the United States. The Federalist Society, a conservative legal advocacy organization, has been instrumental in the erosion of legal protections related to abortion. This includes the landmark *Dobbs* decision, as the Federalist Society sourced all three of Donald Trump’s Supreme Court nominees, all of whom voted to overturn *Roe* and *Casey*. The same movement and actors behind the anti-abortion movement, headed by the Federalist Society, have additionally focused on the elimination of legal protections across a wide array of legislative areas, including civil rights, campaign finance, healthcare, and environmental protections.

Abortion rights have been a key focus in this conservative political project for over 50 years, in part because of concerns related to immigration and the changing demographics of the United States. Anti-abortion activists and organizations claim the criminalization of abortion would help to increase birthrates, which have been gradually decreasing since 1990. The majority opinion written for *Dobbs* by Justice Samuel Alito explicitly invokes this perspective in a footnote, quoting a 2002 CDC report on adoption that states, despite a high number of people seeking to adopt children, “the domestic supply of infants relinquished at birth or within the first month of life and available to be adopted had become virtually nonexistent.” There are notable similarities between these present-day claims and the intense nativism of the movement in the second half of the 19th century that fueled the criminalization of abortion for the first time in United States history.

The far right got a major win with the *Dobbs* decision, and people unfamiliar with its decades-long efforts were shocked and upset. In the moment of heightened political engagement after a draft of the *Dobbs* decision was leaked in May, many corporations rushed to announce new policy and commitments, including support for employees traveling from restricted states to access abortion care. While these policies may seem well-intentioned, many questions remain about how they might work in practice, and whether or not they will actually provide support to people seeking abortions. Advocates questioned whether these companies were truly committed to abortion access, or if they were taking advantage of the political moment to improve their public image.

Data for Progress analyzed the political campaign contributions of companies that announced policies supporting people traveling for abortion care, and found that **23 of those companies together contributed over \$2.4 million to state legislators who had sponsored or voted for complete or six-week abortion bans, raising questions about the companies' actual political commitments to protecting their employees seeking abortion care.** These findings indicate that these 23 companies are taking advantage of a highly volatile political situation that is severely impacting millions of Americans who have lost access to legal abortion, a right supported by a majority of likely voters. These companies are publicizing company policies to mitigate the impacts of laws that are consequences of their own campaign contributions.

Overturning *Roe* is likely to have electoral consequences as well. Recent Data for Progress [polling](#) shows that 28 percent of voters say that overturning *Roe* makes them more likely to vote in November, further underscoring that abortion rights are highly important to a significant number of voters, especially youth and Democrats, and are a motivating issue that is likely to influence behavior during the midterm elections.

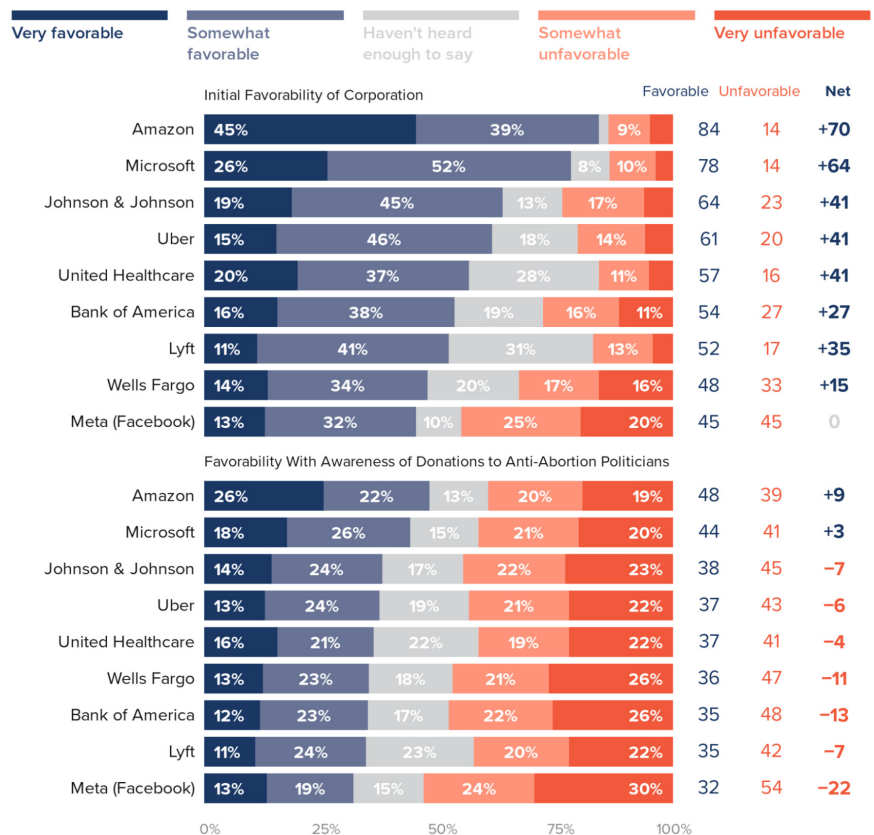
Data for Progress polling also illustrates that voters find these companies' behavior hypocritical, and that their support for a company declines when voters learn that it donates to anti-choice politicians. Companies interested in protecting their brand should know that consumers care about their corporate donations and disapprove of hypocrisy.

Instead, companies whose values include reproductive and bodily autonomy should support these fundamental rights publicly, cease donations to anti-choice lawmakers, and adopt clear and detailed policies to reduce cost as a barrier to abortion care for their employees.

Bans are not the first or only state legislative efforts to restrict access to abortion care. Since 2010, states have [passed over 500 laws](#) curtailing abortion access, from laws imposing onerous and unnecessary regulations on abortion providers to those requiring people seeking abortion to wait several days between appointments or undergo additional invasive and burdensome medical procedures. For this project, we are assessing corporate contributions to the sponsors of 29 bills, all passed since 2018, either banning abortion outright or after six or 15 weeks, in 17 states.

Voters' Favorability of a Company Decreases When Aware of Its Support of Anti-Abortion Bill Sponsors

Do you have a favorable or unfavorable view of the following institutions



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Finally, this project focuses on abortion bans because they are passed at the state level, where the majority of anti-choice policies are introduced. A lack of federal regulations and a failure to federally protect abortion rights have opened the door for people in states with conservative governance to attack their residents' fundamental human rights.

Although we focus on total bans, six-week bans, and 15-week bans, it is worth noting that gestational age bans, at any point in a pregnancy, will ultimately make abortion inaccessible to some amount of people who need it, and we strongly advocate against state gestational age bans of any type.

Corporate Response & Unresolved Questions Post-*Dobbs*

When the *Dobbs* decision was leaked, it represented a significant rollback of rights to many American voters, who responded with shock and anger. As a result, a number of organizations and corporations chose to publicly respond, including by announcing changes in workplace policies for their employees. In 2021, when Texas passed the Texas Heartbeat Act, Senate Bill 8 (SB 8), which banned abortions performed after six weeks of pregnancy, some companies declared that should any employees need to travel out of the state in order to access abortion care, the cost associated with travel would be covered as a new employee benefit.

After *Dobbs* was decided in June 2022, many additional companies publicly declared similar policies, claiming they would help their employees travel out of state to obtain abortion care. The lack of details included in these public claims raised many questions, many of them outlined by Twitter user [@feminists](#).

For example, questions about eligibility include:

- Will employees be eligible for financial coverage from their first day on the job?
- Will the company's contractors be extended the same benefit?
- Will employees be able to access the funds before they must pay for travel or will they be required to cover the costs upfront and request reimbursement?

In a highly hostile legal environment — for abortion providers, their patients, and anyone who assists either the provider or patient with abortion care — arguably the most crucial concern is information privacy and legal discoverability. Several states, including Texas, have hinted at prosecuting organizations and individuals who help people travel across state lines to receive care.

Questions about privacy include:

- Will employees seeking abortion care need to tell a supervisor, an HR representative, or someone else at their place of work what the funding and time off work is for?
- How many individuals at the company will be notified when an employee uses this benefit and how will that chain of information protect the privacy and security of the sensitive health information of employees?
- What documentation will be maintained related to the use of this benefit and how will the company respond to subpoenas from law enforcement demanding these records?
- How will employees be informed of the potential legal risk if it is possible that such law enforcement requests can and will be fulfilled by their employer?
- How will employers ensure that third parties involved in the provision of this benefit, such as health insurance companies, protect the confidentiality of sensitive information and clear subpoenas from law enforcement?

Even with *Roe* and *Casey* in place, and before SB 8 was passed in Texas, it was routine for abortion patients to be forced to travel long distances to access care, including out of state. Such travel has always been burdensome and expensive, and has always been required as a direct result of legal restrictions on providing and accessing abortion care at the state level, including laws that force clinics to close by mandating infeasible, medically unnecessary requirements, often referred to as TRAP (targeted regulation of abortion providers) laws.

Other questions exist surrounding precedents for companies implementing post-*Dobbs* abortion policies:

- Did the companies that announced policies supporting employee travel following the *Dobbs* decision previously support employees forced to travel long distances to access care?
- Did their employer-provided insurance plans cover the cost of abortion, and to what extent?
- Are all abortions sought by employees covered by insurance or only those determined to be medically necessary?

In summation, these outstanding questions all illustrate the lack of feasibility surrounding many corporate policies that are alleged to improve employees' access to abortion care. To make an already challenging situation more complicated, Data for Progress research finds that a number of these companies that are claiming to advocate for their employees' right to access abortion care by publicly announcing vague and insubstantial policies are simultaneously making substantial political donations to anti-choice legislators.

Corporate Hypocrisy in Abortion Access

Major corporations claim to be allies and supporters of abortion rights, but new Data for Progress research indicates that many are financially supporting abortion bans across the country. We analyzed campaign contribution data from the companies reported by the New York Times to be implementing new abortion travel policies and find that 23 of these companies have contributed, collectively, over \$2.4 million to state legislators supporting abortion bans within six years (2017-2022).

The largest contributor by far was United Healthcare, which donated over \$1.2 million to 471 legislators in 15 states who voted for or sponsored 28 different abortion bans passed between 2018 and 2022. United Healthcare was followed by Ford Motor Company, Wells Fargo, and Amazon, whose donations to anti-choice legislators neared a quarter of a million dollars each. These companies have all announced policies to help employees travel to receive abortion care, but at the same time, they are donating hundreds of thousands of dollars to legislators working to take those rights away.

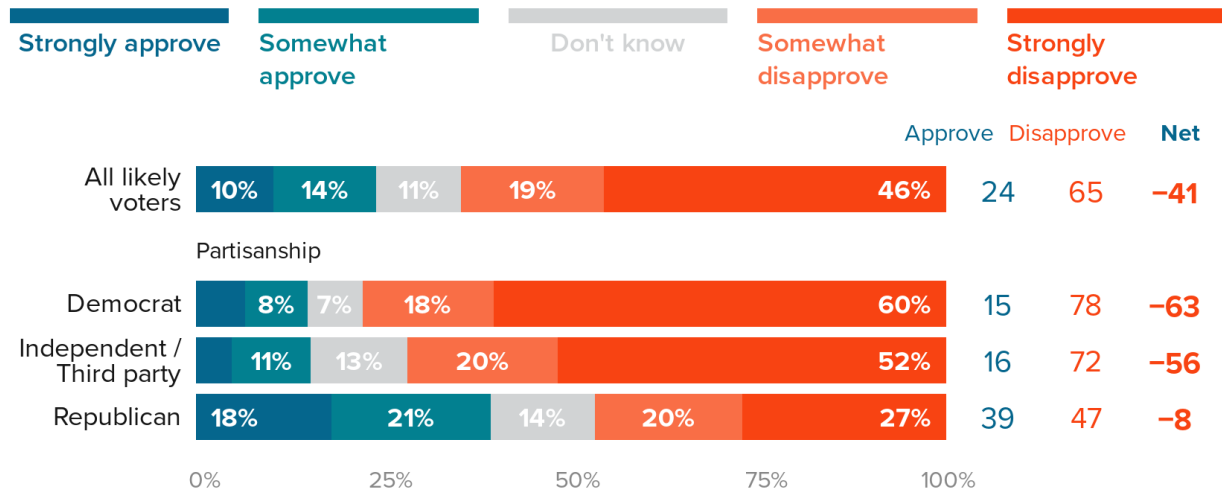
This new research reveals these companies' hypocrisy and the reality that their financial contributions have aided in the creation of the healthcare crisis that the companies are currently exploiting. Not only have the company policies they have announced been challenging for employees to utilize, our research finds these same companies are also donating to the anti-choice legislators who are responsible for bans on abortion that disproportionately impact marginalized people and are a key factor in travel being required in order to access abortion care in the first place.

Companies have a strong incentive to stop funding anti-choice politicians. New Data for Progress polling shows that roughly two-thirds of voters disapprove of companies that donate to lawmakers who sponsor anti-abortion legislation by a -41-point margin.

Voters Strongly Disapprove of Corporations That Donate to Lawmakers Who Sponsor Anti-Abortion Legislation

Some corporations have made donations to lawmakers who sponsor anti-abortion laws that restrict or ban abortions.

Do you approve or disapprove of corporations that donate to lawmakers who sponsor anti-abortion legislation?



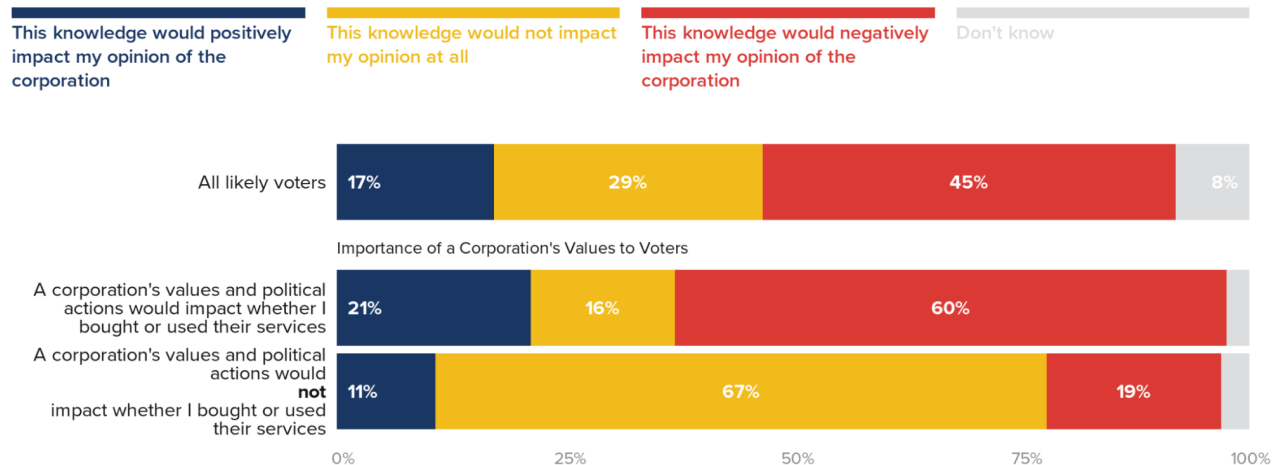
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In addition, 45 percent of voters say that knowing about these donations would negatively impact their opinion of the company. This includes 60 percent of voters for whom a company’s values and actions would influence whether they bought from or used their services.

Donating to Anti-Abortion Politicians Negatively Impacts Voters’ Opinion of a Company

Would knowing that a corporation donates to lawmakers who sponsor anti-abortion legislation positively impact or negatively impact your opinion of the company, or would not impact your opinion at all?



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Such concerns are evident when voters are asked their opinions of individual companies' donations to legislators who support abortion bans. We asked voters how favorably they viewed United Healthcare, Amazon, Microsoft, Meta (Facebook), Uber, Lyft, Wells Fargo, Bank of America, and Johnson & Johnson before and after learning about the corporations' donations to legislators supporting abortion bans. We find that corporations' net favorability decreases by at least 20 points after voters are told about the donation to anti-abortion lawmakers. Corporations with a generally high net favorability initially (above +20 points) drop even more precipitously, by at least 40 points.

Companies that wish to avoid harming their reputation among the many voters whose opinions of corporations are negatively impacted by knowledge of their financial contributions to anti-abortion lawmakers should realign their political donations with their publicly stated values. Those voters who indicate that their knowledge of a corporation's political actions would impact their purchasing behavior are even more likely to indicate that their opinion of a corporation would be negatively impacted upon learning of donations to anti-abortion lawmakers. Together, these findings suggest that by continuing to make contributions to anti-abortion lawmakers, these corporations risk both lowering their favorability in the public eye and suffering revenue losses.

Companies must move beyond promises of vague policies and instead implement detailed, equitable policies that protect employee privacy to the greatest extent possible. Doing so entails funding abortion and other reproductive services, prioritizing privacy surrounding abortion access and assistance, expanding paid family leave and insurance coverage for reproductive healthcare, establishing healthcare funds for abortion expenses, providing abortion care benefits to contract and lower-wage workers, and advocating for increased legal protections for abortion access.

Policy & Advocacy Recommendations

Corporations that wish to demonstrate support for people needing access to abortion care have a number of options for providing meaningful financial assistance and enacting impactful, innovative policies that maximize privacy, equity, and accessibility.

DEMONSTRATE SUPPORT FOR ABORTION ACCESS VIA PUBLIC STATEMENTS AND DONATIONS

Companies (and the economic power that they wield) have significant influence over the political system and broader society, and they should consider making public statements in support of abortion rights in addition to ceasing political contributions to politicians who are responsible for rolling them back. Companies should also strongly consider directly facilitating access to abortion by donating to [abortion funds](#). These funds financially assist abortion patients, including those traveling from other states, and can help arrange transportation and lodging.

Recent Data for Progress [polling](#) reveals abortion rights are a key priority among a majority of young adults ahead of the midterm elections, lending additional support to our recommendation that companies consider making public statements in support of abortion rights. Other Data for Progress [polling](#) indicates U.S. voters respond especially favorably to the argument that abortion is part of bodily autonomy and people should be able to make decisions about their bodies without government interference.

PRIORITIZE PRIVACY SURROUNDING ABORTION ACCESS AND ASSISTANCE

Should they institute policies supporting employees traveling to obtain abortion care, companies must do so in a way that prioritizes privacy. They should define the benefit broadly enough so that people can and will use it for matters unrelated to abortion care, which would provide additional anonymity to employees — for example, by covering long-distance travel required for any medical care. Additionally, companies should not maintain personalized records of people who use the policy, and if records need to be maintained at all (for example, for auditing purposes), identifying personal information about employees should not be recorded.

EXPAND PAID FAMILY LEAVE AND INSURANCE COVERAGE FOR REPRODUCTIVE HEALTHCARE

Companies should also ensure their employee health insurance plans provide full coverage for abortion care without restrictions, co-pays, or other out-of-pocket charges. This coverage should also be extended to a full spectrum of sexual and reproductive health services, including birth control, IVE, and gender-affirming healthcare. Deductible levels should be set low enough so that lower-wage workers are able to access these benefits.

In some states, travel expenses associated with abortion care may also be covered by company-provided insurance plans. Companies that contract with health insurance companies to cover expenses related to abortion care should assess insurance company protocols related to maintaining the confidentiality of sensitive information and responding to subpoenas from law enforcement.

Advancing reproductive justice also involves supporting pregnant people and parents. Companies should additionally provide at least six months of parental leave for employees, as well as additional benefits and flexibility for parenting employees, including childcare.

ESTABLISH HEALTH CARE FUNDS FOR ABORTION EXPENSES

Some states ban private health insurance plans from covering abortion care. In those states, companies can provide employees with HSAs, FSAs, or HRAs that are regulated by federal policies that classify expenses related to abortion care as eligible for reimbursement. However, HSA-compatible, high-deductible health plans would require the benefit to be subject to deductible and co-insurance policies. Alternatively, companies could establish HRAs to cover medical care travel costs, although eligibility would generally be limited to employees covered by their employer's health insurance plan or another group insurance plan. It is also important to note that HRAs and FSAs require employees to provide documentation showing funds were used for eligible expenses, further underscoring the importance of developing strong protocols for maintaining the confidentiality and anonymity of these records.

There are tax benefits to HRAs, HSAs, and FSAs, but if the privacy concerns with these mechanisms are too burdensome, companies can consider providing lump sum “medical emergency” payments to workers upon request. These lump sum payments could cover the cost of abortion care and travel, or other unexpected medical needs. As they would be paid out as a lump sum, there would be no need for companies to record what the funds were used for.

PROVIDE ABORTION CARE BENEFITS TO CONTRACT AND LOWER-WAGE WORKERS

The benefits above may not apply to contract workers or lower-wage workers, many of whom may not qualify for corporate health insurance policies and instead are insured by Medicaid or ACA marketplace plans.³ Currently, Medicaid covers some abortions in only 16 states and marketplace plan coverage for abortion is restricted in 26 states, leaving many abortion patients in need of financial assistance. In addition, contractors and freelance workers often do not receive other important benefits such as paid time off, making them more vulnerable to the cost and consequences of paying for an out-of-state abortion.

These workers may be precluded from this benefit unless companies provide it to them separately. Conscientious companies should seek to improve access for all workers, including contract workers. Options include making contributions to a contractor's HSA, providing contractors with depersonalized medical emergency payments, or converting contractors to employees with benefits.

Companies should avoid structuring the benefit so that employees must request reimbursement after the fact because this would result in workers who cannot afford those expenses upfront or charge them to a credit card being unable to access the abortion care they need.

ADVOCATE FOR INCREASED LEGAL PROTECTIONS FOR ABORTION ACCESS

Blue states can and must do more to protect and expand reproductive rights, and companies should advocate for stronger and more comprehensive state and local policies. Past Data for Progress research has identified policies blue states can adopt to expand access to abortion and reproductive healthcare, including expanding insurance coverage, growing and diversifying the abortion provider workforce, supporting abortion funds, and educating people about their rights and resources.

Improving reproductive rights in the U.S. is no small task and must go beyond this recommended set of actions. While companies are able to make meaningful strides in supporting reproductive autonomy by advocating for increased legal protections and donating to abortion funds, it is time for them to step up and move beyond performative actions that do more harm than good and implement comprehensive policy changes that prioritize privacy and actually benefit those seeking reproductive care and other forms of healthcare.

³ The Affordable Care Act led to the creation of state-level health insurance exchanges facilitated by state governments that allow individuals (regardless of employment) and small businesses and their employees to purchase health insurance plans from private insurance companies. Although they are both generally provided by private insurance companies, these plans are subject to additional legal restrictions at the state level compared to health insurance sponsored by large corporations and provided as a benefit of employment. In 2022, 14.5 million Americans selected a marketplace health insurance plan during the open enrollment period.

Conclusion

Restrictions on abortion access are an attack on human rights, and companies that care about these rights must take material steps to support them. Companies cannot make statements or publicize vague policies in support of reproductive rights while at the same time funding those politicians who are responsible for overturning those rights. Companies who do this risk tarnishing their image, devaluing their favorability among the public, and acting out of line with their stated values to the degree that it costs them significant revenue. We hope this research encourages companies to reevaluate their donations and provides advocates the tools to hold those who don't accountable.

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